

103RD CONGRESS
2^D SESSION

H. R. 2333

AMENDMENT

In the Senate of the United States,

February 2 (legislative day, January 25), 1994.

Resolved, That the bill from the House of Representatives (H.R. 2333) entitled “An Act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “For-*
3 *eign Relations Authorization Act, Fiscal Years 1994 and*
4 *1995”.*

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

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Administration of foreign affairs.*
Sec. 102. International organizations, programs, and conferences.
Sec. 103. International commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.

PART B—AUTHORITIES AND ACTIVITIES

- Sec. 111. Authorized strength of the Foreign Service.*
Sec. 112. Transfers and reprogrammings.
Sec. 113. Child care facilities at certain posts abroad.
Sec. 114. Expenses relating to certain international claims and proceedings.
Sec. 115. Prohibition on discriminatory contracts.
Sec. 116. Emergencies in the Diplomatic and Consular Service.
Sec. 117. Consular authorities.
Sec. 118. Visas.
Sec. 119. Role of the Foreign Service Institute.
Sec. 120. Report on consolidation of administrative operations.
Sec. 121. Local guard contracts abroad.
Sec. 122. Annual country reports on terrorism.
Sec. 123. Rewards for information regarding acts of international terrorism with-
in the United States.
Sec. 124. Property agreements.
Sec. 125. Capital Investment Fund.
Sec. 126. Technical amendment.

PART C—DEPARTMENT OF STATE ORGANIZATION

- Sec. 131. Under Secretary and Assistant Secretary positions.*
Sec. 132. Redesignation of position as Assistant Secretary for Democracy,
Human Rights, and Labor.
Sec. 133. Redesignation of position as Assistant Secretary for Narcotics, Terror-
ism, and Crime.
Sec. 134. Administrative expenses for narcotics, terrorism, and crime.
Sec. 135. Coordinator for international communications and information policy.
Sec. 136. Refugee affairs.
Sec. 137. Women's human rights protection.
Sec. 138. Repeals.

PART D—PERSONNEL

- Sec. 141. Labor-management relations.*
Sec. 142. Waiver of limitation for certain claims for personal property damage
or loss.
Sec. 143. Salaries of chiefs of mission.
Sec. 144. Senior Foreign Service performance pay.
Sec. 145. Reassignment and retirement of former Presidential appointees.

- Sec. 146. Report on classification of Senior Foreign Service positions.*
- Sec. 147. Allowances.*
- Sec. 148. Inapplicability of rollover authority for certain allowances and other payments.*
- Sec. 149. Grievances.*
- Sec. 150. Mid-Level Women and Minority Placement Program.*
- Sec. 151. Employment assistance referral system for certain Department of State employees.*
- Sec. 152. Foreign language competence within the Foreign Service.*
- Sec. 153. Designation of Foreign Language Resources Coordinator.*
- Sec. 154. Foreign Language Translator and Interpreter Career Service Program.*
- Sec. 155. Assignment of Foreign Service officers with advanced proficiency in foreign languages.*

PART E—INTERNATIONAL ORGANIZATIONS

SUBPART A—UNITED NATIONS AND RELATED AGENCIES

- Sec. 161. Limitation on contributions to the United Nations and affiliated organizations.*
- Sec. 162. United Nations Security Council membership.*
- Sec. 163. Reforms in the World Health Organization.*
- Sec. 164. Reforms in the Food and Agriculture Organization.*
- Sec. 165. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.*
- Sec. 166. United Nations budgetary and management reform.*
- Sec. 167. American participation in management of United Nations.*
- Sec. 168. Policy with respect to the establishment of an international criminal court.*
- Sec. 169. International criminal court participation.*
- Sec. 170. Protection of First and Fourth Amendment rights.*
- Sec. 170A. Japan and Germany becoming permanent members of the United Nations Security Council.*
- Sec. 170B. Transmittals of United Nations documents.*
- Sec. 170C. Limitations on United States funding of United Nations peacekeeping activities.*
- Sec. 170D. United Nations peacekeeping budgetary and management reform.*
- Sec. 170E. Reporting requirements involving multilateral peacekeeping activities.*

SUBPART B—OTHER INTERNATIONAL ORGANIZATIONS

- Sec. 171. International Boundary and Water Commission.*
- Sec. 172. United States membership in the Asian-Pacific Economic Cooperation Organization.*
- Sec. 173. Extension of the International Organizations Immunities Act to the International Union for Conservation of Nature and Natural Resources.*
- Sec. 174. Inter-American organizations.*
- Sec. 175. Prohibition on contributions to the International Coffee Organization.*
- Sec. 176. Prohibition on contributions to the International Jute Organization.*

PART F—OTHER STATE DEPARTMENT-RELATED PROVISIONS

- Sec. 181. Migration and refugee amendments.*
- Sec. 182. United States policy concerning overseas assistance to refugees and displaced persons.*
- Sec. 183. Interparliamentary exchanges.*

- Sec. 184. Report on terrorist assets in the United States.*
- Sec. 185. Coordination of counterterrorism activities.*
- Sec. 186. Facilitating access to the Department of State building.*
- Sec. 187. Record of place of birth for Taiwanese-Americans.*
- Sec. 188. Repeal of reporting requirements.*
- Sec. 189. Sense of the Senate.*
- Sec. 190. Value of contracted goods and services.*
- Sec. 191. Budget justification for security costs.*

*TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND
CULTURAL PROGRAMS*

PART A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 201. Authorization of appropriations.*

PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

- Sec. 211. Changes in administrative authorities.*
- Sec. 212. Buying power maintenance account.*
- Sec. 213. Contract authority.*
- Sec. 214. Prohibition on discriminatory contracts.*
- Sec. 215. United States transmitter in Kuwait.*
- Sec. 216. Separate ledger accounts for grantees of the National Endowment for
Democracy.*
- Sec. 217. Limitation concerning participation in international expositions.*
- Sec. 218. Authority to respond to public inquiries.*
- Sec. 219. USIA office in Lhasa, Tibet.*
- Sec. 220. Reports on United States Government exchange programs.*
- Sec. 221. Scholarships for East Timorese students.*
- Sec. 222. Cambodian scholarship and exchange programs.*
- Sec. 223. Increasing African participation in USIA exchange programs.*
- Sec. 224. Environment and Sustainable Development Exchange Program.*
- Sec. 225. USIA vocational exchange program.*
- Sec. 226. American studies collections.*
- Sec. 227. Technical amendment relating to Near and Middle East research and
training.*
- Sec. 228. Distribution within the United States of United States Information
Agency documentary film entitled "Crimes Against Humanity".*
- Sec. 229. Reduction in force authority with regard to the Foreign Service.*
- Sec. 230. International exchange programs involving disability-related matters.*

PART C—MIKE MANSFIELD FELLOWSHIPS

- Sec. 231. Short title.*
- Sec. 232. Establishment of Mike Mansfield Fellowship Program.*
- Sec. 233. Program requirements.*
- Sec. 234. Separation of Government personnel during the fellowships.*
- Sec. 235. Program review and report.*
- Sec. 236. Definitions.*

*TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT
OF 1994*

- Sec. 301. Short title.*
- Sec. 302. Congressional findings and declaration of purposes.*
- Sec. 303. Establishment of Broadcasting Board of Governors.*

- Sec. 304. Functions of the Board.*
- Sec. 305. Foreign policy guidance.*
- Sec. 306. International Broadcasting Bureau.*
- Sec. 307. Grants for Radio Free Europe, Radio Liberty, and Radio Free Asia.*
- Sec. 308. Radio Free Asia.*
- Sec. 309. Radio Free Europe and Radio Liberty.*
- Sec. 310. Transition.*
- Sec. 311. Preservation of American jobs.*
- Sec. 312. Privatization of Radio Free Europe and Radio Liberty.*
- Sec. 313. Definitions.*

*TITLE IV—COMMISSION ON PROTECTING AND REDUCING
GOVERNMENT SECRECY*

- Sec. 401. Short title.*
- Sec. 402. Purpose.*
- Sec. 403. Findings.*
- Sec. 404. Functions of the Commission.*
- Sec. 405. Composition of the Commission.*
- Sec. 406. Powers of the Commission.*
- Sec. 407. Staff of the Commission.*
- Sec. 408. Final report of Commission; termination.*

TITLE V—SPOILS OF WAR ACT OF 1993

- Sec. 501. Short title.*
- Sec. 502. Transfers of spoils of war.*
- Sec. 503. Prohibition on transfers to countries which support terrorism.*
- Sec. 504. Report on previous transfers.*
- Sec. 505. Definitions.*
- Sec. 506. Construction.*

TITLE VI—THE KHMER ROUGE PROSECUTION AND EXCLUSION ACT

- Sec. 601. Short title.*
- Sec. 602. Policy.*
- Sec. 603. Establishment of State Department office.*
- Sec. 604. Reporting requirement.*
- Sec. 605. Exclusion from the United States.*

TITLE VII—MISCELLANEOUS

- Sec. 701. Peace Corps.*
- Sec. 702. Reporting requirements on occupied Tibet.*
- Sec. 703. Policy on Middle East arms sales.*
- Sec. 704. Providing material support to terrorists.*
- Sec. 705. Torture convention implementation.*
- Sec. 706. Applicability of Taiwan Relations Act.*
- Sec. 707. Reports on relations with Taiwan.*
- Sec. 708. United States policy concerning Iraqi Kurdistan.*
- Sec. 709. Additional sanctions against North Korea.*
- Sec. 710. Waiver of sanctions with respect to the Republic of Serbia and the Republic of Montenegro to promote democracy abroad.*
- Sec. 711. Claims based on letters of credit for goods shipped but not paid for before imposition of national emergency.*
- Sec. 712. Enforcement of nonproliferation treaties.*
- Sec. 713. Sense of Senate on the peace process in Northern Ireland.*

- Sec. 714. Control of reexports to terrorist countries.*
- Sec. 715. Reports under the Arms Export Control Act.*
- Sec. 716. Prohibition on third party incentive payments under the Arms Export Control Act.*
- Sec. 717. Sense of Senate on United States policy on nuclear weapons proliferation by North Korea.*
- Sec. 718. Sense of Senate on normalization of relations with Vietnam.*
- Sec. 719. Study of democracy program effectiveness.*
- Sec. 720. High-level visits to Taiwan.*
- Sec. 721. Freedom of Information exemption for certain Open Skies Treaty data.*
- Sec. 722. Transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea.*
- Sec. 723. Pilot visa waiver project for Koreans visiting Alaska and Hawaii.*
- Sec. 724. European nations participation in NATO.*
- Sec. 725. Policy on termination of United States arms embargo.*
- Sec. 726. Policy on preparing to reintroduce of tactical nuclear weapons to the Korean peninsula.*
- Sec. 727. Asylum reforms.*
- Sec. 728. Amendments to the PLO Commitments Compliance Act.*
- Sec. 729. Safety of United States personnel in Sarajevo.*
- Sec. 730. Notification of Congress on certain events involving the MTCR.*
- Sec. 731. Extension of the Fair Trade in Auto Parts Act of 1988.*
- Sec. 732. Report on the activities of the People's Mujaheddin of Iran.*
- Sec. 733. Reimbursement of State and local governments.*
- Sec. 734. Restoration of withheld benefits.*
- Sec. 735. Report on the use of foreign frozen or blocked assets.*
- Sec. 736. Foreign policy.*
- Sec. 737. Passport security.*
- Sec. 738. Publishing international agreements.*
- Sec. 739. Conference on Security and Cooperation in Europe.*
- Sec. 740. Agreement on State and local taxation.*
- Sec. 741. Fees for commercial services.*
- Sec. 742. Personal services contracts abroad.*
- Sec. 743. United States membership in the International Copper Study Group.*
- Sec. 744. Prohibition on assistance to countries expropriating United States property.*
- Sec. 745. Israel's diplomatic status.*
- Sec. 746. Policy regarding German participation in international peacekeeping operations.*
- Sec. 747. United States citizens hired abroad.*
- Sec. 748. Extension of certain adjudication provisions.*
- Sec. 749. Policy regarding the North Korean nuclear weapons program.*
- Sec. 750. Report on Russian military operations in the independent states of the former Soviet Union.*
- Sec. 751. Report on Bosnian refugees.*
- Sec. 752. Policy regarding the conditions which the Government of the People's Republic of China should meet to continue to receive non-discriminatory most-favored-nation treatment.*
- Sec. 753. Implementation of Partnership for Peace.*
- Sec. 754. Funding for democracy promotion programs.*
- Sec. 755. Humanitarian activities.*
- Sec. 756. Limitation on authority to transfer excess defense articles.*
- Sec. 757. Missile technology exports to certain middle eastern and Asian countries.*
- Sec. 758. Chinese fleeing coercive population control policies.*

- Sec. 759. Opposition to financing by international financial institutions for countries expropriating United States property.*
- Sec. 760. Report on dismantlement of nuclear weapons of the former Soviet Union.*
- Sec. 761. Report on sanctions on Vietnam.*
- Sec. 762. Coordinator for counter-terrorism.*
- Sec. 763. Policy regarding the relationship of Thailand with its neighbors struggling for democracy, Cambodia and Burma.*
- Sec. 764. Sewage treatment along the United States-Mexico border.*

TITLE VIII—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994

- Sec. 801. Short title; references in title; table of contents.*
- Sec. 802. Congressional declarations; purpose.*
- Sec. 803. Purposes.*
- Sec. 804. Repeals.*
- Sec. 805. Director.*
- Sec. 806. Bureaus, offices, and divisions.*
- Sec. 807. Presidential special representatives.*
- Sec. 808. Policy formulation.*
- Sec. 809. Negotiation management.*
- Sec. 810. Report on measures to coordinate research and development.*
- Sec. 811. Negotiating records.*
- Sec. 812. Verification of compliance.*
- Sec. 813. Authorities with respect to nonproliferation matters.*
- Sec. 814. Appointment and compensation of personnel.*
- Sec. 815. Security requirements.*
- Sec. 816. Annual report to Congress; authorization of appropriations.*
- Sec. 817. Conforming amendments.*

TITLE IX—ANTI-ECONOMIC DISCRIMINATION ACT OF 1994

- Sec. 901. Short title.*
- Sec. 902. Congressional findings.*
- Sec. 903. Prohibition on certain sales and leases.*

TITLE X—MIDDLE EAST PEACE FACILITATION.

- Sec. 1001. Short title.*
- Sec. 1002. Findings.*
- Sec. 1003. Authority to suspend certain provisions.*

TITLE XI—IRAN-IRAQ ARMS NON-PROLIFERATION AMENDMENTS OF 1994

- Sec. 1101. Short title, references in title.*
- Sec. 1102. Statement of policy.*
- Sec. 1103. Statement of purpose.*
- Sec. 1104. Sanctions against persons.*
- Sec. 1105. Sanctions against certain foreign countries.*
- Sec. 1106. Waiver.*
- Sec. 1107. Termination of sanctions.*
- Sec. 1108. Stay of sanctions.*
- Sec. 1109. Rules and regulations.*
- Sec. 1110. Definitions.*
- Sec. 1111. Sense of the Senate.*

TITLE XII—IMMIGRATION AND NATIONALITY ACT

- Sec. 1201. Alien physically present in United States.
 Sec. 1202. Alien visa.

TITLE XIII—NUCLEAR PROLIFERATION PREVENTION ACT OF 1994

- Sec. 1301. Short title.

SUBTITLE A—REPORTING ON NUCLEAR EXPORTS

- Sec. 1311. Reports to Congress.

SUBTITLE B—SANCTION FOR NUCLEAR PROLIFERATION

- Sec. 1321. Imposition of sanction.
 Sec. 1322. Eligibility for assistance.
 Sec. 1323. Role of international financial institutions.
 Sec. 1324. Amendments to the Federal Deposit Insurance Corporation Improvement Act of 1991.
 Sec. 1325. Export-Import Bank.
 Sec. 1326. Amendment to the Arms Export Control Act.
 Sec. 1327. Reward.
 Sec. 1328. Reports.
 Sec. 1329. Technical correction.
 Sec. 1330. Definitions.
 Sec. 1331. Effective date.

SUBTITLE C—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 1341. Bilateral and multilateral initiatives.
 Sec. 1342. IAEA internal reforms.
 Sec. 1343. Reporting requirement.
 Sec. 1344. Definitions.

TITLE XIV—CROATIA

- Sec. 1401. Findings.
 Sec. 1402. Policy towards Croatia.

TITLE XV—UNITED STATES PARTICIPATION IN UNITED NATIONS
PEACEKEEPING OPERATIONS

- Sec. 1501. Cost assessment report regarding any United States participation in action under Article 42 of the United Nations Charter
 Sec. 1502. Congressional notification regarding any United States implementation of Article 43 of the United Nations Charter.
 Sec. 1503. Report on United Nations peacekeeping activities.
 Sec. 1504. United States participation in United Nations peacekeeping operations.

1 **TITLE I—DEPARTMENT OF**
2 **STATE**

3 **PART A—AUTHORIZATION OF APPROPRIATIONS**

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

5 (a) *IN GENERAL.*—The following amounts are author-
6 ized to be appropriated for the Department of State under
7 “Administration of Foreign Affairs” to carry out the au-
8 thorities, functions, duties, and responsibilities in the con-
9 duct of the foreign affairs of the United States and for other
10 purposes authorized by law, including the diplomatic secu-
11 rity program:

12 (1) *DIPLOMATIC AND CONSULAR PROGRAMS.*—
13 For “Diplomatic and Consular Programs”, of the De-
14 partment of State \$1,658,184,000 for the fiscal year
15 1994 and \$1,658,184,000 for the fiscal year 1995.

16 (2) *SALARIES AND EXPENSES.*—For “Salaries
17 and Expenses”, of the Department of State
18 \$455,816,000 for the fiscal year 1994 and
19 \$455,816,000 for the fiscal year 1995.

20 (3) *ACQUISITION AND MAINTENANCE OF BUILD-*
21 *INGS ABROAD.*—For “Acquisition and Maintenance of
22 Buildings Abroad”, \$294,850,000 for the fiscal year
23 1994 and \$294,850,000 for the fiscal year 1995.

24 (4) *BUYING POWER MAINTENANCE FUND.*—For
25 “Buying Power Maintenance Fund”, \$4,000,000 for

1 *the fiscal year 1994 and \$4,000,000 for the fiscal year*
2 *1995.*

3 (5) *REPRESENTATION ALLOWANCES.—For “Rep-*
4 *resentation Allowances”, \$4,881,000 for the fiscal year*
5 *1994 and \$4,881,000 for the fiscal year 1995.*

6 (6) *EMERGENCIES IN THE DIPLOMATIC AND CON-*
7 *SULAR SERVICE.—For “Emergencies in the Diplo-*
8 *matic and Consular Service”, \$8,000,000 for the fis-*
9 *cal 1994 and \$8,000,000 for the fiscal year 1995.*

10 (7) *OFFICE OF THE INSPECTOR GENERAL.—For*
11 *“Office of the Inspector General”, \$24,055,000 for the*
12 *fiscal year 1994 and \$24,055,000 for the fiscal year*
13 *1995.*

14 (8) *PAYMENT TO THE AMERICAN INSTITUTE IN*
15 *TAIWAN.—For “Payment to the American Institute in*
16 *Taiwan”, \$15,484,000 for the fiscal year 1994 and*
17 *\$15,484,000 for the fiscal year 1995.*

18 (9) *PROTECTION OF FOREIGN MISSIONS AND OF-*
19 *FICIALS.—For “Protection of Foreign Missions and*
20 *Officials”, \$10,814,000 for the fiscal year 1994 and*
21 *\$10,814,000 for the fiscal year 1995.*

22 (10) *REPATRIATION LOANS.—For “Repatriation*
23 *Loans”, \$817,000 for the fiscal year 1994 and*
24 *\$817,000 for the fiscal year 1995, for administrative*
25 *expenses.*

1 (b) *LIMITATIONS.—(1) Of the amounts authorized to*
2 *be appropriated for “Diplomatic and Consular Programs”*
3 *under subsection (a)(1)—*

4 (A) *\$10,000,000 is authorized to be appropriated*
5 *for each of the fiscal years 1994 and 1995 for grants,*
6 *contracts, and other activities to conduct research and*
7 *promote international cooperation on environmental*
8 *and other scientific issues; and*

9 (B) *\$500,000 is authorized to be appropriated*
10 *for each of the fiscal years 1994 and 1995 to carry*
11 *out the activities of the Office of Cambodian Genocide*
12 *Investigations established under section 603 of this*
13 *Act.*

14 (2) *Of the amounts authorized to be appropriated for*
15 *“Salaries and Expenses” under subsection (a)(2), \$300,000*
16 *is authorized to be appropriated for the fiscal year 1994*
17 *and \$300,000 for the fiscal year 1995 for the Foreign Lan-*
18 *guage Translator and Interpreter Career Service Program*
19 *established by section 157.*

20 (3) *Of the amounts authorized to be appropriated for*
21 *“Salaries and Expenses” under subsection (a)(2), \$950,000*
22 *is authorized to be appropriated for each of the fiscal years*
23 *1994 and 1995 to carry out the activities of the Commission*
24 *on Protecting and Reducing Government Secrecy estab-*
25 *lished under title IV of this Act.*

1 (4) *Of the amounts authorized to be appropriated for*
2 *“Salaries and Expenses” under subsection (a)(2), \$300,000*
3 *for each of the fiscal years 1994 and 1995 is authorized*
4 *to be available for the recruitment by the Department of*
5 *State of Hispanic American students from United States*
6 *institutions of higher education (as defined in section*
7 *1201(a) of the Higher Education Act of 1965) with a high*
8 *percentage enrollment of Hispanic Americans for the pur-*
9 *pose of training such individuals for careers in the Foreign*
10 *Service and international affairs.*

11 **SEC. 102. INTERNATIONAL ORGANIZATIONS, PROGRAMS,**
12 **AND CONFERENCES.**

13 (a) *ASSESSED CONTRIBUTIONS TO INTERNATIONAL*
14 *ORGANIZATIONS.—There are authorized to be appropriated*
15 *for “Contributions to International Organizations”,*
16 *\$865,885,000 for the fiscal year 1994 and \$1,000,053,000*
17 *for the fiscal year 1995 for the Department of State to carry*
18 *out the authorities, functions, duties, and responsibilities*
19 *in the conduct of the foreign affairs of the United States*
20 *with respect to international organizations and to carry out*
21 *other authorities in law consistent with such purposes.*

22 (b) *WITHHOLDING OF FUNDS.—Notwithstanding any*
23 *other provision of law, the funds authorized to be appro-*
24 *priated for “Contributions for International Organiza-*
25 *tions” shall be reduced in the amount of \$118,875,000 for*

1 *each fiscal years 1994 and 1995, and for each year there-*
2 *after, unless the President has certified to the Speaker of*
3 *the House of Representatives and to the President of the*
4 *Senate that no United Nations agency or United Nations-*
5 *affiliated agency grants any official status, accreditation,*
6 *or recognition to any organization which promotes, con-*
7 *done, or seeks the legalization of pedophilia, or which in-*
8 *cludes as a subsidiary or member any such organization.*

9 (c) *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEP-*
10 *ING ACTIVITIES.*—*There are authorized to be appropriated*
11 *for “Contributions for International Peacekeeping Activi-*
12 *ties”, \$422,744,000 for the fiscal year 1994 and*
13 *\$487,472,000 for the fiscal year 1995 for the Department*
14 *of State to carry out the authorities, functions, duties, and*
15 *responsibilities in the conduct of the foreign affairs of the*
16 *United States with respect to international peacekeeping*
17 *activities and to carry out other authorities in law consist-*
18 *ent with such purposes.*

19 (d) *INTERNATIONAL CONFERENCES AND CONTIN-*
20 *GENCIES.*—*There are authorized to be appropriated for*
21 *“International Conferences and Contingencies”, \$6,600,000*
22 *for the fiscal year 1994 and \$6,600,000 for the fiscal year*
23 *1995 for the Department of State to carry out the authori-*
24 *ties, functions, duties, and responsibilities in the conduct*
25 *of the foreign affairs of the United States with respect to*

1 *international conferences and contingencies and to carry*
2 *out other authorities in law consistent with such purposes.*

3 *(e) FOREIGN CURRENCY EXCHANGE RATES.—In addi-*
4 *tion to amounts otherwise authorized to be appropriated by*
5 *subsections (a) and (b) of this section, there are authorized*
6 *to be appropriated such sums as may be necessary for each*
7 *of the fiscal years 1994 and 1995 to offset adverse fluctua-*
8 *tions in foreign currency exchange rates. Amounts appro-*
9 *priated under this subsection shall be available for obliga-*
10 *tion and expenditure only to the extent that the Director*
11 *of the Office of Management and Budget determines and*
12 *certifies to Congress that such amounts are necessary due*
13 *to such fluctuations.*

14 **SEC. 103. INTERNATIONAL COMMISSIONS.**

15 *The following amounts are authorized to be appro-*
16 *priated under “International Commissions” for the Depart-*
17 *ment of State to carry out the authorities, functions, duties,*
18 *and responsibilities in the conduct of the foreign affairs of*
19 *the United States and for other purposes authorized by law:*

20 *(1) INTERNATIONAL BOUNDARY AND WATER COM-*
21 *MISSION, UNITED STATES AND MEXICO.—For “Inter-*
22 *national Boundary and Water Commission, United*
23 *States and Mexico”—*

1 (A) for “Salaries and Expenses”
2 \$11,330,000 for the fiscal year 1994 and
3 \$11,300,000 for the fiscal year 1995; and

4 (B) for “Construction” \$14,790,000 for the
5 fiscal year 1994 and \$17,790,000 for the fiscal
6 year 1995.

7 (2) INTERNATIONAL BOUNDARY COMMISSION,
8 UNITED STATES AND CANADA.—For “International
9 Boundary Commission, United States and Canada”,
10 \$760,000 for the fiscal year 1994 and \$760,000 for
11 the fiscal year 1995.

12 (3) INTERNATIONAL JOINT COMMISSION.—For
13 “International Joint Commission”, \$3,643,000 for the
14 fiscal year 1994 and \$3,643,000 for the fiscal year
15 1995.

16 (4) INTERNATIONAL FISHERIES COMMISSIONS.—
17 For “International Fisheries Commissions”,
18 \$16,200,000 for the fiscal year 1994 and \$14,200,000
19 for the fiscal year 1995.

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

21 (a) AUTHORIZATION OF APPROPRIATIONS.—

22 (1)(A) There are authorized to be appropriated
23 for “Migration and Refugee Assistance” for author-
24 ized activities, \$585,688,000 for the fiscal year 1994
25 and \$585,688,000 for the fiscal year 1995.

1 (B) *Of the amounts authorized to be appro-*
2 *priated under subparagraph (A), \$1,500,000 is au-*
3 *thorized to be appropriated for each of the fiscal years*
4 *1994 and 1995 for humanitarian assistance, includ-*
5 *ing, but not limited to, food, medicine, clothing, medi-*
6 *cal and vocational training to Burmese, including*
7 *persons still within Burma, displaced as a result of*
8 *civil conflict.*

9 (2) *There are authorized to be appropriated*
10 *\$80,000,000 for the fiscal year 1994 and \$80,000,000*
11 *for the fiscal year 1995 for assistance for refugees re-*
12 *settling in Israel.*

13 (b) *AVAILABILITY OF FUNDS.—Funds appropriated*
14 *pursuant to subsection (a) are authorized to be available*
15 *until expended.*

16 **SEC. 105. OTHER PROGRAMS.**

17 *The following amounts are authorized to be appro-*
18 *priated for the Department of State to carry out the au-*
19 *thorities, functions, duties, and responsibilities in the con-*
20 *duct of the foreign affairs of the United States and for other*
21 *purposes authorized by law:*

22 (1) *UNITED STATES BILATERAL SCIENCE AND*
23 *TECHNOLOGY AGREEMENTS.—For “United States Bi-*
24 *lateral Science and Technology Agreements”,*

1 \$4,500,000 for the fiscal year 1994 and \$4,500,000 for
2 the fiscal year 1995.

3 (2) ASIA FOUNDATION.—For “Asia Foundation”,
4 \$18,693,000 for the fiscal year 1994 and \$18,693,000
5 for the fiscal year 1995.

6 **PART B—AUTHORITIES AND ACTIVITIES**

7 **SEC. 111. AUTHORIZED STRENGTH OF THE FOREIGN SERV-**
8 **ICE.**

9 (a) END FISCAL YEAR 1994 LEVELS.—The number of
10 members of the Foreign Service authorized to be employed
11 as of September 30, 1994—

12 (1) for the Department of State, shall not exceed
13 9,100, of whom not more than 820 shall be members
14 of the Senior Foreign Service; and

15 (2) for the United States Information Agency,
16 shall not exceed 1,200, of whom not more than 175
17 shall be members of the Senior Foreign Service.

18 (b) END FISCAL YEAR 1995 LEVELS.—The number of
19 members of the Foreign Service authorized to be employed
20 as of September 30, 1995—

21 (1) for the Department of State, shall not exceed
22 9,100, of whom not more than 770 shall be members
23 of the Senior Foreign Service; and

1 (2) for the United States Information Agency,
2 not to exceed 1,200, of whom not more than 165 shall
3 be members of the Senior Foreign Service.

4 (c) DEFINITION.—For the purposes of this section, the
5 term “members of the Foreign Service” is used within the
6 meaning of such term under section 103 of the Foreign
7 Service Act of 1980 (22 U.S.C 3903), except that such term
8 does not include—

9 (1) members of the Service under paragraphs (6)
10 and (7) of such section;

11 (2) members of the Service serving under tem-
12 porary resident appointments abroad;

13 (3) members of the Service employed on less than
14 a full-time basis;

15 (4) members of the Service subject to involuntary
16 separation in cases in which such separation has been
17 suspended pursuant to section 1106(8) of the Foreign
18 Service Act of 1980; and

19 (5) members of the Service serving under non-ca-
20 reer limited appointments.

21 (d) WAIVER AUTHORITY.—(1) Subject to paragraph
22 (2), the Secretary of State and the Director of the United
23 States Information Agency may waive any limitation
24 under subsection (a) or (b) which applies to the Department
25 of State or the United States Information Agency, as the

1 case may be, to the extent that such waiver is necessary
2 to carry on the foreign affairs functions of the United
3 States.

4 (2) Not less than 15 days before any agency head im-
5 plements a waiver under paragraph (1), such agency head
6 shall notify the Chairman of the Committee on Foreign Re-
7 lations of the Senate and the Speaker of the House of Rep-
8 resentatives. Such notice shall include an explanation of the
9 circumstances and necessity for such waiver.

10 **SEC. 112. TRANSFERS AND REPROGRAMMINGS.**

11 (a) AMENDMENTS TO THE STATE DEPARTMENT BASIC
12 AUTHORITIES ACT OF 1956.—Section 24 of the State De-
13 partment Basic Authorities Act of 1956 (22 U.S.C. 2696)
14 is amended—

15 (1) in subsection (b)(7), by striking subpara-
16 graph (E);

17 (2) in subsection (d)(1)—

18 (A) by striking “the second” and inserting
19 “either”; and

20 (B) by striking “such second” and inserting
21 “such”;

22 (3) in subsection (d)(2) by amending the first
23 sentence to read as follows: “Amounts appropriated
24 for the ‘Diplomatic and Consular Programs’ account
25 may not exceed by more than 5 percent the amount

1 *specifically authorized to be appropriated for such ac-*
2 *count for a fiscal year.”; and*

3 *(4) by striking subsection (d)(4).*

4 *(b) DIPLOMATIC CONSTRUCTION PROGRAM.—Section*
5 *401 of the Omnibus Diplomatic Security and Antiterrorism*
6 *Act of 1986 (22 U.S.C. 4851) is amended by striking sub-*
7 *sections (c) and (h)(3).*

8 *(c) REPROGRAMMING.—Section 34 of the State Depart-*
9 *ment Basic Authorities Act of 1956 (22 U.S.C. 2706) is*
10 *amended in subsection (a)(7) by striking “\$500,000” and*
11 *inserting “\$1,000,000”.*

12 **SEC. 113. CHILD CARE FACILITIES AT CERTAIN POSTS**

13 **ABROAD.**

14 *Section 31 of the State Department Basic Authorities*
15 *Act of 1956 (22 U.S.C. 2703) is amended in subsection (e)*
16 *by striking “For the fiscal years 1992 and 1993, the” and*
17 *inserting “The”.*

18 **SEC. 114. EXPENSES RELATING TO CERTAIN INTER-**

19 **NATIONAL CLAIMS AND PROCEEDINGS.**

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

23 *“(c) PROCUREMENT OF SERVICES.—The Secretary of*
24 *State may use competitive procedures or procedures other*
25 *than competitive procedures to procure the services of ex-*

1 *perts for use in preparing or prosecuting a proceeding be-*
2 *fore an international tribunal or a claim by or against a*
3 *foreign government or other foreign entity, whether or not*
4 *the expert is expected to testify, or to procure other support*
5 *services for such proceedings or claims. The Secretary need*
6 *not provide any written justification for the use of proce-*
7 *dures other than competitive procedures when procuring*
8 *such services under this subsection and need not furnish for*
9 *publication in the Commerce Business Daily or otherwise*
10 *any notice of solicitation or synopsis with respect to such*
11 *procurement.*

12 *“(d) INTERNATIONAL LITIGATION FUND.—*

13 *“(1) ESTABLISHMENT.—In order to provide the*
14 *Department of State with a dependable, flexible, and*
15 *adequate source of funding for the expenses of the De-*
16 *partment related to preparing or prosecuting a pro-*
17 *ceeding before an international tribunal, or a claim*
18 *by or against a foreign government or other foreign*
19 *entity, there is established an International Litiga-*
20 *tion Fund (hereafter in this subsection referred to as*
21 *the “ILF”). The ILF may be available without fiscal*
22 *year limitation. Funds otherwise available to the De-*
23 *partment for the purposes of this paragraph may be*
24 *credited to the ILF.*

1 “(2) *REPROGRAMMING PROCEDURES.*—Funds
2 credited to the ILF shall be treated as a
3 reprogramming of funds under section 34 and shall
4 not be available for obligation or expenditure except
5 in compliance with the procedures applicable to such
6 reprogrammings. This paragraph shall not apply to
7 the transfer of funds under paragraph (3).

8 “(3) *TRANSFERS OF FUNDS.*—Funds received by
9 the Department of State from another agency of the
10 United States Government or pursuant to the Depart-
11 ment of State Appropriations Act of 1937 (49 Stat.
12 1321, 22 U.S.C. 2661) to meet costs of preparing or
13 prosecuting a proceeding before an international tri-
14 bunal, or a claim by or against a foreign government
15 or other foreign entity, shall be credited to the ILF.

16 “(4) *USE OF FUNDS.*—Funds deposited in the
17 ILF shall be available only for the purposes of para-
18 graph (1).”.

19 **SEC. 115. PROHIBITION ON DISCRIMINATORY CONTRACTS.**

20 (a) *PROHIBITION.*—

21 (1) Except for real estate leases and as provided
22 in subsection (b), the Department of State may not
23 enter into any contract that expends funds appro-
24 priated to the Department of State for an amount in
25 excess of the small purchase threshold (as defined in

1 *section 4(11) of the Office of Federal Procurement*
2 *Policy Act (41 U.S.C. 403(11))—*

3 *(A) with a foreign person that complies*
4 *with the Arab League boycott of Israel, or*

5 *(B) with any foreign or United States per-*
6 *son that discriminates in the award of sub-*
7 *contracts on the basis of religion.*

8 *(2) For purposes of this section—*

9 *(A) a foreign person complies with the boy-*
10 *cott of Israel by Arab League countries when*
11 *that foreign person takes or knowingly agrees to*
12 *take any action, with respect to the boycott of Is-*
13 *rael by Arab League countries, which section*
14 *8(a) of the Export Administration Act of 1979*
15 *(50 U.S.C. App. 2407(a)) prohibits a United*
16 *States person from taking, except that for pur-*
17 *poses of this paragraph, the term “United States*
18 *person” as used in subparagraphs (B) and (C)*
19 *of section 8(a)(1) of such Act shall be deemed to*
20 *mean “person”; and*

21 *(B) the term “foreign person” means any*
22 *person other than a United States person as de-*
23 *finied in section 16(2) of the Export Administra-*
24 *tion Act of 1979 (50 U.S.C. App. 2415).*

1 (3) *For purposes of paragraph (1), a foreign per-*
2 *son shall be deemed not to comply with the boycott of*
3 *Israel by Arab League countries if that person, or the*
4 *Secretary of State or his designee on the basis of*
5 *available information, certifies that the person vio-*
6 *lates or otherwise does not comply with the boycott of*
7 *Israel by Arab League countries by taking any ac-*
8 *tions prohibited by section 8(a) of the Export Admin-*
9 *istration Act of 1979 (50 U.S.C. App. 2407(a)). Cer-*
10 *tification by the Secretary of State or his designee*
11 *may occur only 30 days after notice has been given*
12 *to the Congress that this certification procedure will*
13 *be utilized at a specific overseas mission.*

14 (b) *WAIVER BY SECRETARY OF STATE.—The Secretary*
15 *of State may waive the requirements of this section on a*
16 *country-by-country basis for a period not to exceed one year*
17 *upon certification to the Congress by the Secretary that*
18 *such waiver is in the national interest and is necessary to*
19 *carry on diplomatic functions of the United States. Each*
20 *such certification shall include a detailed justification for*
21 *the waiver with respect to each such country.*

22 (c) *RESPONSES TO CONTRACT SOLICITATIONS.—(1)*
23 *Except as provided in paragraph (2) of this subsection, the*
24 *Secretary of State shall ensure that any response to a solici-*
25 *tation for a bid or a request for a proposal, with respect*

1 *to a contract covered by subsection (a), includes the follow-*
2 *ing clause, in substantially the following form:*

3 *“ARAB LEAGUE BOYCOTT OF ISRAEL*

4 *“(a) DEFINITIONS.—As used in this clause—*

5 *“(1) the term ‘foreign person’ means any person*
6 *other than a United States person as defined in para-*
7 *graph (2); and*

8 *“(2) the term ‘United States person’ means any*
9 *United States resident or national (other than an in-*
10 *dividual resident outside the United States and em-*
11 *ployed by other than a United States person), any do-*
12 *mestic concern (including any permanent domestic*
13 *establishment of any foreign concern), and any for-*
14 *foreign subsidiary or affiliate (including any permanent*
15 *foreign establishment) of any domestic concern which*
16 *is controlled in fact by such domestic concern, as de-*
17 *termined under regulations of the President.*

18 *“(b) CERTIFICATION.—By submitting this offer, the*
19 *Offeror certifies that it is not—*

20 *“(1) taking or knowingly agreeing to take any*
21 *action, with respect to the boycott of Israel by Arab*
22 *League countries, which section 8(a) of the Export*
23 *Administration Act of 1979 (50 U.S.C. App. 2407(a))*
24 *prohibits a United States person from taking; or*

25 *“(2) discriminating in the award of subcontracts*
26 *on the basis of religion.”.*

1 (2) *An Offeror would not be required to include the*
2 *certification required by paragraph (1), if the Offeror is*
3 *deemed not to comply with the Arab League boycott of Is-*
4 *rael by the Secretary of State or a designee on the basis*
5 *of available information. Certification by the Secretary of*
6 *State or a designee may occur only 30 days after notice*
7 *has been given to the Congress that this certification proce-*
8 *dure will be utilized at a specific overseas mission.*

9 (3) *The Secretary of State shall ensure that all State*
10 *Department contract solicitations include a detailed expla-*
11 *nation of the requirements of section 8(a) of the Export Ad-*
12 *ministration Act of 1979 (50 U.S.C. App. 2407(a)).*

13 (d) *REVIEW AND TERMINATION.—(1) The Department*
14 *of State shall conduct reviews of the certifications submitted*
15 *pursuant to this section for the purpose of assessing the ac-*
16 *curacy of the certifications.*

17 (2) *Upon complaint of any foreign or United States*
18 *person of a violation of the certification as required by this*
19 *section, filed with the Secretary of State, the Department*
20 *of State shall investigate such complaint, and if such com-*
21 *plaint is found to be correct and a violation of the certifi-*
22 *cation has been found, all contracts with such violator shall*
23 *be terminated for default as soon as practicable, and, for*
24 *a period of two years thereafter, the State Department shall*
25 *not enter into any contracts with such a violator.*

1 **SEC. 116. EMERGENCIES IN THE DIPLOMATIC AND CON-**
2 **SULAR SERVICE.**

3 *Section 4(c) of the State Department Basic Authorities*
4 *Act of 1956 (22 U.S.C. 2671(c)) is amended by striking*
5 *“and the Foreign Service” and by striking “an annual con-*
6 *fidential” and inserting “a periodic”.*

7 **SEC. 117. CONSULAR AUTHORITIES.**

8 *(a) PERSONS AUTHORIZED TO ISSUE PASSPORTS*
9 *ABROAD.—The Act entitled “An Act to regulate the issue*
10 *and validity of passports, and for other purposes”, ap-*
11 *proved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a), is*
12 *amended by striking “by diplomatic representatives of the*
13 *United States, and by such consul generals, consuls, or vice*
14 *consuls when in charge,” and inserting “by diplomatic and*
15 *consular officers of the United States, and by other employ-*
16 *ees of the Department of State who are citizens of the Unit-*
17 *ed States,”.*

18 *(b) NOTARIAL AUTHORITY.—Section 7 of the Act enti-*
19 *tled “An Act to provide for the reorganization of the con-*
20 *sular service of the United States”, approved April 5, 1906*
21 *(34 Stat. 100; 22 U.S.C. 4221), is amended by adding at*
22 *the end the following new sentence: “Pursuant to such regu-*
23 *lations as the Secretary of State may prescribe, the Sec-*
24 *retary may designate any other employee of the Department*
25 *of State who is a citizen of the United States to perform*

1 *any notarial function authorized to be performed by a con-*
2 *sular officer of the United States under this Act.”.*

3 **SEC. 118. VISAS.**

4 (a) *SURCHARGE FOR PROCESSING CERTAIN VISAS.—*

5 (1) *Notwithstanding any other provision of law, the Sec-*
6 *retary of State is authorized to charge a fee or surcharge*
7 *for processing machine readable nonimmigrant visas and*
8 *machine readable combined border crossing identification*
9 *cards and nonimmigrant visas.*

10 (2) *Fees collected under the authority of subsection (a)*
11 *shall be deposited in the general fund of the Treasury and*
12 *available to the Department of State, subject to amounts*
13 *provided in advance in appropriations Acts, to recover the*
14 *costs of providing consular services, which shall include the*
15 *payment of any fees for access to the criminal history*
16 *records of the Federal Bureau of Investigation for process-*
17 *ing visa applications and making immigration eligibility*
18 *determinations. Such fees shall remain available for obliga-*
19 *tion until expended.*

20 (3) *For fiscal years 1994 and 1995, fees deposited*
21 *under the authority of paragraph (2) may not exceed a total*
22 *of \$107,500,000.*

23 (4) *The provisions of the Act of August 18, 1856 (Re-*
24 *vised Statutes 1726–28; 22 U.S.C. 2212–14), concerning ac-*

1 *counting for consular fees shall not apply to fees collected*
2 *under this subsection.*

3 *(5) No fee or surcharge authorized under subsection*
4 *(a)(1) may be charged to a national of a country that is*
5 *a signatory to the North American Free Trade Agreement.*

6 *(b) AUTOMATED VISA LOOKOUT SYSTEM.—Not later*
7 *than 24 months after the date of the enactment of this Act,*
8 *the Secretary of State shall implement an upgrade of all*
9 *overseas visa lookout operations to computerized systems*
10 *with automated multiple-name search capabilities.*

11 *(c) PROCESSING OF VISAS FOR ADMISSION TO THE*
12 *UNITED STATES.—(1)(A) Beginning 24 months after the*
13 *date of the enactment of this Act, whenever a United States*
14 *consular officer issues a visa for admission to the United*
15 *States, that official shall certify, in writing, that a check*
16 *of the Automated Visa Lookout System, or any other system*
17 *or list which maintains information about the excludability*
18 *of aliens under the Immigration and Nationality Act, has*
19 *been made and that there is no basis under such system*
20 *for the exclusion of such alien.*

21 *(B) If, at the time an alien applies for an immigrant*
22 *or nonimmigrant visa, the alien's name is included in the*
23 *Department of State's visa lookout system and the consular*
24 *officer to whom the application is made fails to follow the*
25 *procedures in processing the application required by the in-*

1 *clusion of the alien's name in such system, the consular offi-*
2 *cer's failure shall be made a matter of record and shall be*
3 *considered as a serious negative factor in the officer's an-*
4 *nual performance evaluation.*

5 (2) *If an alien to whom a visa was issued as a result*
6 *of a failure described in paragraph (1)(B) is admitted to*
7 *the United States and there is thereafter probable cause to*
8 *believe that the alien was a participant in a terrorist act*
9 *causing serious loss of life or property in the United States,*
10 *the Secretary of State shall convene an Accountability Re-*
11 *view Board under the authority of title III of the Omnibus*
12 *Diplomatic Security and Antiterrorism Act of 1986.*

13 **SEC. 119. ROLE OF THE FOREIGN SERVICE INSTITUTE.**

14 *Chapter 7 of the Foreign Service Act of 1980 is amend-*
15 *ed—*

16 (1) *in the chapter title, by striking “Foreign*
17 *Service Institute,”;*

18 (2) *in section 701 (22 U.S.C. 4021)—*

19 (A) *by striking the section title and insert-*
20 *ing “Institution for Training.”;*

21 (B) *in subsection 701(a)—*

22 (i) *by striking “the Foreign Service In-*
23 *stitute (hereinafter in this chapter referred*
24 *to as the ‘Institute’)” and inserting “an in-*
25 *stitution or center for training (hereinafter*

1 in this chapter referred to as the ‘institu-
2 tion’)”; and

3 (ii) by striking “Institute” and insert-
4 ing “institution”;

5 (C) by adding at the end the following new
6 subsection:

7 “(d)(1) The Secretary of State is authorized to provide
8 for special professional foreign affairs training and instruc-
9 tion of employees of foreign governments through the insti-
10 tution.

11 “(2) Training and instruction under paragraph (1)
12 shall be on a reimbursable or advance-of-funds basis. Such
13 reimbursements or advances to the Department of State
14 may be provided by an agency of the United States Govern-
15 ment or by a foreign government and shall be credited to
16 the currently available applicable appropriation account.

17 “(3) Training should be made available in the first
18 instance to officials from newly emerging democratic na-
19 tions, and then to other nations as deemed to be in the na-
20 tional interest of the United States.

21 “(4) The authorities of section 704 shall apply to
22 training and instruction provided under this section.”;

23 (3) in subsection 701(b) and sections 702, 704,
24 705, and 707, by striking “Foreign Service Institute”

1 (3) by inserting after paragraph (1) the follow-
2 ing:

3 “(2) absent compelling reasons, award such con-
4 tracts through the competitive process;

5 “(3) in evaluating and scoring proposals for
6 such contracts, award not less than 60 percent of the
7 total points on the basis of technical factors and
8 subfactors;

9 “(4) allow all solicitations to be bid in United
10 States dollars;

11 “(5) ensure that contracts awarded to United
12 States firms are paid in United States dollars; and

13 “(6) ensure that United States diplomatic and
14 consular posts assist United States firms in obtaining
15 local licenses and permits.”.

16 **SEC. 122. ANNUAL COUNTRY REPORTS ON TERRORISM.**

17 Section 140 of the Foreign Relations Authorization
18 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is
19 amended in subsection (b)(2)—

20 (1) by striking “and” at the end of subpara-
21 graph (C);

22 (2) by striking the period at the end of subpara-
23 graph (D) and inserting “; and”; and

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

1 “(E) efforts by the United States to elimi-
2 nate international financial support provided to
3 those groups directly or provided in support of
4 their activities.”.

5 **SEC. 123. REWARDS FOR INFORMATION REGARDING ACTS**
6 **OF INTERNATIONAL TERRORISM WITHIN THE**
7 **UNITED STATES.**

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

10 (1) in subsection (b)(1)(A), by striking “and is
11 primarily outside the territorial jurisdiction of the
12 United States”; and

13 (2) in subsection (i)—

14 (A) by striking “and” at the end of para-
15 graph (1);

16 (B) by striking the period at the end of
17 paragraph (2) and inserting “; and”; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(3) the term ‘international terrorism’ means ac-
21 tivities that—

22 “(A) involve violent acts or acts dangerous
23 to human life that are a violation of the crimi-
24 nal laws of the United States or of any State, or
25 that would be a criminal violation if committed

1 *within the jurisdiction of the United States or*
2 *any State;*

3 “(B) appear to be intended—

4 “(i) to intimidate or coerce a civilian
5 population;

6 “(ii) to influence the policy of a gov-
7 ernment by intimidation or coercion; or

8 “(iii) to effect the conduct of a govern-
9 ment by assassination or kidnapping; and

10 “(C) occur totally outside the United States,
11 or transcend national boundaries in terms of the
12 means by which they are accomplished, the per-
13 sons they appear intended to coerce or intimi-
14 date, or the locale in which their perpetrators op-
15 erate or seek asylum.”.

16 **SEC. 124. PROPERTY AGREEMENTS.**

17 *Whenever the Department of State enters into lease-*
18 *purchase agreements involving property in foreign coun-*
19 *tries pursuant to section 1 of the Foreign Service Buildings*
20 *Act (22 U.S.C. 292), the Department shall account for such*
21 *transactions in accordance with fiscal year obligations.*

22 **SEC. 125. CAPITAL INVESTMENT FUND.**

23 *(a) ESTABLISHMENT.—There is established within the*
24 *Department of State a Capital Investment Fund to provide*
25 *for the procurement of information technology and other re-*

1 *lated capital investments for the Department of State and*
2 *to ensure the efficient management, coordination, operation,*
3 *and utilization of such resources.*

4 *(b) FUNDING.—Funds otherwise available for the pur-*
5 *poses of subsection (a) may be deposited in such Fund.*

6 *(c) AVAILABILITY.—Amounts deposited into the Fund*
7 *are authorized to remain available until expended.*

8 *(d) EXPENDITURES FROM THE FUND.—Amounts de-*
9 *posited in the Fund shall be available for expenditure to*
10 *procure capital equipment and information technology.*

11 *(e) REPROGRAMMING PROCEDURES.—Funds credited*
12 *to the Capital Investment Fund shall be treated as a*
13 *reprogramming of funds under section 34 of the State De-*
14 *partment Basic Authorities Act of 1956 (22 U.S.C. 2710)*
15 *and shall not be available for obligation or expenditure ex-*
16 *cept in compliance with the procedures applicable to such*
17 *reprogrammings.*

18 **SEC. 126. TECHNICAL AMENDMENT.**

19 *Section 2 of the State Department Basic Authorities*
20 *Act of 1956 is amended by striking “(l) pay” and inserting*
21 *“(m) pay”.*

1 **PART C—DEPARTMENT OF STATE ORGANIZATION**

2 **SEC. 131. UNDER SECRETARY AND ASSISTANT SECRETARY**
3 **POSITIONS.**

4 (a) *NUMBERS OF UNDER SECRETARIES AND ASSIST-*
5 *ANT SECRETARIES.*—Section 1 of the Act of May 26, 1949,
6 as amended (22 U.S.C. 2652), is further amended by strik-
7 ing everything after “Deputy Secretary of State” and in-
8 serting in lieu thereof “and not more than 5 Under Sec-
9 retaries of State and not more than 20 Assistant Secretaries
10 of State.”.

11 (b) *OTHER SENIOR OFFICIALS.*—In addition to such
12 other officials of the Department of State who are author-
13 ized to be compensated at level IV of the Executive Schedule
14 of section 5315 of title 5, United States Code, not more than
15 4 other officers of the Department of State are authorized
16 to be compensated at such level, and shall be appointed by
17 the President, by and with the advice and consent of the
18 Senate.

19 (c) *CONFORMING AMENDMENTS.*—(1) Section 9(a) of
20 the Department of State Appropriations Authorization Act
21 of 1973 (22 U.S.C. 2655a) is amended—

22 (A) by striking “In addition to the positions
23 provided under the first section of the Act of May 26,
24 1949, as amended (22 U.S.C. 2652), there” and in-
25 serting in lieu thereof “There”; and

1 (B) by inserting before the period at the end of
2 the subsection “and for such other related duties as
3 the Secretary may from time to time designate”.

4 (2) Section 122(a) of the Foreign Relations Authoriza-
5 tion Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b)
6 is amended by striking “, which is in addition to the posi-
7 tions provided under the first section of the Act of May 26,
8 1949 (22 U.S.C. 2652)”.

9 (3) Section 5314 of title 5, United States Code, is
10 amended by striking:

11 “Under Secretary of State for Political Affairs and
12 Under Secretary of State for Economic and Agricultural
13 Affairs and an Under Secretary of State for Coordinating
14 Security Assistance Programs and Under Secretary of State
15 for Management.

16 “Counselor of the Department of State.”

17 and inserting in lieu thereof:

18 “Under Secretaries of State (5).”.

19 (4) Section 5315 of title 5, United States Code, is
20 amended by striking:

21 “Assistant Secretary for Oceans and International En-
22 vironmental and Scientific Affairs, Department of State.”,

23 “Assistant Secretary for International Narcotics Mat-
24 ters, Department of State.”,

1 *“Assistant Secretary for South Asian Affairs, Depart-*
2 *ment of State.”,*

3 *“Legal Adviser of the Department of State.”,* and

4 *“Chief of Protocol, Department of State.”.*

5 (5) Section 5315 of title 5, United States Code, as
6 amended, is further amended by striking:

7 *“Assistant Secretaries of State (15)”*

8 and inserting in lieu thereof:

9 *“Assistant Secretaries of State (20) and 4 other officers*
10 *of the Department of State appointed by the President, by*
11 *and with the advice and consent of the Senate.”.*

12 (d) OFFICE OF COUNSELOR; LEGAL ADVISER.—(1)
13 The Act entitled “An Act to create the Office of Counselor
14 of the United States” (May 18, 1937; Public Law 75–91;
15 22 U.S.C. 2655) is repealed.

16 (2) Section 30 of the Act entitled “An Act for the reor-
17 ganization and improvement of the Foreign Service of the
18 United States and for other purposes” (May 24, 1924; Pub-
19 lic Law 68–135; 22 U.S.C. 2654) is repealed.

20 (e) ASSUMPTION OF DUTIES.—The individual holding
21 the Office of Counselor on the date of enactment of this Act
22 shall assume the duties of an Under Secretary of State for
23 Global Affairs and shall not be required to be reappointed
24 by reason of the enactment of this section.

1 **SEC. 132. REDESIGNATION OF POSITION AS ASSISTANT SEC-**
2 **RETARY FOR DEMOCRACY, HUMAN RIGHTS,**
3 **AND LABOR.**

4 (a) *REDESIGNATION OF POSITION.*—*The Foreign As-*
5 *sistance Act of 1961 is amended—*

6 (1) *in section 116(c) (22 U.S.C. 2151n), by strik-*
7 *ing “Assistant Secretary for Human Rights and Hu-*
8 *manitarian Affairs” and inserting “Assistant Sec-*
9 *retary of State for Democracy, Human Rights, and*
10 *Labor”;*

11 (2) *in sections 502B(b) (22 U.S.C. 2304(b)),*
12 *502B(c)(1) (22 U.S.C. 2304(c)), and 505(g)(4)(A) (22*
13 *U.S.C. 2314(g)(4)(A)) by striking “Human Rights*
14 *and Humanitarian Affairs” each place it appears*
15 *and inserting “Democracy, Human Rights, and*
16 *Labor”;*

17 (3) *in subsection 573(c) by striking “Human*
18 *Rights and Humanitarian Affairs” and inserting*
19 *“Democracy, Human Rights, and Labor”;* and

20 (4) *in section 624(f) (22 U.S.C. 2384(f))—*

21 (A) *by striking “Human Rights and Hu-*
22 *manitarian Affairs” each place it appears and*
23 *inserting “Democracy, Human Rights, and*
24 *Labor”;*

1 (B) by striking “refugees, prisoners of war,”
2 each place it appears and inserting “prisoners of
3 war”; and

4 (C) in paragraph (1), by inserting before
5 the period at the end of the first sentence “, and
6 such other related duties as the Secretary may
7 from time to time designate”.

8 (b) *CONFORMING AMENDMENT.*—Section 5(d)(1) of the
9 *Arms Export Control Act (22 U.S.C. 2755(d)(1))* is amend-
10 ed by striking “Assistant Secretary of State for Human
11 Rights and Humanitarian Affairs” and inserting in lieu
12 thereof “Assistant Secretary of State for Democracy,
13 Human Rights, and Labor”.

14 (c) *ASSUMPTION OF DUTIES.*—The individual holding
15 the office of Assistant Secretary of State for Human Rights
16 and Humanitarian Affairs on the date of enactment of this
17 Act shall assume the duties of Assistant Secretary of State
18 for Democracy, Human Rights, and Labor and shall not
19 be required to be reappointed by reason of the enactment
20 of this section.

1 **SEC. 133. REDESIGNATION OF POSITION AS ASSISTANT SEC-**
2 **RETARY FOR NARCOTICS, TERRORISM, AND**
3 **CRIME.**

4 (a) *REDESIGNATION OF OFFICE.*—Section 115(a) of
5 the Foreign Relations Authorization Act, Fiscal Year 1979
6 (22 U.S.C. 2652a) is amended—

7 (1) in the section heading, by striking “*INTER-*
8 *NATIONAL NARCOTICS MATTERS*” and inserting in lieu
9 thereof “*NARCOTICS, TERRORISM, AND CRIME*”; and

10 (2) in the text—

11 (A) by striking “, in addition to the posi-
12 tions provided under the first section of the Act
13 of May 26, 1949 (22 U.S.C. 2652),”;

14 (B) by striking “*International Narcotics*
15 *Matters*” and inserting “*Narcotics, Terrorism*
16 *and Crime*”; and

17 (C) by inserting before the period at the end
18 “and such other related duties as the Secretary
19 may from time to time designate”.

20 (b) *ASSUMPTION OF DUTIES.*—The individual holding
21 the office of Assistant Secretary of State for International
22 Narcotics Matters on the date of enactment of this Act shall
23 assume the duties of Assistant Secretary of State for Narcot-
24 ics, Terrorism, and Crime and shall not be required to be
25 reappointed by reason of the enactment of this section.

1 **SEC. 134. ADMINISTRATIVE EXPENSES FOR NARCOTICS,**
2 **TERRORISM, AND CRIME.**

3 *Section 482 of the Foreign Assistance Act of 1961 (22*
4 *U.S.C. 2291a) is amended by adding the following new sub-*
5 *section:*

6 “(d) *ADMINISTRATIVE ASSISTANCE.—(1) Except as*
7 *provided in paragraph (2), personnel funded pursuant to*
8 *this section are authorized to provide administrative assist-*
9 *ance to personnel assigned to the bureau designated by the*
10 *Secretary of State to replace the Bureau for International*
11 *Narcotics Matters.*

12 “(2) *Paragraph (1) shall not apply if to do so would*
13 *result in a reduction in funds available for antinarcotics*
14 *assistance to foreign countries.”.*

15 **SEC. 135. COORDINATOR FOR INTERNATIONAL COMMU-**
16 **NICATIONS AND INFORMATION POLICY.**

17 (a) *IN GENERAL.—Section 35 of the State Department*
18 *Basic Authorities Act of 1956 (22 U.S.C. 2707) is amend-*
19 *ed—*

20 (1) *by striking subsection (a); and*

21 (2) *in subsection (b)—*

22 (A) *by striking the text above paragraph (1)*
23 *and inserting the following: “The Secretary of*
24 *State shall be responsible for formulation, coordi-*
25 *nation, and oversight of foreign policy related to*

1 *international communications and information*
2 *policy. The Secretary of State shall—”;*

3 *(B) by striking paragraph (2);*

4 *(C) by redesignating paragraph (1) as*
5 *paragraph (2);*

6 *(D) by inserting before redesignated para-*
7 *graph (2) the following:*

8 *“(1) exercise primary authority for the conduct*
9 *of foreign policy with respect to such telecommuni-*
10 *cations functions, including the determination of*
11 *United States positions and the conduct of United*
12 *States participation in negotiations with foreign gov-*
13 *ernments and international bodies. In exercising this*
14 *responsibility, the Secretary shall coordinate with*
15 *other agencies as appropriate, and, in particular,*
16 *shall give full consideration to the authority vested by*
17 *law or Executive order in the Federal Communica-*
18 *tions Commission, the Department of Commerce and*
19 *the Office of the United States Trade Representative*
20 *in this area;”.*

21 *(E) in redesignated paragraph (2), by strik-*
22 *ing “with the bureaus and offices of the Depart-*
23 *ment of State and”, and inserting before the*
24 *semicolon “and with the Federal Communica-*
25 *tions Commission, as appropriate”; and*

1 (F) in paragraph (3), by striking “the Sen-
2 ior Interagency Group on International Commu-
3 nications and Information Policy” and inserting
4 “any senior interagency policymaking group on
5 international telecommunications and informa-
6 tion policy and chair such interagency meetings
7 as may be necessary to coordinate actions on
8 pending issues;”.

9 (b) *RULE OF CONSTRUCTION.*—Nothing in the amend-
10 ments made by this section affects the nature or scope of
11 the authority that is on the date of enactment of this Act
12 vested by law or Executive order in the Department of Com-
13 merce, the Office of the United States Trade Representative,
14 the Federal Communications Commission, or any officer
15 thereof.

16 **SEC. 136. REFUGEE AFFAIRS.**

17 (a) *COORDINATION OF REFUGEE AFFAIRS.*—Section
18 301 of the Refugee Act of 1980 (8 U.S.C. 1525) is amended
19 to read as follows:

20 “SEC. 301. (a) The Secretary of State, together with
21 the Secretary of Health and Human Services and the Attor-
22 ney General, shall—

23 “(1) develop overall United States refugee admis-
24 sion and resettlement policy;

1 “(2) coordinate all United States domestic and
2 international refugee admission and resettlement pro-
3 grams in a manner that assures that policy objectives
4 are met in a timely fashion;

5 “(3) develop an effective and responsive liaison
6 between the Federal Government and voluntary orga-
7 nizations, Governors and mayors, and others involved
8 in refugee relief and resettlement work to reflect over-
9 all United States Government policy; and

10 “(4) make recommendations to the President and
11 to the Congress with respect to policies for, objectives
12 of, and establishment of priorities for, Federal func-
13 tions relating to refugee admission and resettlement
14 in the United States.

15 “(b) In the conduct of the duties described in subsection
16 (a), the Secretary of State, together with the Secretary of
17 Health and Human Services and the Attorney General,
18 shall consult regularly with States, localities, and private
19 nonprofit voluntary agencies concerning the sponsorship
20 process and the intended distribution of refugees.

21 “(c) The Secretary of State, together with the Secretary
22 of Health and Human Services and the Attorney General,
23 shall design an overall budget strategy to provide individual
24 agencies with policy guidance on refugee matters in the
25 preparation of their budget requests, and to provide the Of-

1 *fice of Management and Budget with an overview of all ref-*
2 *ugee-related budget requests.”.*

3 *(b) AMENDMENTS TO THE REFUGEE ACT OF 1980.—*
4 *Title III of the Refugee Act of 1980 is amended—*

5 *(1) in the title heading, by striking “UNITED*
6 *STATES COORDINATOR FOR REFUGEE AF-*
7 *FAIRS” and inserting “UNITED STATES CO-*
8 *ORDINATION OF REFUGEE AFFAIRS”; and*

9 *(2) in the heading of part A, by striking “UNIT-*
10 *ED STATES COORDINATOR FOR REFUGEE AFFAIRS”*
11 *and inserting “UNITED STATES COORDINATION OF*
12 *REFUGEE AFFAIRS”.*

13 *(c) AMENDMENT TO THE MIGRATION AND REFUGEE*
14 *ASSISTANCE ACT.—Section 5 of the Migration and Refugee*
15 *Assistance Act (22 U.S.C. 2605) is amended by adding at*
16 *the end the following new subsection:*

17 *“(c) Personnel funded pursuant to this section are au-*
18 *thorized to provide administrative assistance to personnel*
19 *assigned to the bureau charged with carrying out this Act.”.*

20 *(d) CONFORMING AMENDMENTS.—(1) Section 411(b)*
21 *of the Immigration and Nationality Act (8 U.S.C. 1521(b))*
22 *is amended by striking “and under the general policy guid-*
23 *ance of the United States Coordinator for Refugee Affairs*
24 *(hereinafter in this chapter referred to as the ‘Coordina-*
25 *tor’)” and inserting “the Secretary of State”;*

1 (2) *Section 412 of the Immigration and Nationality*
2 *Act (8 U.S.C. 1522) is amended—*

3 (A) *in subsection (a)(2)(A), by striking “; to-*
4 *gether with the Coordinator,” and inserting “; to-*
5 *gether wiht the Secretary of State,”;*

6 (B) *in subsections (b)(3) and (b)(4), by striking*
7 *“in consultation with the Coordinator,”; and*

8 (C) *in subsection (e)(7)(C), by striking “, in con-*
9 *sultation with the United States Coordinator for Ref-*
10 *ugee Affairs,”.*

11 (3) *Section 413(a) of the Immigration and Nationality*
12 *Act (8 U.S.C. 1523) is amended by striking “, in consulta-*
13 *tion with the Coordinator,”.*

14 (e) *TRANSFER OF DUTIES.—If there is an individual*
15 *who has been confirmed by the Senate as Ambassador at*
16 *Large for Population, Refugees and Migration on the date*
17 *of enactment of this Act, that person shall assume on such*
18 *date the duties of Assistant Secretary of State for Popu-*
19 *lation, Refugees and Migration which were vested in the*
20 *Assistant Secretary before such date. Such individual shall*
21 *not be required to be reappointed by reason of the enactment*
22 *of this section.*

23 **SEC. 137. WOMEN'S HUMAN RIGHTS PROTECTION.**

24 (a) *FINDINGS.—The Congress finds that—*

1 *personnel under the jurisdiction of a chief of mission in*
2 *a foreign country if such claims in circumstances where*
3 *there is in effect a departure from the country authorized*
4 *or ordered under circumstances described in section 5522(a)*
5 *of title 5, if the Secretary determines that there exists excep-*
6 *tional circumstances that warrant such a waiver.”.*

7 (b) *RETROACTIVE APPLICATION.—The amendments*
8 *made by subsection (a) shall apply with respect to claims*
9 *arising on or after October 31, 1988.*

10 **SEC. 143. SALARIES OF CHIEFS OF MISSION.**

11 *Section 401(a) of the Foreign Service Act of 1980 (22*
12 *U.S.C. 3961(a)) is amended by striking “, exclusive of dan-*
13 *ger pay.”.*

14 **SEC. 144. SENIOR FOREIGN SERVICE PERFORMANCE PAY.**

15 (a) *PROHIBITION ON AWARDS.—Notwithstanding any*
16 *other provision of law, the Secretary of State may not*
17 *award or pay performance payments for fiscal years 1994*
18 *and 1995 under section 405 of the Foreign Service Act of*
19 *1980 (22 U.S.C. 3965), until the Director of the Office of*
20 *Personnel Management issues regulations or otherwise au-*
21 *thorizes or recommends the payment of rank awards or per-*
22 *formance awards to other Federal employees for such fiscal*
23 *years under section 4507 or 5384 of title 5, United States*
24 *Code.*

1 (b) *AWARDS IN SUBSEQUENT FISCAL YEARS.*—The
2 Secretary may not make a performance award or payment
3 in any fiscal year after a fiscal year referred to in sub-
4 section (a) for the purpose of providing an individual with
5 a performance award or payment to which the individual
6 would otherwise have been entitled in a fiscal year referred
7 to such subsection but for the prohibition described in such
8 subsection.

9 (c) *AMENDMENT TO FOREIGN SERVICE ACT OF*
10 *1980.*—Section 405(b)(4) of the Foreign Service Act of 1980
11 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

12 “(4) Any award under this section shall be sub-
13 ject to the limitation on certain payments under sec-
14 tion 5307 of title 5, United States Code.”.

15 **SEC. 145. REASSIGNMENT AND RETIREMENT OF FORMER**
16 **PRESIDENTIAL APPOINTEES.**

17 Section 813 of the Foreign Service Act of 1980 (22
18 U.S.C. 4053) is amended to read as follows:

19 “*SEC. 813. REASSIGNMENT AND RETIREMENT OF*
20 *FORMER PRESIDENTIAL APPOINTEES.*—(a) If a partici-
21 pant completes an assignment under section 302(b) in a
22 position to which the participant was appointed by the
23 President, and is not otherwise eligible for retirement, the
24 participant shall be reassigned in the Service within 90

1 *days after the completion of such assignment and any pe-*
2 *riod of authorized leave.*

3 “(b) *If a participant completes an assignment under*
4 *section 302(b) in a position to which the participant was*
5 *appointed by the President, and is eligible for retirement,*
6 *and is not reassigned within 90 days after the completion*
7 *of such assignment and any period of authorized leave, the*
8 *participant shall be retired from the Service and receive*
9 *retirement benefits in accordance with section 806 or sec-*
10 *tion 855, as appropriate.”*

11 **SEC. 146. REPORT ON CLASSIFICATION OF SENIOR FOR-**
12 **EIGN SERVICE POSITIONS.**

13 (a) *AUDIT AND REVIEW.*—*Within 180 days after the*
14 *date of the enactment of this Act, the Comptroller General*
15 *of the United States shall conduct a classification audit of*
16 *all Senior Foreign Service positions in Washington, Dis-*
17 *trict of Columbia, assigned to the Department of State, the*
18 *Agency for International Development, and the United*
19 *States Information Agency and shall review the methods for*
20 *classification of such positions.*

21 (b) *REPORT.*—*Not later than 180 days after the date*
22 *of enactment of this Act, the Comptroller General shall sub-*
23 *mit a report of such audit and review to the Chairman of*
24 *the Committee on Foreign Relations of the Senate and the*
25 *Speaker of the House of Representatives.*

1 **SEC. 147. ALLOWANCES.**

2 (a) *AWAY-FROM-POST EDUCATION ALLOWANCE.*—Sec-
3 *tion 5924(4)(A) of title 5, United States Code, is amended*
4 *by inserting after the first sentence the following: “When*
5 *travel from school to post is infeasible, travel may be al-*
6 *lowed between the school attended and the home of a des-*
7 *ignated relative or family friend or to join a parent at any*
8 *location, with the allowable travel expense not to exceed the*
9 *cost of travel between the school and the post.”.*

10 (b) *EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS*
11 *STUDYING ABROAD.*—Section 5924(4)(B) of title 5, United
12 States Code, is amended in the first sentence after “in the
13 United States” by inserting “(or to and from a school out-
14 side the United States if the dependent is attending that
15 school for less than one year under a program approved
16 by the school in the United States at which the dependent
17 is enrolled, with the allowable travel expense not to exceed
18 the cost of travel to and from the school in the United
19 States)”.

20 **SEC. 148. INAPPLICABILITY OF ROLLOVER AUTHORITY FOR**
21 **CERTAIN ALLOWANCES AND OTHER PAY-**
22 **MENTS.**

23 Section 5307(b) of title 5, United States Code (relating
24 to rollover authority for the making of certain payments
25 to Federal employees) shall not apply to employees of the
26 Department of State.

1 **SEC. 149. GRIEVANCES.**

2 (a) *GRIEVANCE BOARD PROCEDURES.*—Section 1106
3 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is
4 amended in the first sentence of paragraph (8) by striking
5 “until the Board has ruled upon the grievance.” and insert-
6 ing “until the date which is one year after such determina-
7 tion or until the Board has ruled upon the grievance, which-
8 ever comes first. The Board shall extend the one-year limita-
9 tion under the preceding sentence and the Department shall
10 continue to suspend such action, if the Board determines
11 that the agency or the Board is responsible for the delay
12 in the resolution of the grievance. The Board may also ex-
13 tend the 1-year limit if it determines that the delay is due
14 to the complexity of the case, the unavailability of witnesses
15 or to circumstances beyond the control of the agency, the
16 Board or the grievant.”.

17 (b) *TIME LIMITATION ON REQUESTS FOR JUDICIAL*
18 *REVIEW.*—Section 1110 of the Foreign Service Act of 1980
19 (22 U.S.C. 4140) is amended in the first sentence by insert-
20 ing before the period “; if the request for judicial review
21 is filed not later than 180 days after the final action of
22 the Secretary or the Board (or in the case of an aggrieved
23 party who is posted abroad at the time of the final action
24 of the Secretary or the Board, if the request for judicial
25 review is filed not later than 180 days after the aggrieved
26 party’s return to the United States)”.

1 **SEC. 150. MID-LEVEL WOMEN AND MINORITY PLACEMENT**
2 **PROGRAM.**

3 (a) *PURPOSE.*—It is the purpose of this section to pro-
4 mote the acquisition and retention of highly qualified,
5 trained and experienced women and minority personnel
6 within the Foreign Service and to provide the maximum
7 opportunity for the Foreign Service to meet staffing needs
8 and to acquire the services of experienced and talented
9 women and minority personnel and to help alleviate the
10 impact of downsizing, reduction-in-force, and budget re-
11 strictions occurring in the defense and national security-
12 related agencies of the United States.

13 (b) *ESTABLISHMENT.*—For each of the fiscal years
14 1994 and 1995, the Secretary of State shall to the maxi-
15 mum extent practicable appoint as Foreign Service officers
16 qualified women and minority applicants who are partici-
17 pants in the priority placement program of the Department
18 of Defense, the Department of Defense out-placement refer-
19 ral program, or the Automated Applicant Referral System.
20 The Secretary shall make such appointments through the
21 mid-level entry program of the Department of State under
22 section 306 of the Foreign Service Act of 1980.

23 (c) *REPORT.*—Not later than 180 days after the date
24 of enactment of this Act, the Secretary of State shall prepare
25 and submit a report concerning the implementation of sub-
26 section (a) to the Chairman of the Committee on Foreign

1 *Relations of the Senate and the Speaker of the House of*
2 *Representatives. Such report shall include recommendations*
3 *on methods to improve implementation of the purpose of*
4 *this section.*

5 **SEC. 151. EMPLOYMENT ASSISTANCE REFERRAL SYSTEM**
6 **FOR CERTAIN DEPARTMENT OF STATE EM-**
7 **PLOYEES.**

8 (a) *REFERRAL SYSTEM.*—(1) *The Secretary of State,*
9 *in consultation with the Director of the Office of Personnel*
10 *Management, shall establish and operate a system that pro-*
11 *vides job placement assistance to eligible personnel of the*
12 *Department of State.*

13 (2) *The system established under this section shall—*

14 (A) *permit eligible personnel to register for job*
15 *placement assistance under the system;*

16 (B) *contain information on vacancies in employ-*
17 *ment positions throughout the Department;*

18 (C) *facilitate the provision of information on the*
19 *positions referred to in subparagraph (B) to the per-*
20 *sonnel who register for assistance under subparagraph*
21 *(A); and*

22 (D) *assist, by referral or other means, the per-*
23 *sonnel referred to in subparagraph (C) in seeking em-*
24 *ployment in such position.*

1 (3) *The Secretary of State shall, to the maximum ex-*
2 *tent practicable, ensure that the system operated under this*
3 *section is automated.*

4 (4) *The system shall operate from a single location*
5 *within the continental United States.*

6 (b) *ELIGIBLE PERSONNEL.*—*Personnel eligible for par-*
7 *ticipation in the job placement assistance system established*
8 *under this section include the following:*

9 (1) *Personnel of the Department of State who are*
10 *involuntarily separated from employment in the De-*
11 *partment by reason of a reduction in force of such*
12 *personnel.*

13 (2) *Personnel of the Department who decline to*
14 *accept a transfer to another position in the Depart-*
15 *ment under such a reduction in force or other pro-*
16 *gram for the consolidation of employment positions*
17 *within the Department.*

18 (3) *Former personnel of the Department whose*
19 *employment with the Department was terminated for*
20 *a reason described in paragraph (1) or (2).*

21 (4) *Such other personnel of the Department as*
22 *the Secretary of State determines to be eligible for*
23 *such participation.*

24 (c) *IMPLEMENTATION.*—*The Secretary of State shall*
25 *commence operation of the system required under this sec-*

1 *tion not later than 90 days after the date of the enactment*
2 *of this Act.*

3 *(d) REPORT.—Not later than 120 days after the date*
4 *of enactment of this Act, the Secretary of State shall prepare*
5 *and submit a report concerning the implementation of sub-*
6 *section (a) to the Chairman of the Committee on Foreign*
7 *Relations of the Senate and the Speaker of the House of*
8 *Representatives. Such report shall include recommendations*
9 *on methods to improve implementation of the job placement*
10 *assistance system established under this section.*

11 **SEC. 152. FOREIGN LANGUAGE COMPETENCE WITHIN THE**
12 **FOREIGN SERVICE.**

13 *(a) MODEL FOREIGN LANGUAGE COMPETENCE POSTS*
14 *PROGRAM.—Section 161(a) of the Foreign Relations Au-*
15 *thorization Act, Fiscal Years 1990 and 1991 (22 U.S.C.*
16 *4171 note) is amended by adding at the end the following*
17 *new sentence: “Implementation of this program shall not*
18 *deny other posts, not so designated, of required language-*
19 *qualified personnel.”.*

20 *(b) ADDITIONS TO LANGUAGE PROFICIENCY IN THE*
21 *EMPLOYEE EVALUATION REPORT.—Section 164(a) of the*
22 *Foreign Relations Authorization Act, Fiscal Years 1990*
23 *and 1991 (22 U.S.C. 4001(a) note) is amended—*

24 *(1) by inserting “(1)” immediately after “Com-*
25 *petence.—”; and*

1 (2) by adding at the end the following:

2 “(2)(A) In any assessment under paragraph (1), if a
3 supervisor believes that an employee’s proficiency in a for-
4 eign language has declined below the minimum proficiency
5 level required for the employee’s current assignment, the su-
6 pervisor shall recommend that the employee seek remedial
7 language refresher training and, within reasonable limita-
8 tions, excuse the employee from a portion of his or her regu-
9 lar responsibilities to do so.

10 “(B) In the event the employee identified under sub-
11 paragraph (A) is assigned to a language-designated posi-
12 tion and is receiving a language differential for having
13 achieved a required level of foreign language proficiency,
14 the supervisor may also require that the employee’s current
15 proficiency in the foreign language be reevaluated at the
16 earliest opportunity. In this case the employee’s proficiency
17 shall be evaluated by reference to the standards and prac-
18 tices employed by the Foreign Service Institute. If the For-
19 eign Service Institute determines that the employee has
20 failed to maintain the required level of proficiency, the De-
21 partment of State shall suspend the differential until the
22 required proficiency level is regained.

23 “(C) For purposes of this section, the earliest oppor-
24 tunity for reevaluation of an employee’s foreign language
25 proficiency by the Foreign Service Institute shall be, for em-

1 *ployees not already in the Washington, D.C. area, the next*
2 *time the employee travels to the Washington, D.C. area on*
3 *official travel orders, or the next time a Foreign Service*
4 *Institute examiner visits the employee's post of assignment*
5 *on regularly scheduled travel. No additional travel funds*
6 *may be expended for this purpose."*

7 **SEC. 153. DESIGNATION OF FOREIGN LANGUAGE RE-**
8 **SOURCES COORDINATOR.**

9 (a) *FINDINGS.*—*The Congress finds that—*

10 (1) *the post-Cold War era is placing increasing*
11 *demands on limited Federal foreign language re-*
12 *sources available to support diplomacy, intelligence,*
13 *military preparedness, international security, and*
14 *global economic competitiveness goals;*

15 (2) *the absence of a single interagency mecha-*
16 *nism to coordinate Federal foreign language resources*
17 *represents a significant weakness in the United States*
18 *Government's ability to mobilize and direct existing*
19 *foreign language assets in support of national foreign*
20 *policy goals; and*

21 (3) *there is a growing need for coordination of*
22 *all Federal agencies maintaining and utilizing for-*
23 *eign language resources—*

24 (A) *to increase cost-effectiveness through*
25 *sharing of resources;*

1 (B) to identify foreign language needs and
2 priorities required to support foreign policy ob-
3 jectives; and

4 (C) to identify foreign language resources
5 capable of supporting global economic competi-
6 tiveness goals and to facilitate private sector ac-
7 cess to those resources.

8 (b) *POLICY.*—It is the sense of the Congress that—

9 (1) the Secretary of State, by virtue of his overall
10 responsibility under section 701(a) of the Foreign
11 Service Act of 1980 (22 U.S.C. 4011(a)) for training
12 and instruction in the field of foreign relations to
13 meet the needs of all Federal agencies, should take the
14 lead in this effort; and

15 (2) in order to avoid other Federal agencies du-
16 plicating the facilities and training provided by the
17 Secretary of State, a goal set out in section 701(b) of
18 the Foreign Service Act of 1980 (22 U.S.C. 4011(b)),
19 the Secretary of State should call upon other Federal
20 agencies to share in the joint management and co-
21 ordination of Federal foreign language resources.

22 (c) *DESIGNATION OF POSITION AND DUTIES.*—(1) The
23 Secretary of State shall appoint a Foreign Language Re-
24 sources Coordinator (in this subsection referred to as the
25 “Coordinator”) who shall be responsible—

1 (A) for coordinating the efforts of the appro-
2 priate agencies of Government—

3 (i) to strengthen mechanisms for sharing of
4 foreign language resources; and

5 (ii) to identify Federal foreign language re-
6 source requirements in the areas of diplomacy,
7 intelligence, military preparedness, international
8 security, and other foreign policy objectives; and

9 (B) for making recommendations to the Sec-
10 retary of State as to which Federal foreign language
11 assets, if any, should be made available to the private
12 sector in support of national global economic competi-
13 tiveness goals.

14 (2) All United States Government agencies maintain-
15 ing and utilizing Federal foreign language training and re-
16 lated resources shall cooperate fully with the Coordinator.

17 **SEC. 154. FOREIGN LANGUAGE TRANSLATOR AND INTER-**
18 **PRETER CAREER SERVICE PROGRAM.**

19 (a) *PURPOSE.*—It is the purpose of this section—

20 (1) to enhance the capability of the Department
21 of State to provide cost-effective, timely, and reliable
22 translation and interpretation services for Govern-
23 ment use;

24 (2) to obtain the services of professionally
25 trained translators and interpreters of foreign lan-

1 *guages for which the Secretary of State determines*
2 *there is a shortage of qualified Government personnel*
3 *which cannot otherwise be filled; and*

4 *(3) to stimulate United States institutions of*
5 *higher education to dedicate more resources to higher*
6 *levels of proficiency in their foreign language trans-*
7 *lation and interpretation programs.*

8 *(b) PROGRAM.—(1)(A) The Secretary shall establish a*
9 *program whereby the Department of State would obtain the*
10 *services of additional translators and interpreters trained*
11 *at institutions of higher education in the United States.*

12 *(B) Such program shall be referred to as the “Foreign*
13 *Language Translator and Interpreter Career Service Pro-*
14 *gram”.*

15 *(2)(A) Under such program, the Secretary shall pay*
16 *the costs of tuition for eligible United States citizens who*
17 *pursue professional training in translation or interpreta-*
18 *tion in foreign languages for which the Secretary deter-*
19 *mines there is a shortage of qualified Government personnel.*
20 *In exchange, individuals who successfully complete training*
21 *shall agree to perform such services at an entry-level rate*
22 *of pay in the Department of State for a period of not less*
23 *than one year for each year of academic tuition paid.*

24 *(B) Such individuals may be detailed or referred for*
25 *direct employment to other Government agencies in accord-*

1 *ance with practices and procedures established by the Sec-*
2 *retary.*

3 (c) *ELIGIBILITY.*—*A United States citizen shall be eli-*
4 *gible for participation in the program under this section*
5 *if—*

6 (1) *the individual—*

7 (A) *is enrolled as a full-time student at an*
8 *institution of higher education in the United*
9 *States; and*

10 (B) *is pursuing a full-time program in a*
11 *foreign language translation or interpretation;*

12 (2) *the institution and the program meet the ac-*
13 *creditation, curriculum, certification, and other*
14 *standards prescribed by the Secretary; and*

15 (3) *the individual submits a written application*
16 *to the Secretary and meets the minimum criteria pre-*
17 *scribed by the Secretary.*

18 (d) *NONCOMPLIANCE.*—*Any individual participating*
19 *in the program who fails to complete a program meeting*
20 *the standards prescribed in subsection (c)(2) shall reimburse*
21 *the Department of State for the Federal funds expended for*
22 *such individual's tuition, together with interest on such*
23 *funds (calculated at the prevailing rate).*

24 (e) *SURCHARGE FOR CERTAIN FOREIGN LANGUAGE*
25 *SERVICES.*—*Notwithstanding any other provision of law,*

1 *the Secretary of State is authorized to levy a surcharge, or*
2 *otherwise solicit funds, for providing other executive branch*
3 *agencies with foreign language translation and interpreta-*
4 *tion services.*

5 *(f) USE OF FUNDS.—Funds collected under the author-*
6 *ity of subsections (d) and (e) shall be deposited as an offset-*
7 *ting collection to any Department of State appropriation*
8 *to recover the cost of providing translation or interpretation*
9 *services in any foreign language, including the cost of train-*
10 *ing translators or interpreters pursuant to subsection (b).*
11 *Such funds may remain available until expended.*

12 *(g) DEFINITIONS.—For the purposes of this section—*
13 *(1) the term “institution of higher education”*
14 *has the same meaning given to such term by section*
15 *1201(a) of the Higher Education Act of 1965;*

16 *(2) the term “Secretary” means the Secretary of*
17 *State, acting through the Office of Language Services*
18 *or any successor office; and*

19 *(3) the term “shortage of qualified Government*
20 *personnel” means a shortage or absence of sufficiently*
21 *trained and qualified personnel to meet minimum re-*
22 *quirements for permanent Government employment as*
23 *translators or interpreters by reference to the stand-*
24 *ards employed by the Office of Language Services (or*

1 *successor office), which cannot otherwise be filled from*
2 *contract rosters or other sources.*

3 **SEC. 155. ASSIGNMENT OF FOREIGN SERVICE OFFICERS**
4 **WITH ADVANCED PROFICIENCY IN FOREIGN**
5 **LANGUAGES.**

6 (a) *PURPOSE.*—*It is the purpose of this section to en-*
7 *courage the assignment of Foreign Service personnel with*
8 *language proficiency at the S4/R4 level (full professional*
9 *proficiency, as tested by the Foreign Service Institute) to*
10 *posts or positions in which their language capabilities are*
11 *effectively utilized.*

12 (b) *FINDINGS.*—*The Congress finds that—*

13 (1) *the Department of State's Office of the In-*
14 *pector General noted, in its July 1993 report, that*
15 *existing foreign language proficiency among members*
16 *of the Foreign Service is not adequately weighed in*
17 *the assignments process, and that existing skills are*
18 *not adequately utilized, and*

19 (2) *the Department of State's Office of the In-*
20 *pector General urged that the Department has legiti-*
21 *mate requirements at overseas posts that can only be*
22 *satisfied through S4/R4 level skills, and recommended*
23 *that certain overseas positions be designated at the*
24 *S4/R4 competence level.*

1 (c) *PROGRAM.*—(1) Pursuant to section 702 of the For-
2 eign Service Act of 1980 (22 U.S.C. 4022), the Secretary
3 of State shall direct the establishment and apportionment
4 of a certain number of overseas positions, at the S4/R4 level,
5 in each of a majority of overseas missions, as follows:

6 (A) For missions using world languages with
7 more than nine Foreign Service Officer positions as-
8 signed by the Department of State, 8 percent of posi-
9 tions and not less than one position will be estab-
10 lished at the S4/R4 level.

11 (B) For posts using hard or incentive languages,
12 with more than nine Foreign Service Officer positions
13 assigned by the Department of State, the number of
14 S4/R4-designated positions shall be at least four per-
15 cent of positions, and not less than one position.

16 (2) Overseas posts and the Department of State shall
17 retain flexibility to apportion S4/R4 language-designated
18 positions within respective overseas posts.

19 (3) Assignment of personnel with full professional pro-
20 ficiency shall be completed not later than September 30,
21 1995.

22 (d) *REPORT TO THE CONGRESS.*—The Secretary of
23 State shall report to the Congress not later than September
24 30, 1994, describing the progress made toward implementa-
25 tion of this section.

1 **PART E—INTERNATIONAL ORGANIZATIONS**

2 **Subpart A—United Nations and Related Agencies**

3 **SEC. 161. LIMITATION ON CONTRIBUTIONS TO THE UNITED**

4 **NATIONS AND AFFILIATED ORGANIZATIONS.**

5 *The United States shall not make any voluntary or*
6 *assessed contribution—*

7 (1) *to any affiliated organization of the United*
8 *Nations which grants full membership as a state to*
9 *any organization or group that does not have the*
10 *internationally recognized attributes of statehood, or*

11 (2) *to the United Nations, if the United Nations*
12 *grants full membership as a state in the United Na-*
13 *tions to any organization or group that does not have*
14 *the internationally recognized attributes of statehood,*
15 *during any period in which such membership is effec-*
16 *tive.*

17 **SEC. 162. UNITED NATIONS SECURITY COUNCIL MEMBER-**

18 **SHIP.**

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

21 (1) *The effectiveness of the United Nations Secu-*
22 *urity Council in maintaining international peace and*
23 *security depends on its being representative of the*
24 *membership of the United Nations.*

25 (2) *The requirement of equitable geographic dis-*
26 *tribution in Article 23 of the United Nations Charter*

1 *reduction of diseases and disabilities in developing coun-*
2 *tries. The President shall direct the United States represent-*
3 *atives to the World Health Assembly, the Executive Board,*
4 *and the World Health Organization to monitor the activi-*
5 *ties of the World Health Organization to ensure that such*
6 *organizations achieve—*

7 (1) *the timely implementation of reforms and*
8 *management improvements, including those outlined*
9 *in the resolutions of the 46th World Health Assembly*
10 *related to the external Auditor (WHA 46.21), the Re-*
11 *port of the Executive Board on the WHO Response to*
12 *Global Change (WHA 46.16) and actions for Budg-*
13 *etary Reform (WHA 46.35); and*

14 (2) *the effective and efficient utilization and*
15 *monitoring of resources, including—*

16 (A) *the determination of strategic and fi-*
17 *nancial priorities; and*

18 (B) *the establishment of realistic and meas-*
19 *urable targets in accordance with the established*
20 *health priorities.*

21 (b) *REPORT.—Not later than 180 days after the date*
22 *of enactment of this Act, the Secretary of State shall submit*
23 *to the Chairman of the Foreign Relations Committee of the*
24 *Senate and the Speaker of the House of Representatives a*
25 *report assessing the World Health Organization's progress*

1 *in implementing the reforms identified in subsection (a)(1)*
2 *and (2).*

3 **SEC. 164. REFORMS IN THE FOOD AND AGRICULTURE ORGA-**
4 **NIZATION.**

5 *In view of the longstanding efforts of the United States*
6 *and the other major donor nations to reform the Food and*
7 *Agriculture Organization and in view of the findings of the*
8 *ongoing investigation of the General Accounting Office, it*
9 *is the sense of the Congress that—*

10 *(1) the United States should use the opportunity*
11 *of the 1993 election of a new Director General of the*
12 *Food and Agriculture Organization (FAO) to press*
13 *for long-needed organizational and management re-*
14 *forms; and*

15 *(2) it should be the policy of the United States*
16 *to promote the following reforms in the Food and Ag-*
17 *riculture Organization:*

18 *(A) Decentralization of the administrative*
19 *structure of FAO, including eliminating redun-*
20 *dant or unnecessary headquarters staff, increased*
21 *responsibilities of regional offices, increased time*
22 *for consideration of budget issues by member*
23 *states, and a more meaningful and direct role for*
24 *member states in the decision-making process.*

1 (B) Reform of the FAO Council, including
2 formation of an executive management commit-
3 tee to provide oversight of management.

4 (C) Limitation of the term of the Director
5 General and the number of terms which an indi-
6 vidual may serve.

7 (D) Restructuring of the Technical Coopera-
8 tion Program (TCP), including reducing the
9 number of nonemergency projects funds through
10 the TCP and establishing procedures to deploy
11 TCP consultants, supplies, and equipment in a
12 timely manner.

13 **SEC. 165. REFORM IN BUDGET DECISIONMAKING PROCE-**
14 **DURES OF THE UNITED NATIONS AND ITS**
15 **SPECIALIZED AGENCIES.**

16 (a) *ASSESSED CONTRIBUTIONS.*—For assessed con-
17 tributions authorized to be appropriated by section 102(a)
18 of this Act, the President may withhold 20 percent of the
19 funds appropriated for the United States assessed contribu-
20 tion to the United Nations or to any of its specialized agen-
21 cies for any calendar year if the United Nations or any
22 such agency has failed to implement or to continue to im-
23 plement consensus-based decisionmaking procedures on
24 budgetary matters which assure that sufficient attention is
25 paid to the views of the United States and other member

1 *states that are the major financial contributors to such as-*
2 *essed budgets.*

3 **(b) NOTICE TO CONGRESS.**—*The President shall notify*
4 *the Congress when a decision is made to withhold any share*
5 *of the United States assessed contribution to the United Na-*
6 *tions or its specialized agencies pursuant to subsection (a)*
7 *and shall notify the Congress when the decision is made*
8 *to pay any previously withheld assessed contribution. A no-*
9 *tification under this subsection shall include appropriate*
10 *consultation between the President (or his representative)*
11 *and the Committee on Foreign Affairs of the House of Rep-*
12 *resentatives and the Committee on Foreign Relations of the*
13 *Senate.*

14 **(c) CONTRIBUTIONS FOR PRIOR YEARS.**—*Subject to*
15 *the availability of appropriations, payment of assessed con-*
16 *tributions for prior years may be made to the United Na-*
17 *tions or any of its specialized agencies notwithstanding sub-*
18 *section (a) of this section, section 162(a) of the Foreign Re-*
19 *lations Authorization Act, Fiscal Years 1992 and 1993*
20 *(Public Law 102–138), section 405 of the Foreign Relations*
21 *Authorization Act, Fiscal Years 1990 and 1991 (Public*
22 *Law 101–246) and section 143 of the Foreign Relations Au-*
23 *thorization Act, Fiscal Years 1986 and 1987 (Public Law*
24 *99–93) if such payment would further United States inter-*
25 *ests in that organization.*

1 (b) *CERTIFICATION.*—*The certification referred to in*
2 *subsection (a) is a certification by the President to the Con-*
3 *gress that—*

4 (1) *the United Nations has established an inde-*
5 *pendent and objective Office of Inspector General to*
6 *conduct and supervise audits, inspections, and inves-*
7 *tigations relating to the programs and operations of*
8 *the United Nations and each of the specialized agen-*
9 *cies of the United Nations;*

10 (2) *the Secretary General of the United Nations*
11 *has appointed an Inspector General, with the consent*
12 *of the General Assembly, solely on the basis of integ-*
13 *egrity and demonstrated ability in accounting, audit-*
14 *ing, financial analysis, law, management analysis,*
15 *public administration, or investigations;*

16 (3) *the United Nations Office of Inspector Gen-*
17 *eral is authorized to—*

18 (A) *make investigations and reports relat-*
19 *ing to the administration of the programs and*
20 *operations of the United Nations and its special-*
21 *ized agencies;*

22 (B) *have access to all records and docu-*
23 *ments or other material available which relate to*
24 *those programs and operations; and*

1 (C) have direct and prompt access to any
2 official of the United Nations or of any of its
3 specialized agencies, including any head of a
4 specialized agency or official of the United Na-
5 tions Secretariat;

6 (4) the United Nations Office of Inspector Gen-
7 eral is keeping the head of each specialized agency,
8 the Secretary General, the members of the Security
9 Council, and the members of the General Assembly
10 fully informed about problems, deficiencies, and the
11 necessity for, and progress of, corrective action;

12 (5) the United Nations has established measures
13 to protect the identity of, and to prevent reprisals
14 against, any staff member making a complaint or
15 disclosing information to, or cooperating in any in-
16 vestigation or inspection by the Office of the Inspector
17 General; and

18 (6) the United Nations has enacted procedures to
19 ensure compliance with the recommendations of the
20 Inspector General.

21 (c) *DEFINITION.*—For purposes of this section, the
22 term “United Nations operations” includes any program,
23 project or activity conducted or supported, in whole or in
24 part, by the United Nations or any of its specialized agen-
25 cies.

1 **SEC. 167. AMERICAN PARTICIPATION IN MANAGEMENT OF**
2 **UNITED NATIONS.**

3 *(a) Funds authorized in section 102(a) of this Act for*
4 *fiscal year 1995 for the assessed contribution of the United*
5 *States to the United Nations are authorized to be appro-*
6 *priated only upon a certification by the Secretary of State*
7 *to the appropriate committees of the Congress that the posi-*
8 *tion of Under Secretary-General of the United Nations for*
9 *Administration and Management is being held by a citizen*
10 *of the United States as of October 1, 1994.*

11 *(b) Subsection (a) may be waived by the Secretary of*
12 *State only upon a certification to the appropriate commit-*
13 *tees of the Congress that—*

14 *(1) such waiver is in the national interest of the*
15 *United States, including the reason or reasons it is*
16 *in our interest; and*

17 *(2) the Secretary of State has confidence the in-*
18 *dividual holding the position of Under Secretary-Gen-*
19 *eral of the United Nations for Administration and*
20 *Management is committed to efficient management*
21 *practices and restrained budgets for the United Na-*
22 *tions.*

23 *(c) If a waiver and certification is made pursuant to*
24 *subsection (b), such certification shall include a justifica-*
25 *tion why a citizen of the United States does not hold said*

1 *position, since the United States is the largest single con-*
2 *tributor to the United Nations.*

3 *(d) It is the sense of the Congress that the position*
4 *of Under Secretary-General of the United Nations for Ad-*
5 *ministration and Management should be held by a citizen*
6 *of the United States.*

7 **SEC. 168. POLICY WITH RESPECT TO THE ESTABLISHMENT**
8 **OF AN INTERNATIONAL CRIMINAL COURT.**

9 *(a) CONGRESSIONAL FINDINGS.—Congress finds*
10 *that—*

11 *(1) the freedom and security of the international*
12 *community rests on the sanctity of the rule of law;*

13 *(2) the international community is increasingly*
14 *threatened by unlawful acts such as war crimes, geno-*
15 *cide, aggression, crimes against humanity, terrorism,*
16 *drug trafficking, money laundering, and other crimes*
17 *of an international character;*

18 *(3) the prosecution of individuals suspected of*
19 *carrying out such acts is often impeded by political*
20 *and legal obstacles such as amnesties, disputes over*
21 *extradition, differences in the structure and capabili-*
22 *ties of national courts, and the lack of uniform guide-*
23 *lines under which to try such individuals;*

24 *(4) the war crimes trials held in the aftermath*
25 *of World War II at Nuremberg, Germany, and Tokyo,*

1 *Japan, demonstrated that fair and effective prosecu-*
2 *tion of war criminals could be carried out in an*
3 *international forum;*

4 *(5) since its inception in 1945 the United Na-*
5 *tions has sought to build on the precedent established*
6 *at the Nuremberg and Tokyo trials by establishing a*
7 *permanent international criminal court with juris-*
8 *isdiction over crimes of an international character;*

9 *(6) United Nations General Assembly Resolution*
10 *44/39, adopted on December 4, 1989, called on the*
11 *International Law Commission to study the feasibil-*
12 *ity of an international criminal court;*

13 *(7) in the years after passage of that resolution*
14 *the International Law Commission has taken a num-*
15 *ber of steps to advance the debate over such a court,*
16 *including—*

17 *(A) the provisional adoption of a draft Code*
18 *of Crimes Against the Peace and Security of*
19 *Mankind;*

20 *(B) the creation of a Working Group on an*
21 *International Criminal Jurisdiction and the for-*
22 *mulation by that Working Group of several con-*
23 *crete proposals for the establishment and oper-*
24 *ation of an international criminal court; and*

1 (C) the determination that an international
2 criminal court along the lines of that suggested
3 by the Working Group is feasible and that the
4 logical next step would be to proceed with the
5 formal drafting of a statute for such a court;

6 (8) United Nations General Assembly Resolution
7 47/33, adopted on November 25, 1992, called on the
8 International Law Commission to begin the process of
9 drafting a statute for an international criminal court
10 at its next session; and

11 (9) given the developments of recent years, the
12 time is propitious for the United States to lend its
13 support to this effort.

14 (b) *SENSE OF THE CONGRESS.*—It is the sense of the
15 Congress that—

16 (1) the establishment of an international crimi-
17 nal court with jurisdiction over crimes of an inter-
18 national character would greatly strengthen the inter-
19 national rule of law;

20 (2) such a court would thereby serve the interests
21 of the United States and the world community; and

22 (3) the United States delegation should make
23 every effort to advance this proposal at the United
24 Nations.

1 (c) *REQUIRED REPORT.*—Not later than February 1,
2 1994, the President shall submit to Congress a detailed re-
3 port on developments relating to, and United States efforts
4 in support of, the establishment of an international crimi-
5 nal court with jurisdiction over crimes of an international
6 character.

7 **SEC. 169. INTERNATIONAL CRIMINAL COURT PARTICIPA-**
8 **TION.**

9 *The United States Senate will not consent to the ratifi-*
10 *cation of a treaty providing for United States participation*
11 *in an international criminal court with jurisdiction over*
12 *crimes of an international nature which permits represent-*
13 *atives of any terrorist organization, including but not lim-*
14 *ited to the Palestine Liberation Organization, or citizens,*
15 *nationals or residents of any country listed by the Secretary*
16 *of State under section 6(j) of the Export Administration*
17 *Act of 1979 as having repeatedly provided support for acts*
18 *of international terrorism, to sit in judgement on American*
19 *citizens.*

20 **SEC. 170. PROTECTION OF FIRST AND FOURTH AMEND-**
21 **MENT RIGHTS.**

22 *The United States Senate will not consent to the ratifi-*
23 *cation of any Treaty providing for United States participa-*
24 *tion in an international criminal court with jurisdiction*
25 *over crimes of an international character unless American*

1 *citizens are guaranteed, in the terms establishing such a*
2 *court, and in the court's operation, that the court will take*
3 *no action infringing upon or diminishing their rights*
4 *under the First and Fourth Amendments of the Constitu-*
5 *tion of the United States, as interpreted by the United*
6 *States.*

7 **SEC. 170A. JAPAN AND GERMANY BECOMING PERMANENT**
8 **MEMBERS OF THE UNITED NATIONS SECU-**
9 **RITY COUNCIL.**

10 *(a) The Senate finds that—*

11 *(1) in the post-Cold War period, the inter-*
12 *national community expects the United Nations to*
13 *play a larger role, particularly in peacekeeping oper-*
14 *ations that may, on occasion, require the use of force*
15 *against determined aggressors;*

16 *(2) in the past five years the United Nations has*
17 *engaged in more peacekeeping operations than in the*
18 *preceding forty;*

19 *(3) the Security Council is the United Nations*
20 *body chiefly responsible for matters of peace and secu-*
21 *rity;*

22 *(4) the United Nations structure and the Secu-*
23 *rity Council's roster of permanent members have re-*
24 *mained largely unchanged since the United Nations*
25 *was founded almost half a century ago;*

1 (5) *Japan and Germany, as the world's second*
2 *and third largest economies, respectively, have at-*
3 *tained levels of global reach and influence equal to or*
4 *surpassing current permanent members of the Secu-*
5 *rity Council;*

6 (6) *both Japan and Germany have announced*
7 *their desire to gain permanent membership in the Se-*
8 *curity Council;*

9 (7) *any country accorded permanent membership*
10 *must be capable of fulfilling the responsibilities of*
11 *such status, including participation in any United*
12 *Nations military operations;*

13 (8) *according permanent membership to nations*
14 *not capable of carrying out these responsibilities will*
15 *allow those countries to play a central role in shaping*
16 *United Nations peacekeeping operations which could*
17 *endanger the lives of American and other troops, but*
18 *in which their own forces could play no part;*

19 (9) *currently, in both Japan and Germany the*
20 *prevailing view is that each country is prohibited*
21 *from carrying out all the responsibilities that perma-*
22 *nent membership entails and appears reluctant to*
23 *make the changes necessary to gain those capabilities;*

1 (10) in Japan's case, further reconciliation with
2 its Asian neighbors who suffered during the World
3 War II period is recommended, therefore

4 (b) It is the sense of the Senate that—

5 (1) in principle, the United States should sup-
6 port both Japan and Germany in their wish to gain
7 permanent membership in the United Nations Secu-
8 rity Council; but

9 (2) neither Japan nor Germany should be ad-
10 mitted as permanent members until they are capable
11 of discharging the full range of responsibilities accept-
12 ed by all current permanent members of the Security
13 Council.

14 **SEC. 170B. TRANSMITTALS OF UNITED NATIONS DOCU-**
15 **MENTS.**

16 (a) TRANSMITTAL TO CONGRESS OF UNITED NATIONS
17 RESOLUTIONS AND REPORTS.—Section 4 of the United Na-
18 tions Participation Act of 1945 (22 U.S.C. 287b), as
19 amended by subsection (a), is further amended by adding
20 at the end the following:

21 “(c)(1) Not later than 72 hours after adoption by the
22 Security Council of a resolution authorizing United Na-
23 tions peacekeeping activities or any other action under the
24 Charter of the United Nations (including any extension,
25 modification, suspension, or termination of any previously

1 *authorized United Nations peacekeeping activity or other*
2 *action) which would involve the use of United States Armed*
3 *Forces or the expenditure of United States funds, the Per-*
4 *manent Representative shall transmit the text of such reso-*
5 *lution and any supporting documentation to the appro-*
6 *priate congressional committees.*

7 “(2) *The Permanent Representative shall promptly*
8 *transmit to the appropriate congressional committees any*
9 *report prepared by the United Nations distributed to the*
10 *members of Security Council assessments of any proposed,*
11 *ongoing, or concluded United Nations peacekeeping activ-*
12 *ity.”.*

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

16 “*SEC. 10. For purposes of this Act—*

17 “(1) *the term ‘appropriate congressional commit-*
18 *tees’ means the Committee on Appropriations, the*
19 *Committee on Armed Services, and the Committee on*
20 *Foreign Relations of the Senate and the Committee on*
21 *Appropriations, the Committee on Armed Services,*
22 *and the Committee on Foreign Affairs of the House*
23 *of Representatives;*

24 “(2) *the term ‘Permanent Representative’ means*
25 *the Permanent Representative of the United States to*

1 *the United Nations appointed by the President pursu-*
2 *ant to section 2 of this Act; and*

3 “(3) the term ‘United Nations peacekeeping ac-

4 *tivities’ means any international peacekeeping, peace-*
5 *making, peace-enforcing, or similar activity involving*
6 *the use of nationals of member countries of the United*
7 *Nations that is authorized by the Security Council*
8 *under chapter VI or VII of the United Nations Char-*
9 *ter.’”.*

10 **SEC. 170C. LIMITATIONS ON UNITED STATES FUNDING OF**

11 **UNITED NATIONS PEACEKEEPING ACTIVI-**

12 **TIES.**

13 *(a) It is the sense of the Senate that beginning October*
14 *1, 1995, funds made available to the Department of Defense*
15 *(including funds for “Operation and Maintenance”) shall*
16 *be available for—*

17 *(1) United States assessed or voluntary contribu-*
18 *tions for United Nations peacekeeping activities, or*

19 *(2) the unreimbursable incremental costs associ-*
20 *ated with the participation of United States Armed*
21 *Forces in United Nations peacekeeping activities un-*
22 *less such activities are necessary to protect American*
23 *lives or United States national interests,*

24 *only to the extent that the Congress has authorized, appro-*
25 *priated or otherwise approved funds for such purposes.*

1 **(b) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS**
2 *PEACEKEEPING ACTIVITIES.*—

3 **(1) REASSESSMENT OF CONTRIBUTION PERCENT-**
4 *AGES.*—*The Permanent Representative should make*
5 *every effort to ensure that the United Nations com-*
6 *pletes an overall review and reassessment of each na-*
7 *tion's assessed contributions for United Nations*
8 *peacekeeping activities. As part of the overall review*
9 *and assessment, the Permanent Representative should*
10 *make every effort to advance the concept that host*
11 *governments and other governments in the region*
12 *where a United Nations peacekeeping activity is car-*
13 *ried out should bear a greater burden of its financial*
14 *cost.*

15 **(2) UNITED STATES CONTRIBUTIONS.**—**(A)** *The*
16 *Permanent Representative should make every effort to*
17 *obtain agreement by the United Nations to a United*
18 *States assessed contribution for United Nations peace-*
19 *keeping activities that is no greater a percentage of*
20 *such contributions by all countries than the United*
21 *States percentage share of assessed contributions for*
22 *other United Nations activities.*

23 **(B)** *The Congress declares that, effective for fiscal*
24 *year 1996, it does not intend to make available funds*
25 *for payment of United States assessed or voluntary*

1 *contributions for United Nations peacekeeping activi-*
2 *ties that exceed 25 percent of the total amount of the*
3 *assessed and voluntary contributions of all countries*
4 *for such activities unless, after the date of enactment*
5 *of this Act, the Congress enacts a statute specifically*
6 *authorizing a greater percentage contribution.*

7 *(C) The Permanent Representative shall inform*
8 *the Secretary General of the congressional intent ex-*
9 *pressed in paragraph (2).*

10 *(c) UNITED STATES CONTRIBUTIONS TO UNITED NA-*
11 *TIONS PEACEKEEPING ACTIVITIES.—Section 4 of the Unit-*
12 *ed Nations Participation Act of 1945 (22 U.S.C. 287b) is*
13 *amended—*

14 *(1) by inserting “(a)” before “The President”;*
15 *and*

16 *(2) by adding at the end the following:*

17 *“(b)(1) The President shall, at the time of submission*
18 *of his annual budget request to the Congress, submit a re-*
19 *port to the Congress on the anticipated budget for the fiscal*
20 *year for United States participation in United Nations*
21 *peacekeeping activities.*

22 *“(2) The report required by paragraph (1) shall*
23 *state—*

24 *“(A) the aggregate amount of funds available to*
25 *the United Nations for that fiscal year, including as-*

1 *essed and voluntary contributions, which may be*
2 *made available for United Nations peacekeeping ac-*
3 *tivities; and*

4 *“(B) the aggregate amount of funds (from all ac-*
5 *counts) and the aggregate costs of in-kind contribu-*
6 *tions that the United States proposes to make avail-*
7 *able to the United Nations for that fiscal year for*
8 *United Nations peacekeeping activities.*

9 *“(3) The President shall include in his budget submis-*
10 *sion for fiscal year 1996 a projection of all United States*
11 *costs for United Nations peacekeeping activities during each*
12 *of fiscal years 1996, 1997, and 1998, including costs of in-*
13 *kind contributions and assessed and voluntary contribu-*
14 *tions.”.*

15 *(d) DEFINITIONS.—*

16 *(1) AMENDMENT.—The United Nations Partici-*
17 *pation Act of 1945 (22 U.S.C. 287 et seq.) is amended*
18 *by adding at the end the following new section:*

19 *“SEC. 10. For purposes of this Act—*

20 *“(1) the term ‘appropriate congressional commit-*
21 *tees’ means the Committee on Appropriations, the*
22 *Committee on Armed Services, and the Committee on*
23 *Foreign Relations of the Senate and the Committee on*
24 *Appropriations, the Committee on Armed Services,*

1 *and the Committee on Foreign Affairs of the House*
2 *of Representatives; and*

3 “(2) the term ‘Permanent Representative’ means
4 *the Permanent Representative of the United States to*
5 *the United Nations appointed by the President pursu-*
6 *ant to section 2 of this Act.*

7 **SEC. 170D. UNITED NATIONS PEACEKEEPING BUDGETARY**
8 **AND MANAGEMENT REFORM.**

9 (a) *WITHHOLDING OF CONTRIBUTIONS FOR UNITED*
10 *NATIONS PEACEKEEPING.—(1) At the beginning of each fis-*
11 *cal year (beginning with fiscal year 1995), 20 percent of*
12 *the amounts of funds made available for United States as-*
13 *essed contributions for United Nations peacekeeping activi-*
14 *ties shall be withheld from obligation and expenditure un-*
15 *less a certification has been made under subsection (b).*

16 (2) *For each fiscal year (beginning with fiscal year*
17 *1995), the United States may not pay any voluntary con-*
18 *tribution for international peacekeeping activities unless a*
19 *certification has been made under subsection (b).*

20 (b) *CERTIFICATION.—The certification referred to in*
21 *subsection (a) is a certification by the President to the Con-*
22 *gress that—*

23 (1) *the United Nations has established an inde-*
24 *pendent and objective Office of Inspector General to*
25 *conduct and supervise audits, inspections, and inves-*

1 *tigations relating to the United Nations peacekeeping*
2 *activities carried out by the United Nations;*

3 *(2) the Secretary General of the United Nations*
4 *has appointed an Inspector General, with the consent*
5 *of the General Assembly, solely the basis of integrity*
6 *and demonstrated ability in accounting, auditing, fi-*
7 *nancial analysis, law, management analysis, public*
8 *administration, or investigations;*

9 *(3) the United Nations Office of Inspector Gen-*
10 *eral is authorized to—*

11 *(A) make investigations and reports relat-*
12 *ing to the administration of the United Nations*
13 *peacekeeping activities carried out by the United*
14 *Nations;*

15 *(B) have access to all records and docu-*
16 *ments or other material available which relate to*
17 *those activities; and*

18 *(C) have direct and prompt access to rel-*
19 *evant officials of the United Nations, including*
20 *any official of the United Nations Secretariat;*

21 *(4) the United Nations Office of Inspector Gen-*
22 *eral is keeping the Secretary General and the mem-*
23 *bers of the Security Council fully informed about*
24 *problems, deficiencies, and the necessity for, and*
25 *progress of, corrective action;*

1 (5) *the United Nations has established measures*
2 *to protect the identity of, and to prevent reprisals*
3 *against, any staff member making a complaint or*
4 *disclosing information to, or cooperating in any in-*
5 *vestigation or inspection by the Office of the Inspector*
6 *General; and*

7 (6) *the United Nations has enacted procedures to*
8 *ensure compliance with Inspector General rec-*
9 *ommendations.*

10 (c) *DEFINITIONS.—For purposes of this section—*

11 (1) *the term “appropriate congressional commit-*
12 *tees” means the Committee on Appropriations, the*
13 *Committee on Armed Services, and the Committee on*
14 *Foreign Relations of the Senate and the Committee on*
15 *Appropriations, the Committee on Armed Services,*
16 *and the Committee on Foreign Affairs of the House*
17 *of Representatives; and*

18 (2) *the term “Permanent Representative” means*
19 *the Permanent Representative of the United States to*
20 *the United Nations appointed by the President pursu-*
21 *ant to section 2 of this Act.*

1 **SEC. 170E. REPORTING REQUIREMENTS INVOLVING MULTI-**
2 **LATERAL PEACEKEEPING ACTIVITIES.**

3 (a) *UNITED STATES PERSONNEL TAKEN PRISONER*
4 *WHILE SERVING IN MULTILATERAL PEACEKEEPING*
5 *FORCES.*—

6 (1) *FINDINGS.*—*The Congress finds that—*

7 (A) *until recent years United States mili-*
8 *tary personnel rarely served as part of multilat-*
9 *eral forces under the United Nations or regional*
10 *international organizations;*

11 (B) *despite infrequent service as part of*
12 *multilateral forces, United States personnel, such*
13 *as Colonel William Higgins in Lebanon, have*
14 *been captured, tortured, and murdered;*

15 (C) *in recent years, United States military*
16 *personnel have served much more frequently as*
17 *part of multilateral forces;*

18 (D) *the capture and torture of Chief War-*
19 *rant Officer Michael Durant in Somalia in Oc-*
20 *tober 1993 was a horrendous and recent example*
21 *of the risk to United States personnel in multi-*
22 *lateral forces;*

23 (E) *continued multilateral service increases*
24 *the probability that United States military per-*
25 *sonnel will be captured, and subject to mistreat-*
26 *ment;*

1 (F) *United States military personnel cap-*
2 *tured while serving as part of multilateral forces*
3 *have not been treated as prisoners of war under*
4 *the 1949 Geneva Conventions and other inter-*
5 *national agreements intended to protect pris-*
6 *oners of war; and*

7 (G) *failure of United States military per-*
8 *sonnel serving as part of a multilateral force to*
9 *receive protection under international law in-*
10 *creases the risk to personnel while serving in*
11 *multinational forces.*

12 (2) *POLICY.—It is the sense of the Congress*
13 *that—*

14 (A) *the President should take immediate*
15 *steps, unilaterally and in appropriate inter-*
16 *national bodies, to assure that any United States*
17 *military personnel serving as part of a multilat-*
18 *eral force who are captured are accorded the pro-*
19 *tection accorded to prisoners of war; and*

20 (B) *the President should also take all nec-*
21 *essary steps to bring to justice all individuals re-*
22 *sponsible for any mistreatment, torture, or death*
23 *of United States military personnel who are cap-*
24 *tured while serving in a multilateral force.*

1 (3) *REPORT.*—*Each report submitted pursuant*
2 *to section 169 of this Act shall include a separate sec-*
3 *tion setting forth—*

4 (A) *the status under international law of*
5 *members of multilateral peacekeeping forces, in-*
6 *cluding the legal status of such personnel if cap-*
7 *tured, missing, or detained,*

8 (B) *the extent of the risk for United States*
9 *military personnel who are captured while par-*
10 *ticipating in multinational peacekeeping forces*
11 *in cases where their captors fail to respect the*
12 *1949 Geneva Conventions and other inter-*
13 *national agreements intended to protect pris-*
14 *oners of war, and*

15 (C) *the specific steps that have been taken*
16 *to protect United States military personnel par-*
17 *ticipating in multinational peacekeeping forces,*
18 *together (if necessary) with any recommenda-*
19 *tions for the enactment of legislation to achieve*
20 *that objective.*

21 (b) *HUMAN RIGHTS OBSERVANCE IN UNITED NATIONS*
22 *PEACEKEEPING ACTIVITIES.*—*Section 169 of this Act is*
23 *amended to include the following at the end:*

24 “(5) *a description of respect for internationally*
25 *recognized human rights in countries or territories*

1 *where a United Nations peacekeeping activity has*
2 *taken place during the preceding year by United Na-*
3 *tions forces including a description of United Na-*
4 *tions' efforts to investigate and take appropriate ac-*
5 *tion in cases of alleged human rights violations.”.*

6 **Subpart B—Other International Organizations**

7 **SEC. 171. INTERNATIONAL BOUNDARY AND WATER COMMIS-**
8 **SION.**

9 (a) *AUTHORIZATION TO RECEIVE PAYMENTS.*—Sec-
10 *tion 2 of the American-Mexican Chamizal Convention Act*
11 *of 1964 (22 U.S.C. 277d–18) is amended—*

12 (1) *by inserting “(a)” before “The”; and*

13 (2) *by adding at the end the following new sub-*
14 *sections:*

15 “(b) *The United States Commissioner is authorized to*
16 *receive funds from public or private sources in the United*
17 *States or Mexico for the purpose of sharing in the cost of*
18 *replacement of the Bridge of the Americas, which crosses*
19 *the Rio Grande between El Paso, Texas, and Ciudad*
20 *Juarez, Chihuahua. Notwithstanding any other provision*
21 *of law, such payments of money shall be credited to any*
22 *appropriation to the Commission which is currently avail-*
23 *able. Funds received under this subsection shall be available*
24 *only for the replacement of such bridge.*

1 “(c) The authority of subsection (b) may be exercised
2 only to the extent or in such amounts as are provided in
3 advance in appropriation Acts.”.

4 (b) *EXPENDITURES FOR WATER POLLUTION PROB-*
5 *LEMS.*—Title I of the Act of June 20, 1956 (70 Stat. 302;
6 22 U.S.C. 277d–12), is amended in the fourth undesignated
7 paragraph under the heading “INTERNATIONAL BOUNDARY
8 AND WATER COMMISSION, UNITED STATES AND MEXICO” by
9 striking “Tijuana Rivers,” and all that follows before the
10 period and inserting “Tijuana Rivers, or other streams
11 running across or near the boundary, and for taking emer-
12 gency actions to protect against health-threatening surface
13 and ground water pollution problems along the United
14 States-Mexico boundary”.

15 (c) *FALCON AND AMISTAD DAMS MAINTENANCE*
16 *FUND.*—Section 2 of the Act of June 18, 1954 (68 Stat.
17 255), as amended by the Act of December 23, 1963 (77 Stat.
18 475), is further amended to read as follows:

19 “SEC. 2. (a) There is created within the Treasury of
20 the United States a separate fund, which shall be known
21 as the ‘Falcon and Amistad Operating and Maintenance
22 Fund’ (in this section referred to as the ‘Maintenance
23 Fund’). The Maintenance Fund shall be administered by
24 the Administrator of the Western Area Power Administra-
25 tion for use by the Commissioner of the United States Sec-

1 *tion of the International Boundary and Water Commission*
2 *to defray the operation, maintenance, and emergency costs*
3 *of the hydroelectric facilities at the Falcon and Amistad*
4 *dams.*

5 “(b) All revenues collected in connection with the dis-
6 position of electric power generated at the Falcon and
7 Amistad dams, except those revenues paid pursuant to sub-
8 section (d) to the general fund of the Treasury of the United
9 States, shall be credited to the Maintenance Fund and shall
10 remain available until expended for defraying the oper-
11 ation, maintenance, and emergency costs of the hydro-
12 electric facilities at the dams.

13 “(c) The authority of subsection (b) may be exercised
14 only to the extent or in such amounts as are provided in
15 advance in appropriation Acts.

16 “(d) Revenues in the Maintenance Fund in excess of
17 the operation, maintenance, and emergency needs shall be
18 paid annually to the general fund of the Treasury of the
19 United States to return the costs of replacements and the
20 original investments, with interest.

21 “(e) All funds received from the Government of Mexico
22 for any energy which might be delivered to that Government
23 by the United States Section of the International Boundary
24 and Water Commission pursuant to any special agreement
25 concluded in accordance with Article 19 of the treaty of Feb-

1 ruary 3, 1944, between the United States and Mexico (Trea-
2 ty Series 994) shall be credited to the General Fund of the
3 Treasury of the United States.”.

4 **SEC. 172. UNITED STATES MEMBERSHIP IN THE ASIAN-PA-**
5 **CIFIC ECONOMIC COOPERATION ORGANIZA-**
6 **TION.**

7 (a) *UNITED STATES MEMBERSHIP.*—The President is
8 authorized to maintain membership of the United States
9 in the Asian-Pacific Economic Cooperation (APEC).

10 (b) *PAYMENT OF ASSESSED CONTRIBUTIONS.*—For fis-
11 cal year 1994 and for each fiscal year thereafter, the United
12 States assessed contributions to APEC may be paid from
13 funds appropriated for “Contributions to International Or-
14 ganizations”.

15 **SEC. 173. EXTENSION OF THE INTERNATIONAL ORGANIZA-**
16 **TIONS IMMUNITIES ACT TO THE INTER-**
17 **NATIONAL UNION FOR CONSERVATION OF**
18 **NATURE AND NATURAL RESOURCES.**

19 *The International Organizations Immunities Act (22*
20 *U.S.C. 288 et seq.) is amended by adding at the end the*
21 *following new section:*

22 “SEC. 14. *The International Union for Conservation*
23 *of Nature and Natural Resources shall be considered to be*
24 *an international organization for the purposes of this title*
25 *and may be extended the provisions of this title in the same*

1 *manner, to the same extent, and subject to the same condi-*
2 *tions, as such provisions may be extended to a public inter-*
3 *national organization in which the United States partici-*
4 *pates pursuant to any treaty or under the authority of any*
5 *Act of Congress authorizing such participation or making*
6 *an appropriation for such participation.”.*

7 **SEC. 174. INTER-AMERICAN ORGANIZATIONS.**

8 (a) *FINDING.*—*The Congress finds that the work done*
9 *by the Inter-American organizations has been of great bene-*
10 *fit to the Hemisphere, and the United States itself has expe-*
11 *rienced a positive return from their efforts.*

12 (b) *POLICY.*—*Taking into consideration the long-term*
13 *commitment by the United States to the affairs of this*
14 *Hemisphere and the need to build further upon the linkages*
15 *between the United States and its neighbors, it is the sense*
16 *of the Congress that the Secretary of State, in allocating*
17 *the level of resources for international organizations, should*
18 *pay particular attention to funding levels of the Inter-*
19 *American organizations.*

20 **SEC. 175. PROHIBITION ON CONTRIBUTIONS TO THE INTER-**
21 **NATIONAL COFFEE ORGANIZATION.**

22 *None of the funds authorized to be appropriated by this*
23 *Act or any other Act may be used to fund any United States*
24 *contribution to the International Coffee Organization.*

1 **SEC. 176. PROHIBITION ON CONTRIBUTIONS TO THE INTER-**
2 **NATIONAL JUTE ORGANIZATION.**

3 *None of the funds authorized to be appropriated by this*
4 *Act or any other Act may be used to fund any United States*
5 *contribution to the International Jute Organization.*

6 **PART F—OTHER STATE DEPARTMENT-RELATED**
7 **PROVISIONS**

8 **SEC. 181. MIGRATION AND REFUGEE AMENDMENTS.**

9 *(a) MIGRATION AND REFUGEE ASSISTANCE ACT*
10 *AMENDMENTS.—Section 2 of the Migration and Refugee As-*
11 *sistance Act of 1962 (22 U.S.C. 2601) is amended—*

12 *(1) by striking “the Intergovernmental Commit-*
13 *tee for European Migration” each place it appears*
14 *and inserting “the International Organization for*
15 *Migration”;*

16 *(2) in subsection (a)—*

17 *(A) by striking “the Committee” and insert-*
18 *ing “the Organization” each place it appears;*
19 *and*

20 *(B) in the first sentence, by inserting before*
21 *the period “; as amended in Geneva, Switzer-*
22 *land, on May 20, 1987”; and*

23 *(3) in subsection (c)(2), by striking*
24 *“\$50,000,000” and inserting “\$100,000,000”.*

25 *(b) REPEAL.—Section 745 of Public Law 100–204 (22*
26 *U.S.C. 2601 note) is repealed.*

1 **SEC. 182. UNITED STATES POLICY CONCERNING OVERSEAS**
2 **ASSISTANCE TO REFUGEES AND DISPLACED**
3 **PERSONS.**

4 (a) *STANDARDS FOR REFUGEE WOMEN AND CHILD-*
5 *DREN.—The United States Government, in providing for*
6 *overseas assistance and protection of refugees and displaced*
7 *persons, should seek to address the protection and provision*
8 *of basic needs of refugee women and children who represent*
9 *80 percent of the world’s refugee population. As called for*
10 *in the 1991 United Nations High Commissioner for Refu-*
11 *gees (UNHCR) “Guidelines on the Protection of Refugee*
12 *Women,” whether directly, or through international organi-*
13 *zations, the Secretary of State should seek to ensure—*

14 (1) *specific attention on the part of the United*
15 *Nations and relief organizations to recruit and em-*
16 *ploy female protection officers;*

17 (2) *implementation of gender awareness training*
18 *and field staffing including, but not limited to, secu-*
19 *rity personnel;*

20 (3) *the protection of refugee women and children*
21 *from violence and other abuses on the part of govern-*
22 *ments or insurgent groups;*

23 (4) *full involvement of women refugees in the*
24 *planning and implementation of—*

25 (A) *the delivery of services and assistance;*
26 *and*

1 (B) the repatriation process;

2 (5) incorporation of maternal and child health
3 needs into refugee health services and education, spe-
4 cifically to include education on and access to services
5 in reproductive health and birth spacing;

6 (6) the availability of counseling and other serv-
7 ices, grievance processes, and protective services to
8 victims of violence and abuse, including but not lim-
9 ited to rape and domestic violence;

10 (7) the provision of educational programs, par-
11 ticularly literacy and numeracy, vocational and in-
12 come generation skills training, and other training ef-
13 forts promoting self sufficiency for refugee women,
14 with special emphasis on women heads of household;

15 (8) education for all refugee children, ensuring
16 equal access for girls, and special services and family
17 tracing for unaccompanied refugee minors;

18 (9) the collection of data that clearly enumerate
19 age and gender so that appropriate health, education,
20 and assistance programs can be planned;

21 (10) the recruitment, hiring, and training of
22 more women program professionals in the inter-
23 national humanitarian field; and

24 (11) gender awareness training for program staff
25 of the United Nations High Commissioner for Refu-

1 *gees (UNHCR) and nongovernmental voluntary orga-*
2 *nizations on implementation of the 1991 UNHCR*
3 *“Guidelines on the Protection of Refugee Women”.*

4 *(b) PROCEDURES.—The Secretary of State should*
5 *adopt specific procedures to ensure that all recipients of*
6 *United States Government refugee and migration assistance*
7 *funds implement the standards outlined in subsection (a).*

8 *(c) REQUIREMENTS FOR REFUGEE AND MIGRATION*
9 *ASSISTANCE.—The Secretary of State, in providing migra-*
10 *tion and refugee assistance, should support the protection*
11 *efforts set forth under this section by raising at the highest*
12 *levels of Government the issue of abuses against refugee*
13 *women and children by governments and insurgent groups*
14 *that engage in, permit, or condone—*

15 *(1) a pattern of gross violations of internation-*
16 *ally recognized human rights, such as torture or cruel,*
17 *inhumane, or degrading treatment or punishment,*
18 *prolonged detention without charges, or other flagrant*
19 *denial to life, liberty, and the security of persons;*

20 *(2) the blockage of humanitarian relief assist-*
21 *ance;*

22 *(3) gender-specific persecution such as systematic*
23 *individual or mass rape, forced pregnancy, forced*
24 *abortion, enforced prostitution, any form of indecent*

1 *assault or act of violence against refugee women,*
2 *girls, and children; or*

3 *(4) continuing violations of the integrity of the*
4 *person against refugee women and children on the*
5 *part of armed insurgents, local security forces, or*
6 *camp guards.*

7 *(d) INVESTIGATION OF REPORTS.—Upon receipt of*
8 *credible reports of abuses under subsection (c), the Secretary*
9 *of State should immediately investigate such reports*
10 *through emergency factfinding missions or other means of*
11 *investigating such reports and help identify appropriate re-*
12 *medial measures.*

13 *(e) MULTILATERAL IMPLEMENTATION OF THE 1991*
14 *UNHCR “GUIDELINES ON THE PROTECTION OF REFUGEE*
15 *WOMEN”.—The Secretary of State should work to ensure*
16 *that multilateral organizations fully incorporate the needs*
17 *of refugee women and children into all elements of refugee*
18 *assistance programs and work to encourage other govern-*
19 *ments that provide refugee assistance to adopt refugee as-*
20 *sistance policies designed to encourage full implementation*
21 *of the UNHCR’s “Guidelines on the Protection of Refugee*
22 *Women”.*

1 **SEC. 183. INTERPARLIAMENTARY EXCHANGES.**

2 (a) *MEXICO-UNITED STATES INTERPARLIAMENTARY*
3 *GROUP.—Section 2 of the Act of April 9, 1960 (22 U.S.C.*
4 *276i) is amended—*

5 (1) *by striking “\$100,000” and inserting*
6 *“\$80,000”; and*

7 (2) *by striking “\$50,000” both places it appears*
8 *and inserting “\$40,000”.*

9 (b) *CANADA-UNITED STATES INTERPARLIAMENTARY*
10 *GROUP.—Section 2 of the Act of June 11, 1959 (22 U.S.C.*
11 *276e) is amended—*

12 (1) *by striking “\$50,000” and inserting*
13 *“\$70,000”; and*

14 (2) *by striking “\$25,000” both places it appears*
15 *and inserting “\$35,000”.*

16 (c) *DEPOSIT OF FUNDS IN INTEREST-BEARING AC-*
17 *COUNTS.—Funds appropriated and disbursed pursuant to*
18 *section 303 of the Departments of Commerce, Justice, and*
19 *State, the Judiciary, and Related Agencies Appropriation*
20 *Act, 1988 (as added by section 101(a) of Public Law 100-*
21 *202) (101 Stat. 1329–23; 22 U.S.C. 276 note) are author-*
22 *ized to be deposited in interest-bearing accounts and any*
23 *interest which accrues shall be deposited, periodically, in*
24 *the miscellaneous receipts account of the Treasury.*

1 **SEC. 184. REPORT ON TERRORIST ASSETS IN THE UNITED**
2 **STATES.**

3 (a) *IN GENERAL.*—Section 140(a) of the Foreign Rela-
4 tions Authorization Act, Fiscal Years 1988 and 1989 (22
5 U.S.C. 2656f(a)) is amended—

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and (ii), respec-
8 tively;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively;

11 (3) by inserting “(1)” immediately after “TER-
12 RORISM.—”;

13 (4) by striking “and” at the end of subpara-
14 graph (A);

15 (5) by striking the period at the end of subpara-
16 graph (B) and inserting “; and”; and

17 (6) by adding at the end the following:

18 “(C) the nature and extent of assets held in
19 the United States on behalf of foreign countries
20 and groups responsible for the acts described in
21 subparagraphs (A) and (B).

22 “(2) In reporting on the information required by
23 paragraph (1)(C), the Secretary of State shall consult
24 with the Secretary of the Treasury, the Attorney Gen-
25 eral, and such other heads of relevant departments

1 *and agencies of the United States as may be nec-*
2 *essary.”*

3 *(b) CONFORMING AMENDMENTS.—Section 140(b) of*
4 *such Act is amended—*

5 *(1) in paragraph (1), by striking “subsection*
6 *(a)(1)” and inserting “subsection (a)(1)(A)”; and*

7 *(2) in paragraph (2), by striking “subsection*
8 *(a)(1)” and inserting “subsection (a)(1)(B)”.*

9 **SEC. 185. COORDINATION OF COUNTERTERRORISM ACTIVI-**
10 **TIES.**

11 *(a) FINDINGS.—It is the sense of the Congress that—*

12 *(1) international terrorism continues to be a se-*
13 *rious threat to the peace and security of democratic*
14 *nations, the United States included;*

15 *(2) international terrorist acts against the Unit-*
16 *ed States or its people can only be combatted through*
17 *a vigorous coordination of efforts on the part of re-*
18 *sponsible United States Federal agencies; and*

19 *(3) United States citizens have continued to be*
20 *targets of terrorism both at home and abroad.*

21 *(b) COORDINATION.—The Congress strongly urges the*
22 *Secretary of State to take steps to ensure that coordination*
23 *of counterterrorism activities occupies a high priority with-*
24 *in the Department of State by a demonstrated dedication*

1 *to the assignment of both personnel and resources to the*
2 *issue of counterterrorism.*

3 **SEC. 186. FACILITATING ACCESS TO THE DEPARTMENT OF**
4 **STATE BUILDING.**

5 (a) *PROCEDURES TO FACILITATE ACCESS.*—*The Of-*
6 *fice of Diplomatic Security shall establish procedures to en-*
7 *sure that the members and staff of the congressional com-*
8 *mittees of jurisdiction are granted easy access to the De-*
9 *partment of State in the conduct of their duties. Such proce-*
10 *dures shall enable an individual employed by any such*
11 *committee to be granted immediate access to the Depart-*
12 *ment of State building upon the presentation of a valid*
13 *United States Senate or House of Representatives identi-*
14 *fication card, if such individual's name appears on a list*
15 *of staff members provided in advance in writing to the Of-*
16 *fice of Diplomatic Security by the chairman and ranking*
17 *member of the committee employing such staff. A copy of*
18 *such list shall be made available to the reception desk at*
19 *the Department of State.*

20 (b) *PARKING PERMITS.*—*The Office of Diplomatic Se-*
21 *curity shall also make available a reasonable number of*
22 *parking permits to each committee in order to facilitate at-*
23 *tendance of meetings at the Department of State.*

24 (c) *DEFINITION.*—*For purposes of this section, the*
25 *term “congressional committees of jurisdiction” means the*

1 *Committee on Foreign Relations and the Committee on Ap-*
2 *propriations of the Senate and the Committee on Foreign*
3 *Affairs and the Committee on Appropriations of the House*
4 *of Representatives.*

5 **SEC. 187. RECORD OF PLACE OF BIRTH FOR TAIWANESE-**
6 **AMERICANS.**

7 *For purposes of the registration of birth or certifi-*
8 *cation of nationality of a United States citizen born in Tai-*
9 *wan, the Secretary of State shall permit the place of birth*
10 *to be recorded as Taiwan.*

11 **SEC. 188. REPEAL OF REPORTING REQUIREMENTS.**

12 *The following provisions of law are hereby repealed:*

13 *(1) Section 37(d) of the State Department Basic*
14 *Authorities Act of 1956 (22 U.S.C. 2709), relating to*
15 *firearms regulations for special agents.*

16 *(2) Section 214(c) of the State Department Basic*
17 *Authorities Act of 1956 (22 U.S.C. 4314), relating to*
18 *extraordinary protective services to foreign missions.*

19 *(3) Section 216(d) of the State Department*
20 *Basic Authorities Act of 1956 (22 U.S.C. 4316(d)), re-*
21 *lating to application of travel restrictions to person-*
22 *nel of certain countries and organizations.*

23 *(4) Section 108 of the Foreign Relations Author-*
24 *ization Act, Fiscal Year 1978 (22 U.S.C. 2151n-1),*
25 *relating to Americans incarcerated abroad.*

1 (5) *Section 512(b)(2) of the Foreign Relations*
2 *Authorization Act, Fiscal Year 1978 (22 U.S.C.*
3 *2428a(b)), relating to withdrawal of United States*
4 *troops from Korea.*

5 (6) *Section 412(b) of the Foreign Service Act of*
6 *1980 (22 U.S.C. 3972(b)), relating to special differen-*
7 *tials for Foreign Service officers.*

8 (7) *The second sentence of section 2207(c) of the*
9 *Foreign Service Act of 1980 (22 U.S.C. 4171(c)), re-*
10 *lating to foreign language competence requirements:*
11 *exceptions.*

12 (8) *The second sentence of section 103(b) of the*
13 *Department of State Authorization Act, Fiscal Years*
14 *1982 and 1983 (22 U.S.C. 2656 note), relating to sta-*
15 *tus of certain consulates to be reopened.*

16 (9) *Section 9 of the Radio Broadcasting to Cuba*
17 *Act (22 U.S.C. 1465g), relating to evaluation of Cuba*
18 *service programming.*

19 (10) *Section 130(c) of the Department of State*
20 *Authorization Act, Fiscal Years 1984 and 1985 (22*
21 *U.S.C. 3982 note), relating to merger of Foreign Serv-*
22 *ice Information Corps into the Foreign Service Corps.*

23 (11) *Section 207(b) of the Department of State*
24 *Authorization Act, Fiscal Years 1984 and 1985 (22*
25 *U.S.C. 2460 note), relating to foreign travel financed*

1 *from the United States Information Agency's private*
2 *sector program.*

3 *(12) Section 120(d) of the Foreign Relations Au-*
4 *thorization Act, Fiscal Years 1986 and 1987 (Public*
5 *Law 99-93), relating to Foreign Service associates*
6 *pilot project.*

7 *(13) Section 611 of the Foreign Relations Au-*
8 *thorization Act, Fiscal Years 1986 and 1987 (22*
9 *U.S.C. 4711), relating to United States scholarship*
10 *program for developing countries.*

11 *(14) Section 812(c) of the Foreign Relations Au-*
12 *thorization Act, Fiscal Years 1986 and 1987 (Public*
13 *Law 99-93), relating to Japan's fulfillment of its*
14 *common defense commitments.*

15 *(15) Section 153(d) of the Foreign Relations Au-*
16 *thorization Act, Fiscal Years 1988 and 1989 (22*
17 *U.S.C. 4301 note; Public Law 100-204), relating to*
18 *United States-Soviet reciprocity in matters relating*
19 *to embassies.*

20 *(16) Section 701(b) of the Foreign Relations Au-*
21 *thorization Act, Fiscal Years 1988 and 1989 (22*
22 *U.S.C. 287e note; Public Law 100-204), relating to*
23 *status of secondment within the United Nations.*

24 *(17) Section 804(b) of the Foreign Relations Au-*
25 *thorization Act, Fiscal Years 1990 and 1991 (Public*

1 *Law 101–246), relating to compliance with commit-*
2 *ments by the Palestine Liberation Organization.*

3 *(18) Section 1(5) of the joint resolution entitled*
4 *“Joint resolution relating to NASA and the Inter-*
5 *national Space Year”, approved July 31, 1990 (Pub-*
6 *lic Law 101–339), relating to the international space*
7 *year—1992.*

8 *(19) Section 232 of the Conventional Forces in*
9 *Europe Treaty Implementation Act of 1991 (Public*
10 *Law 102–228), relating to activities to reduce Soviet*
11 *military threat.*

12 *(20) Section 401(c) of the Conventional Forces in*
13 *Europe Treaty Implementation Act of 1991 (22*
14 *U.S.C. 2551 note), relating to the Arms Control and*
15 *Disarmament Agency’s revitalization report.*

16 ***SEC. 189. SENSE OF THE SENATE.***

17 *It is the sense of the Senate that—*

18 *(1) there is a growing concern among some of the*
19 *Members of this body that the unlimited terms of Of-*
20 *fice of Inspectors General in Federal agencies may be*
21 *undesirable, therefore*

22 *(2) the issue of amending the Inspector General*
23 *Act to establish term limits for Inspectors General*
24 *should be examined and considered as soon as possible*
25 *by the appropriate committees of jurisdiction.*

1 **SEC. 190. VALUE OF CONTRACTED GOODS AND SERVICES.**

2 (a) *The United Nations is increasingly contracting out*
3 *to the private sector various aspects of its peacekeeping op-*
4 *erations. The Permanent Representative of the United*
5 *States to the United Nations should make every effort to*
6 *ensure that United States contractors are awarded an ap-*
7 *propriate portion of these contracts commensurate with the*
8 *overall contribution of the United States to United Nations*
9 *peacekeeping.*

10 (b) *The Permanent Representative shall report to the*
11 *Congress in writing annually setting forth the dollar value*
12 *and percentage of total peacekeeping contracts that have*
13 *been awarded to United States contractors during the pre-*
14 *vious year, beginning twelve months after the date of enact-*
15 *ment of this Act.*

16 **SEC. 191. BUDGET JUSTIFICATION FOR SECURITY COSTS.**

17 *Beginning ninety days after the enactment of this Act,*
18 *and annually thereafter on the day the budget of the United*
19 *States is submitted to the Congress, the Secretary of State*
20 *shall submit to the Congress a detailed budget justification*
21 *on the costs to provide security and protection to the Sec-*
22 *retary of State both domestically and internationally. Such*
23 *justification shall include the number of full-time perma-*
24 *nent personnel assigned to Secretarial protection, the cost*
25 *of salaries, overtime, per diem, travel, equipment and vehi-*
26 *cles for carrying out such protective activities.*

1 **TITLE II—UNITED STATES IN-**
2 **FORMATIONAL, EDUCATION-**
3 **TIONAL, AND CULTURAL PRO-**
4 **GRAMS**

5 **PART A—AUTHORIZATION OF APPROPRIATIONS**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) *IN GENERAL.*—The following amounts are author-
8 ized to be appropriated to carry out international informa-
9 tion activities, and educational and cultural exchange pro-
10 grams under the United States Information and Edu-
11 cational Exchange Act of 1948, the Mutual Educational
12 and Cultural Exchange Act of 1961, Reorganization Plan
13 Number 2 of 1977, the Radio Broadcasting to Cuba Act,
14 the Television Broadcasting to Cuba Act, the Board for
15 International Broadcasting Act, the Inspector General Act
16 of 1978, the National Endowment for Democracy Act, and
17 to carry out other authorities in law consistent with such
18 purposes:

19 (1) *SALARIES AND EXPENSES.*—For “Salaries
20 and Expenses” for the United States Information
21 Agency, \$478,854,000 for the fiscal year 1994 and
22 \$478,854,000 for the fiscal year 1995.

23 (2) *EDUCATIONAL AND CULTURAL EXCHANGE*
24 *PROGRAMS.*—

1 (A) *FULBRIGHT ACADEMIC EXCHANGE PRO-*
2 *GRAMS.—For the “Fulbright Academic Exchange*
3 *Programs”, \$141,043,000 for the fiscal year 1994*
4 *and \$141,043,000 for the fiscal year 1995.*

5 (B) *OTHER EXISTING PROGRAMS.—For*
6 *“Hubert H. Humphrey Fellowship Program”,*
7 *“Edmund S. Muskie Fellowship Program”,*
8 *“International Visitors Program”, “Israeli-Arab*
9 *Scholarship Program”, “Mike Mansfield Fellow-*
10 *ship Program”, “Claude and Mildred Pepper*
11 *Scholarship Program of the Washington Work-*
12 *shops Foundation”, “Citizen Exchange Pro-*
13 *grams”, “Congress-Bundestag Exchange Pro-*
14 *gram”, “Newly Independent States and Eastern*
15 *Europe Training”, “Institute for Representative*
16 *Government”, “Freedom Support Act Secondary*
17 *School Exchanges”, and “Arts America”,*
18 *\$105,879,000 for the fiscal year 1994 and*
19 *\$105,879,000 for the fiscal year 1995.*

20 (C) *NEW PROGRAMS.—*

21 (i) *GOODWILL GAMES.—For the Good-*
22 *will Games, \$1,000,000 for the fiscal year*
23 *1994.*

24 (ii) *EAST TIMOR.—For scholarships for*
25 *East Timorese students established by sec-*

1 *tion 222, \$150,000 for the fiscal year 1994*
2 *and \$150,000 for the fiscal year 1995.*

3 *(iii) CAMBODIA.—For scholarships for*
4 *Cambodians established by section 223,*
5 *\$500,000 for the fiscal year 1994 and*
6 *\$500,000 for the fiscal year 1995.*

7 *(iv) WORLD CUP.—For events associ-*
8 *ated with the 1994 World Cup soccer finals,*
9 *\$1,500,000 for the fiscal year 1994.*

10 *(3) BROADCASTING TO CUBA.—For “Broadcast-*
11 *ing to Cuba”, \$28,351,000 for the fiscal year 1994*
12 *and \$28,351,000 for the fiscal year 1995.*

13 *(4) INTERNATIONAL BROADCASTING ACTIVI-*
14 *TIES.—For “International Broadcasting Activities”*
15 *\$560,790,000 for the fiscal year 1994 and*
16 *\$560,790,000 for the fiscal year 1995.*

17 *(5) OFFICE OF THE INSPECTOR GENERAL.—For*
18 *the “Office of the Inspector General”, \$4,390,000 for*
19 *the fiscal year 1994 and \$4,390,000 for the fiscal year*
20 *1995.*

21 *(6) NATIONAL ENDOWMENT FOR DEMOCRACY.—*
22 *For the “National Endowment for Democracy”,*
23 *\$35,000,000 for the fiscal year 1994 and \$35,000,000*
24 *for the fiscal year 1995.*

1 (7) *CENTER FOR CULTURAL AND TECHNICAL*
2 *INTERCHANGE BETWEEN EAST AND WEST.*—For the
3 *“Center for Cultural and Technical Interchange be-*
4 *tween East and West”, \$26,000,000 for the fiscal year*
5 *1994 and \$26,000,000 for the fiscal year 1995.*

6 (8) *INTERNATIONAL BROADCASTING OPER-*
7 *ATIONS.*—For *“International Broadcasting Oper-*
8 *ations”, \$395,356,000 for the fiscal year 1996 and*
9 *\$400,784,000 for the fiscal year 1997.*

10 (9) *RADIO CONSTRUCTION.*—For *“Radio Con-*
11 *struction”, \$108,874,000 for the fiscal year 1996 and*
12 *\$111,528,000 for the fiscal year 1997.*

13 (b) *AUTHORIZATION WITHIN “SALARIES AND EX-*
14 *PENSES ACCOUNT”.*—Of the amount authorized to be ap-
15 propriated by subsection (a)(1), \$350,000 is authorized for
16 the fiscal year 1994 for the establishment and operation of
17 a United States Information Agency office in Lhasa, Tibet,
18 under section 219 of this Act and \$350,000 is authorized
19 for the fiscal year 1995 for the continued operation of such
20 office.

21 (c) *AUTHORIZATIONS WITHIN “FULBRIGHT ACADEMIC*
22 *EXCHANGE PROGRAMS”.*—

23 (1) *Of the amount authorized to be appropriated*
24 *by subsection (a)(2)(A), \$3,000,000 is authorized for*
25 *the fiscal year 1994 and \$3,000,000 for the fiscal year*

1 *1995 for the Vietnam scholarship program established*
2 *by section 229 of the Foreign Relations Authorization*
3 *Act, Fiscal Years 1992 and 1993 (Public Law 102–*
4 *138).*

5 *(2) Of the amount authorized to be appropriated*
6 *by subsection (a)(2)(A), \$2,000,000 is authorized for*
7 *the fiscal year 1994 and \$2,000,000 for the fiscal year*
8 *1995 for the “Environment and Sustainable Develop-*
9 *ment Exchange Program” established by section 224*
10 *of this Act.*

11 ***PART B—USIA AND RELATED AGENCIES***

12 ***AUTHORITIES AND ACTIVITIES***

13 ***SEC. 211. CHANGES IN ADMINISTRATIVE AUTHORITIES.***

14 *Section 801 of the United States Information and*
15 *Educational Exchange Act of 1948 (22 U.S.C. 1471) is*
16 *amended—*

17 *(1) in paragraph (5), by striking “and” after the*
18 *semicolon;*

19 *(2) in paragraph (6), by striking the period at*
20 *the end and inserting “; and”; and*

21 *(3) by adding at the end the following new para-*
22 *graph:*

23 *“(7) notwithstanding any other provision of law,*
24 *to carry out projects involving security construction*
25 *and related improvements for Agency facilities not*

1 *physically located together with Department of State*
2 *facilities abroad.”.*

3 **SEC. 212. BUYING POWER MAINTENANCE ACCOUNT.**

4 *Section 704(c) of the United States Information and*
5 *Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is*
6 *amended—*

7 (1) *by redesignating clauses (1) and (2) as*
8 *clauses (A) and (B), respectively;*

9 (2) *by inserting “(1)” after “(c)”;* and

10 (3) *by adding at the end the following new para-*
11 *graphs:*

12 “(2) *In carrying out this subsection, there may be es-*
13 *tablished a Buying Power Maintenance account.*

14 “(3) *In order to eliminate substantial gains to the ap-*
15 *proved levels of overseas operations for the United States*
16 *Information Agency, the Director shall transfer to the Buy-*
17 *ing Power Maintenance account such amounts appro-*
18 *priated for ‘Salaries and Expenses’ as the Director deter-*
19 *mines are excessive to the needs of the approved level of op-*
20 *erations under that appropriation account because of fluc-*
21 *tuations in foreign currency exchange rates or changes in*
22 *overseas wages and prices.*

23 “(4) *In order to offset adverse fluctuations in foreign*
24 *currency exchange rates or foreign wages and prices, the*
25 *Director may transfer from the Buying Power Maintenance*

1 account to the 'Salaries and Expenses' appropriations ac-
2 count such amounts as the Director determines are nec-
3 essary to maintain the approved level of operations under
4 that appropriation account.

5 “(5) Funds transferred by the Director from the Buy-
6 ing Power Maintenance account to another account shall
7 be merged with and be available for the same purpose, and
8 for the same time period, as the funds in that other account.
9 Funds transferred by the Director from another account to
10 the Buying Power Maintenance account shall be merged
11 with the funds in the Buying Power Maintenance account
12 and shall be available for the purposes of that account until
13 expended.

14 “(6) Any restriction contained in an appropriation
15 Act or other provision of law limiting the amounts that
16 may be obligated or expended by the United States Informa-
17 tion Agency shall be deemed to be adjusted to the extent
18 necessary to offset the net effect of fluctuations in foreign
19 currency exchange rates or overseas wage and price changes
20 in order to maintain approved levels.

21 “(7)(A) Subject to the limitations contained in this
22 paragraph, not later than the end of the 5th fiscal year after
23 the fiscal year for which funds are appropriated or other-
24 wise made available for the 'Salaries and Expenses' ac-

1 *count, the Director may transfer any unobligated balance*
2 *of such funds to the Buying Power Maintenance account.*

3 *“(B) The balance of the Buying Power Maintenance*
4 *account may not exceed \$50,000,000 as a result of any*
5 *transfer under this paragraph.*

6 *“(C) Any transfer pursuant to this paragraph shall*
7 *be treated as a reprogramming of funds under section 705*
8 *and shall be available for obligation or expenditure only*
9 *in accordance with the procedures under such section.*

10 *“(D) The authorities contained in this section may*
11 *only be exercised to such an extent and in such amounts*
12 *as specifically provided in advance in appropriation Acts.”.*

13 ***SEC. 213. CONTRACT AUTHORITY.***

14 *Section 802(b) of the United States Information and*
15 *Educational Exchange Act of 1948 (22 U.S.C. 1472(b)) is*
16 *amended by adding at the end the following new paragraph:*

17 *“(4)(A) Notwithstanding the other provisions of this*
18 *subsection, the United States Information Agency is author-*
19 *ized to enter into contracts for periods not to exceed 7 years*
20 *for circuit capacity to distribute radio and television pro-*
21 *grams.*

22 *“(B) The authority of this paragraph may be exercised*
23 *for a fiscal year only to such extent or in such amounts*
24 *as are provided in advance in appropriations Acts.”.*

1 **SEC. 214. PROHIBITION ON DISCRIMINATORY CONTRACTS.**

2 (a) *PROHIBITION.*—

3 (1) *Except for real estate leases and as provided*
4 *in subsection (b), the United States Information*
5 *Agency may not enter into any contract that expends*
6 *funds appropriated to the United States Information*
7 *Agency for an amount in excess of the small purchase*
8 *threshold (as defined in section 4(11) of the Office of*
9 *Federal Procurement Policy Act (41 U.S.C.*
10 *403(11))—*

11 (A) *with a foreign person that complies*
12 *with the Arab League boycott of Israel, or*

13 (B) *with any foreign or United States per-*
14 *son that discriminates in the award of sub-*
15 *contracts on the basis of religion.*

16 (2) *For purposes of this section—*

17 (A) *a foreign person complies with the boy-*
18 *cott of Israel by Arab League countries when*
19 *that foreign person takes or knowingly agrees to*
20 *take any action, with respect to the boycott of Is-*
21 *rael by Arab League countries, which section*
22 *8(a) of the Export Administration Act of 1979*
23 *(50 U.S.C. App. 2407(a)) prohibits a United*
24 *States person from taking, except that for pur-*
25 *poses of this paragraph, the term “United States*
26 *person” as used in subparagraphs (B) and (C)*

1 *of section 8(a)(1) of such Act shall be deemed to*
2 *mean “person”; and*

3 *(B) the term “foreign person” means any*
4 *person other than a United States person as de-*
5 *finied in section 16(2) of the Export Administra-*
6 *tion Act of 1979 (50 U.S.C. App. 2415).*

7 *(3) For purposes of paragraph (1), a foreign per-*
8 *son shall be deemed not to comply with the boycott of*
9 *Israel by Arab League countries if that person, or the*
10 *Director of the United States Information Agency or*
11 *his designee on the basis of available information, cer-*
12 *tifies that the person violates or otherwise does not*
13 *comply with the boycott of Israel by Arab League*
14 *countries by taking any actions prohibited by section*
15 *8(a) of the Export Administration Act of 1979 (50*
16 *U.S.C. App. 2407(a)). Certification by the Director of*
17 *the United States Information Agency or his designee*
18 *may occur only 30 days after notice has been given*
19 *to the Congress that this certification procedure will*
20 *be utilized at a specific overseas mission.*

21 *(b) WAIVER BY THE DIRECTOR OF THE UNITED*
22 *STATES INFORMATION AGENCY.—The Director of the Unit-*
23 *ed States Information Agency may waive the requirements*
24 *of this section on a country-by-country basis for a period*
25 *not to exceed one year upon certification to the Congress*

1 *by the Director that such waiver is in the national interest*
2 *and is necessary to carry on diplomatic functions of the*
3 *United States. Each such certification shall include a de-*
4 *tailed justification for the waiver with respect to each such*
5 *country.*

6 (c) *RESPONSES TO CONTRACT SOLICITATIONS.—(1)*
7 *Except as provided in paragraph (2) of this subsection, the*
8 *Director of the United States Information Agency shall en-*
9 *sure that any response to a solicitation for a bid or a re-*
10 *quest for a proposal, with respect to a contract covered by*
11 *subsection (a), includes the following clause, in substan-*
12 *tially the following form:*

13 “ARAB LEAGUE BOYCOTT OF ISRAEL

14 “(a) *DEFINITIONS.—As used in this clause—*

15 “(1) *the term ‘foreign person’ means any person*
16 *other than a United States person as defined in para-*
17 *graph (2); and*

18 “(2) *the term ‘United States person’ means any*
19 *United States resident or national (other than an in-*
20 *dividual resident outside the United States and em-*
21 *ployed by other than a United States person), any do-*
22 *mestic concern (including any permanent domestic*
23 *establishment of any foreign concern), and any for-*
24 *foreign subsidiary or affiliate (including any permanent*
25 *foreign establishment) of any domestic concern which*

1 *is controlled in fact by such domestic concern, as de-*
2 *termined under regulations of the President.*

3 *“(b) CERTIFICATION.—By submitting this offer, the*
4 *Offeror certifies that it is not—*

5 *“(1) taking or knowingly agreeing to take any*
6 *action, with respect to the boycott of Israel by Arab*
7 *League countries, which section 8(a) of the Export*
8 *Administration Act of 1979 (50 U.S.C. App. 2407(a))*
9 *prohibits a United States person from taking; or*

10 *“(2) discriminating in the award of subcontracts*
11 *on the basis of religion.”.*

12 *(2) An Offeror would not be required to include the*
13 *certification required by paragraph (1), if the Offeror is*
14 *deemed not to comply with the Arab League boycott of Is-*
15 *rael by the Director of the United States Information Agen-*
16 *cy or a designee on the basis of available information. Cer-*
17 *tification by the Director of the United States Information*
18 *Agency or a designee may occur only 30 days after notice*
19 *has been given to the Congress that this certification proce-*
20 *dure will be utilized at a specific overseas mission.*

21 *(3) The Director of the United States Information*
22 *Agency shall ensure that all State Department contract so-*
23 *licitations include a detailed explanation of the require-*
24 *ments of section 8(a) of the Export Administration Act of*
25 *1979 (50 U.S.C. App. 2407(a)).*

1 (d) *REVIEW AND TERMINATION.*—(1) *The United*
2 *States Information Agency shall conduct reviews of the cer-*
3 *tifications submitted pursuant to this section for the pur-*
4 *pose of assessing the accuracy of the certifications.*

5 (2) *Upon complaint of any foreign or United States*
6 *person of a violation of the certification as required by this*
7 *section, filed with the Director of the United States Infor-*
8 *mation Agency, the United States Information Agency shall*
9 *investigate such complaint, and if such complaint is found*
10 *to be correct and a violation of the certification has been*
11 *found, all contracts with such violator shall be terminated*
12 *for default as soon as practicable, and, for a period of two*
13 *years thereafter, the Agency shall not enter into any con-*
14 *tracts with such a violator.*

15 **SEC. 215. UNITED STATES TRANSMITTER IN KUWAIT.**

16 *None of the funds authorized to be appropriated by this*
17 *or any other Act may be obligated or expended for the de-*
18 *sign, development, or construction of a United States radio*
19 *transmitter in Kuwait.*

20 **SEC. 216. SEPARATE LEDGER ACCOUNTS FOR GRANTEEES OF**

21 **THE NATIONAL ENDOWMENT FOR DEMOC-**
22 **RACY.**

23 *Section 504(h)(1) of the National Endowment for De-*
24 *mocracy Act (22 U.S.C. 4413(h)(1)) is amended by striking*

1 “accounts” and inserting “bank accounts or separate self-
2 balancing ledger accounts”.

3 **SEC. 217. LIMITATION CONCERNING PARTICIPATION IN**
4 **INTERNATIONAL EXPOSITIONS.**

5 *Notwithstanding any other provision of law, the Unit-*
6 *ed States Information Agency shall not obligate or expend*
7 *any funds for a United States Government funded pavilion*
8 *or other major exhibit at any international exposition or*
9 *world’s fair registered by the Bureau of International Expo-*
10 *sitions in excess of amounts expressly authorized and ap-*
11 *propriated for such purpose.*

12 **SEC. 218. AUTHORITY TO RESPOND TO PUBLIC INQUIRIES.**

13 *Section 208 of the Foreign Relations Authorization*
14 *Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is*
15 *amended by adding at the end the following new sentence:*
16 *“The provisions of this section shall not prohibit the United*
17 *States Information Agency from responding to inquiries*
18 *from members of the public about its operations, policies,*
19 *or programs.”.*

20 **SEC. 219. USIA OFFICE IN LHASA, TIBET.**

21 *(a) ESTABLISHMENT OF OFFICE.—The Director of the*
22 *United States Information Agency shall establish an office*
23 *in Lhasa, Tibet, for the purpose of—*

24 *(1) disseminating information about the United*
25 *States;*

1 (2) *promoting discussions on conflict resolution*
2 *and human rights;*

3 (3) *facilitating United States private sector in-*
4 *volvement in educational and cultural activities in*
5 *Tibet; and*

6 (4) *advising the United States Government with*
7 *respect to Tibetan public opinion.*

8 (b) *APPLICABLE LAWS.*—*Activities under subsection*
9 *(a) shall be carried out in accordance with the provisions*
10 *of the United States Information and Educational Ex-*
11 *change Act of 1948 and the Mutual Educational and Cul-*
12 *tural Exchange Act of 1961.*

13 ***SEC. 220. REPORTS ON UNITED STATES GOVERNMENT EX-***
14 ***CHANGE PROGRAMS.***

15 (a) *PRESIDENTIAL REPORT.*—*Section 112 of the Mu-*
16 *tual Educational and Cultural Exchange Act of 1961 (22*
17 *U.S.C. 2460) is amended by adding at the end the following:*

18 “*(f)(1) The President shall ensure that all exchange*
19 *programs conducted by the United States Government, its*
20 *departments, and agencies, directly or through agreements*
21 *with other parties, are reported to the Bureau at a time*
22 *and in a format prescribed by the Bureau.*

23 “*(2) Not later than 90 days after the date of enactment*
24 *of this subsection, and annually thereafter, the President*
25 *shall submit to the Chairman of the Committee on Foreign*

1 *Relations and the Speaker of the House of Representatives*
2 *a report containing the information required to be reported*
3 *under paragraph (1). Such report shall include information*
4 *concerning the objectives of each exchange program sup-*
5 *ported by the United States, the number of exchange par-*
6 *ticipants, the types of exchange activities, and the total*
7 *amount of Federal expenditures for such exchanges.”.*

8 (b) *REPORT BY THE DIRECTOR OF USIA.—Not later*
9 *than 120 days after the date of enactment of this Act, the*
10 *Director of the United States Information Agency shall sub-*
11 *mit to the Chairman of the Committee on Foreign Relations*
12 *and the Speaker of the House of Representatives a report—*

13 (1) *outlining the range of exchange programs ad-*
14 *ministered by the Agency;*

15 (2) *identifying possible areas of duplication or*
16 *inefficiency; and*

17 (3) *recommending program consolidation and*
18 *administrative restructuring as warranted.*

19 **SEC. 221. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.**

20 *Notwithstanding any other provision of law, the Bu-*
21 *reau of Educational and Cultural Affairs of the United*
22 *States Information Agency shall make available for each*
23 *of the fiscal years 1994 and 1995, scholarships for East*
24 *Timorese students qualified to study in the United States*
25 *for the purpose of studying at the undergraduate level in*

1 *a United States college or university. Each scholarship*
2 *made available under this subsection shall be for not less*
3 *than one semester of study.*

4 **SEC. 222. CAMBODIAN SCHOLARSHIP AND EXCHANGE PRO-**
5 **GRAMS.**

6 (a) *PURPOSE.*—*It is the purpose of this section to pro-*
7 *vide financial assistance—*

8 (1) *to establish a scholarship program for Cam-*
9 *bodian college and post-graduate students to study in*
10 *the United States; and*

11 (2) *to expand Cambodian participation in ex-*
12 *change programs of the United States Information*
13 *Agency.*

14 (b) *PROGRAM.*—(1) *The Director of the United States*
15 *Information Agency shall establish a scholarship program*
16 *to enable Cambodian college students and post-graduate*
17 *students to study in the United States.*

18 (2) *The Director of the United States Information*
19 *Agency shall also include qualified Cambodian citizens in*
20 *exchange programs funded or otherwise sponsored by the*
21 *Agency, in particular the Fulbright Academic Program, the*
22 *International Visitor Program, and the Citizen Exchange*
23 *Program.*

24 (c) *DEFINITION.*—*For the purposes of this section, the*
25 *term “scholarship” means an amount to be used for full*

1 *or partial support of tuition and fees to attend an edu-*
2 *cational institution, and may include fees, books, and sup-*
3 *plies, equipment required for courses at an educational in-*
4 *stitution, living expenses at a United States educational in-*
5 *stitution, and travel expenses to and from, and within, the*
6 *United States.*

7 **SEC. 223. INCREASING AFRICAN PARTICIPATION IN USIA**
8 **EXCHANGE PROGRAMS.**

9 (a) *FINDINGS.*—*The Congress finds that—*

10 (1) *United States Information Agency (USIA)*
11 *programs with African countries have continued to*
12 *decrease over the past three years, occurring at a time*
13 *when economic reform and the expansion of demo-*
14 *cratic governments and institutions are taking place*
15 *in more than 25 countries across Africa;*

16 (2) *African institutions are now attempting to*
17 *reform their education sector to adjust to population*
18 *and budget pressures, and to revitalize existing infra-*
19 *structure to restore quality;*

20 (3) *higher education is the cornerstone of eco-*
21 *nomical and political development, and will help im-*
22 *prove the well-being of Africans citizens; and*

23 (4) *USIA programs in Africa are insufficient to*
24 *meet the expanding needs for educational development*

1 (c) *GUIDELINES.*—*The scholarship program under this*
2 *section shall be carried out in accordance with the following*
3 *guidelines:*

4 (1) *Consistent with section 112(b) of the Mutual*
5 *Educational and Cultural Exchange Act of 1961 (22*
6 *U.S.C. 2460(b)), all programs created pursuant to*
7 *this Act shall be nonpolitical and balanced, and shall*
8 *be administered in keeping with the highest standards*
9 *of academic integrity and cost-effectiveness.*

10 (2) *The United States Information Agency shall*
11 *administer this program under the auspices of the*
12 *Fulbright Academic Exchange Program.*

13 (3) *The United States Information Agency shall*
14 *ensure the regional diversity of this program through*
15 *the selection of candidates from Asia, Africa, Latin*
16 *America, as well as Europe and the Middle East.*

17 (d) *DEFINITION.*—*For purposes of this section, the*
18 *term “institution of higher education” has the same mean-*
19 *ing given to such term by section 1201(a) of the Higher*
20 *Education Act of 1965.*

21 **SEC. 225. USIA VOCATIONAL EXCHANGE PROGRAM.**

22 (a) *AUTHORITY.*—*Section 102(a) of the Mutual Edu-*
23 *cational and Cultural Exchange Act of 1961 (22 U.S.C.*
24 *2452) is amended by adding at the end the following new*
25 *paragraph:*

1 “(4) vocational exchanges, by financing visits
2 and interchanges of professionals and skilled workers
3 in the fields of government, public administration, in-
4 frastructure planning and development, business, and
5 finance for the purpose of increasing practical under-
6 standing, management, and problem-solving skills
7 in—

8 “(A) the institution and improvement of
9 public administration and infrastructure at the
10 national, intergovernmental, regional and local
11 level; and

12 “(B) the creation and development of pri-
13 vate enterprise and free market systems based on
14 the principle of private ownership of property.”.

15 (b) *REPORT.*—Not later than one year after the date
16 of the enactment of this Act, the Director of the United
17 States Information Agency shall submit a detailed report
18 to the Committee on Foreign Relations of the Senate and
19 the Committee on Foreign Affairs of the House of Represent-
20 atives on the action taken by the United States Information
21 Agency to carry out section 102(a)(4) of the Mutual Edu-
22 cational and Cultural Exchange Act of 1961.

23 **SEC. 226. AMERICAN STUDIES COLLECTIONS.**

24 (a) *AUTHORITY.*—In order to promote a thorough un-
25 derstanding of the United States among emerging elites

1 *abroad, the Director of the United States Information Agen-*
2 *cy is authorized to enter into agreements with universities*
3 *for the establishment and support of collections at appro-*
4 *priate university libraries located abroad to further the*
5 *study of the United States.*

6 (b) *DESIGN AND DEVELOPMENT.*—*Such collections—*

7 (1) *shall be developed in consultation with Unit-*
8 *ed States associations and organizations of scholars*
9 *in the principal academic disciplines in which Amer-*
10 *ican studies are conducted; and*

11 (2) *shall be designed primarily to meet the needs*
12 *of undergraduate and graduate students of American*
13 *studies.*

14 (c) *SITE SELECTION.*—*In selecting universities abroad*
15 *as sites for such collections, the Director shall—*

16 (1) *ensure that such universities are able, within*
17 *a reasonable period of the establishment of such collec-*
18 *tions, to assume responsibility for their maintenance*
19 *in current form;*

20 (2) *ensure that undergraduate and graduate stu-*
21 *dents shall enjoy reasonable access to such collections;*
22 *and*

23 (3) *include in any agreement entered into be-*
24 *tween the United States Information Agency and a*
25 *university abroad, terms embodying a contractual*

1 (A) by redesignating sections 611, 612, and 613
2 as sections 612, 613, and 614, respectively; and

3 (B) by inserting after section 610 the following
4 new section:

5 “*SEC. 611. REDUCTIONS IN FORCE.—(a) The Sec-*
6 *retary may conduct reductions in force and may prescribe*
7 *regulations for the separation of members of the Service*
8 *under such reductions in force which give due effect to—*

9 “*(1) organizational need;*

10 “*(2) documented employee qualifications, knowl-*
11 *edge, skills, or competencies;*

12 “*(3) documented employee performance;*

13 “*(4) tenure of employment; and*

14 “*(5) military preference.*

15 “*(b) For purposes of this section the term ‘members*
16 *of the Service’ means the individuals described under sec-*
17 *tion 103.’”.*

18 (2) *The table of contents for the Foreign Service Act*
19 *of 1980 is amended by striking out the items related to sec-*
20 *tion 611, 612, and 613 and inserting in lieu thereof the*
21 *following:*

“*Sec. 611. Reductions in force.*

“*Sec. 612. Termination of limited appointments.*

“*Sec. 613. Termination of appointments of consular agents and foreign national*
employees.

“*Sec. 614. Foreign Service awards.’”.*

1 (b) *MANAGEMENT RIGHTS*.—Section 1005(a) of the
2 *Foreign Service Act of 1980 (22 U.S.C. 4105(a))* is amend-
3 ed—

4 (1) by redesignating paragraphs (3) through (6)
5 as paragraphs (4) through (7), respectively; and

6 (2) by inserting after paragraph (2) the follow-
7 ing new paragraph:

8 “(3) to conduct reductions in force, and to pre-
9 scribe regulations for the separation of employees
10 under such reductions in force conducted under sec-
11 tion 611;”.

12 (c) *CONSULTATION*.—The Secretary of State shall con-
13 sult with the Director of the Office of Personnel Manage-
14 ment before prescribing regulations for reductions in force
15 under section 611 of the *Foreign Service Act of 1980* (as
16 added by subsection (a) of this section).

17 **SEC. 230. INTERNATIONAL EXCHANGE PROGRAMS INVOLV-**
18 **ING DISABILITY-RELATED MATTERS.**

19 (a) *AUTHORITY*.—Section 102(b) of the *Mutual Edu-*
20 *cational and Cultural Exchange Act of 1961 (22 U.S.C.*
21 *2452(b))* is amended—

22 (1) by redesignating paragraphs (9) through (11)
23 as paragraphs (10) through (12), respectively; and

24 (2) by inserting after paragraph (8) the follow-
25 ing:

1 “(9) *promoting educational, cultural, medical,*
2 *and scientific meetings, training, research, visits,*
3 *interchanges, and other activities, with respect to dis-*
4 *ability-related matters, including participation by in-*
5 *dividuals with disabilities (within the meaning of sec-*
6 *tion 3(2) of the Americans with Disabilities Act of*
7 *1990 (42 U.S.C. 12102(2)) in such activities, through*
8 *such nonprofit organizations as have a demonstrated*
9 *capability to coordinate exchange programs involving*
10 *disability-related matters;”.*

11 **(b) REPORT.**—*Not later than 180 days after the date*
12 *of enactment of this Act, the Director of the United States*
13 *Information Agency shall submit a report to the Congress*
14 *describing the steps taken during the period since the date*
15 *of enactment of this Act to implement section 102(b)(9) of*
16 *the Mutual Educational and Cultural Exchange Act of 1961*
17 *(22 U.S.C. 2452(b)(9)).*

18 **(c) ANNUAL SUMMARY OF ACTIVITIES.**—*As part of the*
19 *congressional presentation materials submitted in connec-*
20 *tion with the annual budget request for the United States*
21 *Information Agency, the Director of the Agency shall in-*
22 *clude a summary of the international exchange activities*
23 *carried out under section 102(b)(9) of the Mutual Edu-*
24 *cational and Cultural Exchange Act of 1961 (22 U.S.C.*
25 *2452(b)(9)) during the preceding calendar year.*

1 (2) *Fellowships under this part may be known as*
2 *“Mansfield Fellowships”, and individuals awarded such fel-*
3 *lowships may be known as “Mansfield Fellows”.*

4 (b) *ELIGIBILITY OF CENTER FOR GRANTS.—Grants*
5 *may be made to the Center under this section only if the*
6 *Center agrees to comply with the requirements of section*
7 *233.*

8 (c) *INTERNATIONAL AGREEMENT.—The Director of the*
9 *United States Information Agency should enter into nego-*
10 *tiations for an agreement with the Government of Japan*
11 *for the purpose of placing Mansfield Fellows in the Govern-*
12 *ment of Japan.*

13 (d) *PRIVATE SOURCES.—The Center is authorized to*
14 *accept, use, and dispose of gifts or donations of services or*
15 *property in carrying out the fellowship program.*

16 ***SEC. 233. PROGRAM REQUIREMENTS.***

17 *The program established under this part shall comply*
18 *with the following requirements:*

19 (1) *United States citizens who are eligible for fel-*
20 *lowships under this part shall be employees of the*
21 *Federal Government having at least two years experi-*
22 *ence in any branch of the Government, a strong ca-*
23 *reer interest in United States-Japan relations, and a*
24 *demonstrated commitment to further service in the*
25 *Federal Government.*

1 (2) *Not less than 10 fellowships shall be awarded*
2 *each year.*

3 (3) *Mansfield Fellows shall agree—*

4 (A) *to maintain satisfactory progress in*
5 *language training as a condition of continued*
6 *receipt of Federal funds; and*

7 (B) *to return to the Federal Government for*
8 *further employment for a period of at least 2*
9 *years following the end of their fellowships, un-*
10 *less, in the determination of the Center, the Fel-*
11 *low is unable (for reasons beyond the Fellow's*
12 *control and after receiving assistance from the*
13 *Center as provided in paragraph (8)) to find re-*
14 *employment for such period.*

15 (4) *During the period of the fellowship, the Cen-*
16 *ter shall provide each Mansfield Fellow—*

17 (A) *a stipend at a rate of pay equal to the*
18 *rate of pay that individual was receiving when*
19 *he or she entered the program, plus a cost-of-liv-*
20 *ing adjustment calculated at the same rate of*
21 *pay, and for the same period of time, for which*
22 *such adjustments were made to the salaries of in-*
23 *dividuals occupying competitive positions in the*
24 *civil service during the same period as the fel-*
25 *lowship; and*

1 (B) certain allowances and benefits as that
2 individual would have been entitled to, but for
3 his or her separation from Government service,
4 as a United States Government civilian em-
5 ployee overseas under the Standardized Regula-
6 tions (Government Civilians, Foreign Areas) of
7 the Department of State, as follows: a living
8 quarters allowance to cover the cost of housing in
9 Japan, a post allowance to cover the signifi-
10 cantly higher costs of living in Japan, a tem-
11 porary quarters subsistence allowance for up to
12 7 days for Fellows unable to find housing imme-
13 diately upon arrival in Japan, an education al-
14 lowance to assist parents in providing their chil-
15 dren with educational services ordinarily pro-
16 vided without charge by United States public
17 schools, moving expenses of up to \$3,000 for per-
18 sonal belongings of Fellows and their families in
19 their move to Japan and up to \$500 for Fellows
20 residing outside the Washington, D.C. area in
21 moving to the Washington, D.C. area, and one-
22 round-trip economy-class airline ticket to Japan
23 for each Fellow and the Fellow's immediate fam-
24 ily.

1 (5)(A) For the first year of each fellowship, the
2 Center shall provide Fellows with intensive Japanese
3 language training in the Washington, D.C., area, as
4 well as courses in the political economy of Japan.

5 (B) Such training shall be of the same quality
6 as training provided to Foreign Service officers before
7 they are assigned to Japan.

8 (C) The Center may waive any or all of the
9 training required by subparagraph (A) to the extent
10 that a Fellow has Japanese language skills or knowl-
11 edge of Japan's political economy, and the 2 year fel-
12 lowship period shall be shortened to the extent such
13 training is less than one year.

14 (6) Any Mansfield Fellow not complying with
15 the requirements of this section shall reimburse the
16 United States Information Agency for the Federal
17 funds expended for the Fellow's participation in the
18 fellowship, together with interest on such funds (cal-
19 culated at the prevailing rate), as follows:

20 (A) Full reimbursement for noncompliance
21 with paragraph (3)(A) or (9); and

22 (B) pro rata reimbursement for noncompli-
23 ance with paragraph (3)(B) for any period the
24 Fellow is reemployed by the Federal Government
25 that is less than the period specified in para-

1 graph (3)(B), at a rate equal to the amount the
2 Fellow received during the final year of the fel-
3 lowship for the same period of time, including
4 any allowances and benefits provided under
5 paragraph (4).

6 (7) The Center shall select Mansfield Fellows
7 based solely on merit. The Center shall make positive
8 efforts to recruit candidates reflecting the cultural, ra-
9 cial, and ethnic diversity of the United States.

10 (8) The Center shall assist any Mansfield Fellow
11 in finding employment in the Federal Government if
12 such Fellow was not able, at the end of the fellowship,
13 to be reemployed in the agency from which he or she
14 separated to become a Fellow.

15 (9) No Mansfield Fellow may engage in any in-
16 telligence or intelligence-related activity on behalf of
17 the United States Government.

18 **SEC. 234. SEPARATION OF GOVERNMENT PERSONNEL DUR-**
19 **ING THE FELLOWSHIPS.**

20 (a) *SEPARATION.*—Under such terms and conditions
21 as the agency head may direct, any agency of the United
22 States Government may separate from Government service
23 for a specified period any officer or employee of that agency
24 who accepts a fellowship under the program established by
25 this part.

1 (b) *REEMPLOYMENT.*—Any Mansfield Fellow, at the
2 end of the fellowship, is entitled to be reemployed in the
3 same manner as if covered by section 3582 of title 5, United
4 States Code.

5 (c) *RIGHTS AND BENEFITS.*—Notwithstanding section
6 8347(o), 8713, or 8914 of title 5, United States Code, and
7 in accordance with regulations of the Office of Personnel
8 Management, an employee, while serving as a Mansfield
9 Fellow, is entitled to the same rights and benefits as if cov-
10 ered by section 3582 of title 5, United States Code. The Cen-
11 ter shall reimburse the employing agency for any costs in-
12 curred under section 3582 of title 5, United States Code.

13 (d) *COMPLIANCE WITH BUDGET ACT.*—Funds are
14 available under this section to the extent and in the
15 amounts provided in appropriation Acts.

16 **SEC. 235. PROGRAM REVIEW AND REPORT.**

17 (a) *PROGRAM REVIEW.*—The Director of the United
18 States Information Agency shall review the administration
19 of the program assisted under this part.

20 (b) *ANNUAL REPORT.*—Each year at the time of the
21 submission of the President's budget request to the Congress,
22 the Director of the United States Information Agency shall
23 submit to the Chairman of the Committee on Foreign Rela-
24 tions and the Speaker of the House of Representatives a
25 report completed by the Center on the conduct of the pro-

1 gram during the preceding year. Each such report shall
2 contain—

3 (1) an analysis of the assistance provided under
4 the program for the previous fiscal year and the na-
5 ture of the assistance provided;

6 (2) an analysis of the performance of the indi-
7 viduals who received assistance under the program
8 during the previous fiscal year, including the degree
9 to which assistance was terminated under the pro-
10 gram and the extent to which individual recipients
11 failed to meet their obligation under the program;
12 and

13 (3) an analysis of the results of the program for
14 the previous fiscal year, including, at a minimum,
15 the cumulative percentage of individuals who received
16 assistance under the program who subsequently be-
17 came employees of the United States Government and,
18 in the case of individuals who did not subsequently
19 become employees of the United States Government,
20 an analysis of the reasons why they did not become
21 employees and an explanation as to what use, if any,
22 was made of the assistance given to those recipients.

23 **SEC. 236. DEFINITIONS.**

24 For purposes of this part—

1 (1) the term “agency of the United States Gov-
2 ernment” includes any agency of the legislative
3 branch and any court of the judicial branch as well
4 as any agency of the executive branch;

5 (2) the term “agency head” means—

6 (A) in the case of the executive branch of
7 Government or an agency of the legislative
8 branch other than the House of Representatives
9 or the Senate, the head of the respective agency;

10 (B) in the case of the judicial branch of
11 Government, the chief judge of the respective
12 court;

13 (C) in the case of the Senate, the President
14 pro tempore, in consultation with the Majority
15 Leader and Minority Leader of the Senate; and

16 (D) in the case of the House of Representa-
17 tives, the Speaker of the House, in consultation
18 with the Majority Leader and Minority Leader
19 of the House; and

20 (3) the term “Center” means the Mansfield Cen-
21 ter for Pacific Affairs.

1 **TITLE III—UNITED STATES**
2 **INTERNATIONAL BROADCAST-**
3 **ING ACT OF 1994**

4 **SEC. 301. SHORT TITLE.**

5 *This title may be cited as the “United States Inter-*
6 *national Broadcasting Act of 1994”.*

7 **SEC. 302. CONGRESSIONAL FINDINGS AND DECLARATION**
8 **OF PURPOSES.**

9 *The Congress hereby finds and declares that—*

10 *(1) it is the policy of the United States to pro-*
11 *mote the right of opinion and expression, including*
12 *the freedom “to seek, receive, and impart information*
13 *and ideas through any media and regardless of fron-*
14 *tiers,” in accordance with Article 19 of the Universal*
15 *Declaration of Human Rights;*

16 *(2) open communication of information and*
17 *ideas among the peoples of the world contributes to*
18 *international peace and stability, and that the pro-*
19 *motion of such communication is in the interests of*
20 *the United States;*

21 *(3) prominent in the implementation of this pol-*
22 *icy has been United States support for the Voice of*
23 *America, Radio Free Europe, Radio Liberty, and*
24 *Broadcasting to Cuba, which have demonstrated their*

1 *effectiveness in providing accurate and timely infor-*
2 *mation to the people of the world;*

3 *(4) the continuation of these broadcasting enti-*
4 *ties, and the creation of a new broadcasting service to*
5 *the people of the People's Republic of China and the*
6 *other communist countries of Asia, would continue*
7 *the promotion of information and ideas, while ad-*
8 *vancing the goals of United States foreign policy; and*

9 *(5) the reorganization and consolidation of these*
10 *services will achieve important economies and*
11 *strengthen the capability of the United States to uti-*
12 *lize these instrumentalities to support freedom and*
13 *democracy in a rapidly changing international envi-*
14 *ronment.*

15 **SEC. 303. ESTABLISHMENT OF BROADCASTING BOARD OF**
16 **GOVERNORS.**

17 *(a) ESTABLISHMENT.—There is hereby established*
18 *within the United States Information Agency a Broadcast-*
19 *ing Board of Governors (hereafter in this title referred to*
20 *as the "Board").*

21 *(b) COMPOSITION OF THE BOARD.—(1) The Board*
22 *shall consist of 8 members, as follows:*

23 *(A) Six voting members who shall be appointed*
24 *by the President, by and with the advice and consent*
25 *of the Senate.*

1 (B) *The Director of the United States Informa-*
2 *tion Agency who shall also be a voting member.*

3 (C) *The Director of the International Broadcast-*
4 *ing Bureau, who shall be an ex officio member of the*
5 *Board and may not vote in the determinations of the*
6 *Board.*

7 (2) *The President shall designate one member (other*
8 *than the Director of the United States Information Agency)*
9 *as Chairman of the Board.*

10 (3) *Exclusive of the Director of the United States In-*
11 *formation Agency, not more than three of the members of*
12 *the Board appointed by the President shall be of the same*
13 *political party.*

14 (c) *TERM OF OFFICE.—The term of office of each mem-*
15 *ber of the Board shall be three years, except that the Direc-*
16 *tor of the United States Information Agency and the Direc-*
17 *tor of the International Broadcasting Bureau of the United*
18 *States Information Agency shall remain members of the*
19 *Board during their respective terms of service. Of the other*
20 *six voting members, the initial terms of office of two mem-*
21 *bers shall be one year, and the initial terms of office of two*
22 *other members shall be two years, so that the terms of one-*
23 *third of these voting members of the Board expire each year.*
24 *The President shall appoint, by and with the advice and*
25 *consent of the Senate, Board members to fill vacancies oc-*

1 *curing prior to the expiration of a term, in which case*
2 *the members so appointed shall serve for the remainder of*
3 *such term. Any member whose term has expired may serve*
4 *until his or her successor has been appointed and qualified.*

5 *(d) SELECTION OF BOARD.—Members of the Board ap-*
6 *pointed by the President shall be citizens of the United*
7 *States who are not currently regular full-time employees of*
8 *the United States Government, except the Director of the*
9 *United States Information Agency. Such members shall be*
10 *selected by the President from among Americans distin-*
11 *guished in the fields of mass communications, print, broad-*
12 *cast media or foreign affairs.*

13 *(e) COMPENSATION.—Members of the Board, while at-*
14 *tending meetings of the Board or while engaged in duties*
15 *relating to such meetings or in other activities of the Board*
16 *pursuant to this section, including travel time, shall be enti-*
17 *tled to receive compensation equal to the daily equivalent*
18 *of the compensation prescribed for level IV of the Executive*
19 *Schedule under section 5315 of title 5, United States Code.*
20 *While away from their homes or regular places of business*
21 *they may be allowed travel expenses, including per diem*
22 *in lieu of subsistence, as authorized by law (5 U.S.C. 5703)*
23 *for persons in the Government service employed intermit-*
24 *tently. The Director of the United States Information Agen-*
25 *cy and the Director, International Broadcasting Bureau,*

1 *United States Information Agency, shall not be entitled to*
2 *any compensation under this title, but may be allowed trav-*
3 *el expenses as provided in the preceding sentence.*

4 **SEC. 304. FUNCTIONS OF THE BOARD.**

5 (a) *AUTHORITIES.*—*The Board is authorized—*

6 (1) *to provide guidance and oversight to the*
7 *International Broadcasting Bureau;*

8 (2) *to review and evaluate the mission and oper-*
9 *ation of the International Broadcasting Bureau and*
10 *to assess the quality, effectiveness, and professional*
11 *integrity of its programming within the context of the*
12 *broad foreign policy objectives of the United States;*

13 (3) *to review and evaluate, at least annually, the*
14 *mix of traditional Voice of America programming*
15 *and surrogate programming and make recommenda-*
16 *tions to the President, through the Director of the*
17 *United States Information Agency, regarding the ad-*
18 *dition or deletion of language services;*

19 (4) *to make grants to RFE/RL, Incorporated, or*
20 *to an alternative entity in accordance with section*
21 *307(e);*

22 (5) *to review engineering activities to ensure that*
23 *all broadcasting elements receive the highest quality*
24 *and cost-effective delivery services;*

1 (6) to undertake such studies as may be nec-
2 essary to identify areas in which the operations of the
3 International Broadcasting Bureau could be made
4 more efficient and economical;

5 (7) to submit to the President, through the Direc-
6 tor of the United States Information Agency, an an-
7 nual report which summarizes the activities of the
8 Board and evaluates the operations of the Inter-
9 national Broadcasting Bureau;

10 (8) to the extent it deems necessary to carry out
11 the functions under this title, procure supplies, serv-
12 ices, and other personal property;

13 (9) to appoint such staff personnel for the Board
14 as may be necessary, subject to the provisions of title
15 5, United States Code, governing appointments in the
16 competitive service, and to fix their compensation in
17 accordance with the provisions of chapter 51 and sub-
18 chapter III of chapter 53 of such title relating to clas-
19 sification and General Schedule pay rates; and

20 (10) to make available for its own use, for offi-
21 cial reception and representation expenses, such
22 amount as provided for in an annual appropriations
23 which shall not exceed the amount appropriated to the
24 Board for International Broadcasting for such pur-
25 poses in fiscal year 1993.

1 (b) *IMPLEMENTATION.*—*The Director and the Board,*
2 *in carrying out the functions of subsection (a), shall respect*
3 *the professional independence and integrity of the Inter-*
4 *national Broadcasting Bureau and its broadcasting serv-*
5 *ices.*

6 **SEC. 305. FOREIGN POLICY GUIDANCE.**

7 *To assist the Board in carrying out its functions, the*
8 *Secretary of State, acting through the Director of the United*
9 *States Information Agency, shall provide information and*
10 *guidance on foreign policy issues to the Board.*

11 **SEC. 306. INTERNATIONAL BROADCASTING BUREAU.**

12 (a) *ESTABLISHMENT.*—*There is hereby established an*
13 *International Broadcasting Bureau within the United*
14 *States Information Agency (hereafter in this title referred*
15 *to as the “Bureau”).*

16 (b) *ORGANIZATION OF THE BUREAU.*—*The Bureau, in*
17 *recognition of and to implement the purposes of this title,*
18 *shall consist of the following separate elements:*

19 (1) *The Voice of America.*

20 (2) *The Office of Surrogate Broadcasting.*

21 (3) *Such services of the WORLDNET Television*
22 *and Film Service as determined by the Board with*
23 *the concurrence of the Director of the United States*
24 *Information Agency.*

25 (4) *Engineering and Technical Operations.*

1 (5) *Such other elements as the Director of the*
2 *International Broadcasting Bureau may from time to*
3 *time establish with the concurrence of the Director of*
4 *the United States Information Agency and the Board.*

5 (c) *ORGANIZATION OF THE OFFICE OF SURROGATE*
6 *BROADCASTING.—The Office of Surrogate Broadcasting*
7 *shall administer the grants for Radio Free Europe, Radio*
8 *Liberty, and Radio Free Asia and shall administer the Of-*
9 *fice of Cuba Broadcasting (including Radio Marti and TV*
10 *Marti), and such other surrogate services as may from time*
11 *to time be established.*

12 (d) *SELECTION OF THE DIRECTOR OF THE BUREAU.—*
13 (1) *The Director of the Bureau shall be appointed by the*
14 *Chairman of the Board, in consultation with the Director*
15 *of the United States Information Agency and with the con-*
16 *currence of a majority of the Board. The Director of the*
17 *Bureau shall be entitled to receive compensation at the rate*
18 *now or hereafter prescribed by law for level IV of the Execu-*
19 *tive Schedule.*

20 (2) *Section 5315 of title 5, United States Code, is*
21 *amended by adding at the end the following:*

22 *“Director of the International Broadcasting Bu-*
23 *reau, the United States Information Agency.”.*

24 (e) *SEPARATELY IDENTIFIED APPROPRIATION AC-*
25 *COUNT.—(1) In any fiscal year, funding for the Board and*

1 *the Bureau shall be made out of a single appropriations*
2 *account designated “International Broadcasting Activities”*
3 *or “International Broadcasting Operations”, as the case*
4 *may be.*

5 (2) *The Director of the Bureau shall submit proposals*
6 *on appropriation of broadcasting funds to the Board. The*
7 *Board shall forward its recommendations concerning the*
8 *proposed budget for the Board and the Bureau to the Direc-*
9 *tor of the United States Information Agency for his consid-*
10 *eration as a part of the Agency’s budget submission to the*
11 *Office of Management and Budget.*

12 (3) *The Director of the United States Information*
13 *Agency shall include in the Agency’s submission to the Of-*
14 *fice of Management and Budget the comments and rec-*
15 *ommendations of the Board concerning the proposed broad-*
16 *casting budget.*

17 (4) *The Board shall allocate funds appropriated pur-*
18 *suant to paragraph (1) among the separate elements of the*
19 *International Broadcasting Bureau, subject to the limita-*
20 *tions contained in section 307(d).*

21 **SEC. 307. GRANTS FOR RADIO FREE EUROPE, RADIO LIB-**
22 **ERTY, AND RADIO FREE ASIA.**

23 (a) *AUTHORITY.*—*The Board is authorized to make*
24 *annual grants to RFE/RL, Incorporated, for the purpose*

1 *of operating Radio Free Europe, Radio Liberty, and Radio*
2 *Free Asia as provided for in sections 308 and 309.*

3 (b) *BOARD STRUCTURE.*—*No grant may be made to*
4 *RFE/RL, Incorporated, unless the certificate of incorpora-*
5 *tion of RFE/RL, Incorporated, has been amended to provide*
6 *that—*

7 (1) *the Board of Directors of RFE/RL, Incor-*
8 *porated, shall consist of the members of the Broadcast-*
9 *ing Board of Governors established under section 303*
10 *and of no other members;*

11 (2) *such Board of Directors shall make all major*
12 *policy determinations governing the operation of*
13 *RFE/RL, Incorporated, and shall appoint and fix the*
14 *compensation of such managerial officers and employ-*
15 *ees of RFE/RL, Incorporated, as it deems necessary*
16 *to carry out the purposes of the grant provided under*
17 *this title; and*

18 (3) *the name of the corporation shall be amended*
19 *to include reference to Radio Free Asia, and the cor-*
20 *poration shall be authorized to carry out the functions*
21 *described in section 308 with respect to Radio Free*
22 *Asia.*

23 (c) *LOCATION OF PRINCIPAL PLACE OF BUSINESS.*—

24 (1) *No grant may be made under this section unless RFE/*
25 *RL, Incorporated, agrees to locate the headquarters of the*

1 *corporation and its senior administrative and managerial*
2 *staff within the metropolitan area of Washington, D.C.*

3 *(2) Not later than 90 days after the date of enactment*
4 *of this Act, the Board shall provide a report to Congress*
5 *on the number of administrative, managerial, and technical*
6 *staff who will be located within the metropolitan area of*
7 *Washington, D.C., and the number of employees whose prin-*
8 *cipal place of business will be located outside the metropoli-*
9 *tan area of Washington, D.C.*

10 *(d) LIMITATION ON GRANT AMOUNTS.—(1) Grants*
11 *made after September 30, 1995, for the operating costs of*
12 *Radio Free Europe and Radio Liberty may not exceed*
13 *\$75,000,000 in any fiscal year.*

14 *(2) Grants made for the operating costs of Radio Free*
15 *Asia may not exceed \$22,000,000 in any fiscal year.*

16 *(3) The total amount of grant funds made available*
17 *for one-time capital costs of Radio Free Asia may not ex-*
18 *ceed \$8,000,000.*

19 *(4) Notwithstanding the provisions of paragraphs (1)*
20 *and (2), if RFE/RL, Incorporated, determines that there*
21 *is a need to reallocate resources between funds made avail-*
22 *able for Radio Free Europe, Radio Liberty, and Radio Free*
23 *Asia, RFE/RL, Incorporated, may submit a request for the*
24 *reallocation of such resources to the Board, which may au-*

1 *thorize such reallocation after notifying the appropriate*
2 *congressional committees.*

3 (e) *ALTERNATIVE GRANTEE.*—*If the Board determines*
4 *at any time that RFE/RL, Incorporated, is not carrying*
5 *out the functions described in section 308 or 309 in an effec-*
6 *tive and economical manner, the Board may award the*
7 *grant to carry out these functions to another entity after*
8 *soliciting and considering applications from eligible entities*
9 *in such manner and accompanied by such information as*
10 *the Board may reasonably require.*

11 (f) *NOT A FEDERAL AGENCY OR INSTRUMENTALITY.*—
12 *Compliance with the requirements of subsection (b) shall*
13 *not be construed to make such entity a Federal agency or*
14 *instrumentality.*

15 **SEC. 308. RADIO FREE ASIA.**

16 (a) *AUTHORITY.*—(1) *Grants authorized under section*
17 *307(a) shall be available to make annual grants for the pur-*
18 *pose of carrying out radio broadcasting to the People’s Re-*
19 *public of China, Burma, Cambodia, Laos, North Korea,*
20 *Tibet, or Vietnam.*

21 (2) *Such surrogate broadcasting service shall be*
22 *referred to as “Radio Free Asia”.*

23 (b) *FUNCTIONS.*—*Radio Free Asia shall—*

1 (1) *provide accurate and timely information,*
2 *news, and commentary about events in the respective*
3 *countries of Asia and elsewhere; and*

4 (2) *be a forum for a variety of opinions and*
5 *voices from within Asian nations whose people do not*
6 *fully enjoy freedom of expression.*

7 (c) *SUBMISSION OF DETAILED PLAN FOR RADIO FREE*
8 *ASIA.—(1) No grant may be awarded to carry out this sec-*
9 *tion unless the Board, through the Director of the United*
10 *States Information Agency, has submitted to Congress and*
11 *the Comptroller General of the United States a detailed*
12 *plan for the establishment and operation of Radio Free*
13 *Asia, including—*

14 (A) *a description of the manner in which RFE/*
15 *RL, Incorporated, would meet the funding limitations*
16 *provided in section 307(d)(2);*

17 (B) *a statement that the authority to utilize ex-*
18 *isting transmitters has been obtained for the broad-*
19 *casting of Radio Free Asia to countries or regions*
20 *proposed in the plan, and that existing transmitters*
21 *meet the technical needs of the new service; and*

22 (C) *a detailed justification for the number of em-*
23 *ployees RFE/RL, Incorporated, proposes to hire, the*
24 *extent to which RFE/RL, Incorporated, intends to*
25 *utilize technical or other resources of other broadcast-*

1 *ing entities, and the manner in which RFE/RL, In-*
2 *corporated, intends to reimburse such other entities*
3 *for such utilization of resources.*

4 *(2) The plan required by paragraph (1) shall be sub-*
5 *mitted not later than 120 days after the date of enactment*
6 *of this Act.*

7 *(3) No grant may be awarded to carry out the provi-*
8 *sions of this section unless the plan submitted by the Board*
9 *includes a certification by the Board that Radio Free Asia*
10 *can be established and operated within the funding limita-*
11 *tions provided for in section 307(d)(2).*

12 *(4) The Comptroller General of the United States shall*
13 *review the plan submitted by the Board and shall, not later*
14 *than 30 days after receipt of the plan, report to the Director*
15 *of the United States Information Agency, the Board, and*
16 *the appropriate congressional committees on whether the*
17 *Comptroller General determines that the fiscal assumptions*
18 *contained in the plan are adequate and that the plan can*
19 *be implemented within the funding limitations provided for*
20 *in this section.*

21 *(5) If the Board determines that a Radio Free Asia*
22 *cannot be established or operated effectively within the*
23 *funding limitations provided for in this section, the Board*
24 *may submit, through the Director of United States Informa-*
25 *tion Agency, an alternative plan and such proposed changes*

1 *in legislation as may be necessary to the appropriate con-*
2 *gressional committees.*

3 (d) *GRANT AGREEMENT.—(1) Grants awarded under*
4 *this section shall be subject to the same terms and conditions*
5 *as are provided in subsections (b), (c), (d), and (e) of section*
6 *309 with respect to the functions of Radio Free Europe and*
7 *Radio Liberty.*

8 (2) *Any grant agreement under this section shall re-*
9 *quire that any contract entered into by RFE/RL, Incor-*
10 *porated, with respect to Radio Free Asia shall specify that*
11 *all obligations are assumed by RFE/RL, Incorporated, and*
12 *not by the United States Government, and shall further*
13 *specify that funds to carry out the activities of RFE/RL,*
14 *Incorporated, may not be available after September 30,*
15 *1999.*

16 (3) *Any such grant agreement shall require that any*
17 *lease agreements entered into by RFE/RL, Incorporated,*
18 *with respect to Radio Free Asia shall be, to the maximum*
19 *extent possible, assignable to the United States Government.*

20 (e) *LIMITATIONS ON ADMINISTRATIVE AND MANAGE-*
21 *RIAL COSTS.—(1) It is the sense of the Congress that ad-*
22 *ministrative and managerial costs for operation of Radio*
23 *Free Asia should be kept to a minimum and, to the maxi-*
24 *mum extent feasible, should not exceed the costs that would*

1 *have been incurred if Radio Free Asia had been operated*
2 *as a Federal entity rather than as a grantee.*

3 *(2) The Board shall include in the annual report re-*
4 *quired by section 304(a)(7) information on the amount of*
5 *funds expended on administrative and managerial services*
6 *by each of the broadcasting services operated through the*
7 *Bureau, directly or by grant, and the steps it has taken*
8 *to reduce unnecessary overhead costs for each of the broad-*
9 *casting services.*

10 *(f) ASSESSMENT OF THE EFFECTIVENESS OF RADIO*
11 *FREE ASIA.—Not later than 3 years after the date funds*
12 *have been provided to RFE/RL, Incorporated, for the pur-*
13 *pose of operating Radio Free Asia, the Board, through the*
14 *Director of the United States Information Agency, shall*
15 *submit to the appropriate congressional committees a report*
16 *on—*

17 *(1) whether Radio Free Asia is technically sound*
18 *and cost-effective,*

19 *(2) whether Radio Free Asia consistently meets*
20 *the standards for quality and objectivity established*
21 *by law by the United States Information Agency or*
22 *the Board,*

23 *(3) whether Radio Free Asia is received by a suf-*
24 *ficient audience to warrant its continuation,*

1 (4) *the extent to which such broadcasting is al-*
2 *ready being received by the target audience from other*
3 *credible sources; and*

4 (5) *the extent to which the interest of the United*
5 *States is being served by maintaining broadcasting of*
6 *Radio Free Asia.*

7 (g) *SUNSET PROVISION.—The Board may not make*
8 *any grant for the purpose of operating Radio Free Asia*
9 *after September 30, 1998, unless the President of the United*
10 *States determines in his fiscal year 1999 budget submission*
11 *that continuation of funding for Radio Free Asia for 1 ad-*
12 *ditional year is in the interest of the United States.*

13 (h) *NOTIFICATION AND CONSULTATION REGARDING*
14 *DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—*
15 *The Board shall notify the appropriate congressional com-*
16 *mittees before entering into any agreements for the utiliza-*
17 *tion of Voice of America transmitters, equipment, or other*
18 *resources that will significantly reduce the broadcasting ac-*
19 *tivities of the Voice of America in Asia or any other region*
20 *in order to accommodate the broadcasting activities of*
21 *Radio Free Asia. The Chairman of the Board shall consult*
22 *with such committees on the impact of any such reduction*
23 *in Voice of America broadcasting activities.*

24 (i) *PRINCIPAL PLACE OF BUSINESS.—Grants may*
25 *only be made to RFE/RL, Incorporated, if the principal*

1 *place of business of Radio Free Asia is within the Washing-*
2 *ton, D.C., metropolitan area, unless the Board determines*
3 *that another location within the United States is necessary*
4 *to carry out the functions of Radio Free Asia effectively*
5 *and in a cost-effective manner.*

6 **SEC. 309. RADIO FREE EUROPE AND RADIO LIBERTY.**

7 (a) *AUTHORITY.*—*Grants authorized under section*
8 *307(a) shall be available to make annual grants for the pur-*
9 *pose of carrying out the same functions as were carried out*
10 *by RFE/RL, Incorporated, before the date of enactment of*
11 *this Act with respect to Radio Free Europe and Radio Lib-*
12 *erty, consistent with section 2 of the Board for Inter-*
13 *national Broadcasting Act of 1973, as in effect on such date.*

14 (b) *GRANT AGREEMENT.*—(1) *Such grants shall be*
15 *made pursuant to a grant agreement between the Board and*
16 *RFE/RL, Incorporated, which requires that grant funds*
17 *shall only be used for activities which the Board determines*
18 *are consistent with the purposes of subsection (a) and that*
19 *RFE/RL, Incorporated, shall otherwise comply with the re-*
20 *quirements of this section. Failure to comply with such re-*
21 *quirements shall permit the grant to be terminated without*
22 *fiscal obligation to the United States.*

23 (2) *The grant agreement shall impose such conditions*
24 *as the Board determines may be appropriate pursuant to*
25 *section 304(a)(3) to reduce overlapping language services*

1 *and broadcasting service with other broadcasting services*
2 *operated within the International Broadcasting Bureau.*

3 *(3) The grant agreement shall require RFE/RL, Incor-*
4 *porated, to justify in detail each proposed expenditure of*
5 *grant funds, and such funds may not be used for any other*
6 *purpose unless the Board gives its prior written approval.*

7 *(c) PROHIBITED USES OF GRANT FUNDS.—No grant*
8 *funds provided under this section may be used—*

9 *(1) to pay any salary or other compensation, or*
10 *enter into any contract providing for the payment*
11 *thereof in excess of the rates established for com-*
12 *parable positions under title 5 of the United States*
13 *Code or the foreign relations laws of the United*
14 *States, except that no employee may be paid a salary*
15 *or other compensation in an amount in excess of the*
16 *rate of pay payable for level IV of the Executive*
17 *Schedule under section 5315 of title 5, United States*
18 *Code and that the salary or other compensation limi-*
19 *tations provided for in this paragraph shall not be*
20 *imposed prior to January 1, 1995, with respect to*
21 *any employee covered by a union agreement requiring*
22 *a different salary or other compensation;*

23 *(2) to pay for any activity for the purpose of in-*
24 *fluencing the passage or defeat of legislation being*
25 *considered by Congress;*

1 (3) to enter into a contract or obligation to pay
2 severance payments beyond those required by United
3 States law or the laws of the country where the em-
4 ployee is stationed;

5 (4) to pay for first class travel for any employee
6 of RFE/RL, Incorporated, or the employee's relative;
7 or

8 (5) to compensate freelance contractors without
9 the written approval of the Director.

10 (d) *REPORT ON MANAGEMENT PRACTICES.*—Not later
11 than March 31 and September 30 of each calendar year,
12 the Inspector General of the United States Information
13 Agency shall submit to the Board, the Director of the United
14 States Information Agency, and the Congress a report on
15 management practices of RFE/RL, Incorporated, under this
16 section during the preceding 6-month period. The Inspector
17 General of the United States Information Agency shall es-
18 tablish a special unit within the Inspector General's office
19 to monitor and audit the activities of RFE/RL, Incor-
20 porated, and shall provide for on-site monitoring of such
21 activities.

22 (e) *AUDIT AUTHORITY.*—(1) Such financial trans-
23 actions of RFE/RL, Incorporated, as relate to functions car-
24 ried out under this section may be audited by the General
25 Accounting Office in accordance with such principles and

1 *procedures and under such rules and regulations as may*
2 *be prescribed by the Comptroller General of the United*
3 *States. Any such audit shall be conducted at the place or*
4 *places where accounts of RFE/RL, Incorporated, are nor-*
5 *mally kept.*

6 (2) *The representatives of the General Accounting Of-*
7 *fice shall have access to all books, accounts, records, reports,*
8 *files, and all other papers, things or property belonging to*
9 *or in use by the private entity pertaining to such financial*
10 *transactions and necessary to facilitate the audit. Such rep-*
11 *resentatives shall be afforded full facilities for verifying*
12 *transactions with any assets held by depositories, fiscal*
13 *agents, and custodians. All such books, accounts, records,*
14 *reports files, papers, and property of RFE/RL, Incor-*
15 *porated, shall remain in the possession and custody of RFE/*
16 *RL, Incorporated.*

17 (3) *Notwithstanding any other provision of law, the*
18 *Inspector General of the United States Information Agency*
19 *is authorized to exercise the authorities of the Inspector*
20 *General Act of 1978 with respect to RFE/RL, Incorporated.*

21 (g) *PLAN FOR RELOCATION.*—*Before relocating the ac-*
22 *tivities of RFE/RL, Incorporated, in the Federal Republic*
23 *of Germany to another site, the Board for International*
24 *Broadcasting or the Board, if established, shall submit to*
25 *the Comptroller General of the United States and the appro-*

1 *priate congressional committees a detailed plan for such re-*
2 *location, including cost estimates. No funds made available*
3 *under law may be used for such relocation unless explicitly*
4 *provided in an appropriation Act or pursuant to a*
5 *reprogramming notification. Any plan developed pursuant*
6 *to this subsection shall include provisions for relocating the*
7 *senior administrative and management personnel of RFE/*
8 *RL, Incorporated, to the geographic area of Washington,*
9 *D.C., as provided for in section 307(c).*

10 *(h) REPORTS ON PERSONNEL CLASSIFICATION.—(1)*
11 *Not later than 3 months after the date of enactment of this*
12 *Act, the Board for International Broadcasting shall submit*
13 *a report to the Office of Personnel Management containing*
14 *a justification, in terms of the types of duties performed*
15 *at specific rates of salary and other compensation, of the*
16 *classification of personnel employed by RFE/RL, Incor-*
17 *porated.*

18 *(2) Not later than 9 months after submission of the*
19 *report referred to in paragraph (1), the Office of Personnel*
20 *Management shall submit to Congress a report containing*
21 *an evaluation of the system of personnel classification used*
22 *by RFE/RL, Incorporated, with respect to its employees.*

23 *(3) The report submitted by the Office of Personnel*
24 *Management shall include a comparison of the rates of sal-*
25 *ary or other compensation and classifications provided to*

1 *employees of RFE/RL, Incorporated, with the rates of sal-*
2 *ary or other compensation and classifications of employees*
3 *of the Voice of America stationed overseas in comparable*
4 *positions and shall identify any disparities and steps which*
5 *should be taken to eliminate such disparities.*

6 **SEC. 310. TRANSITION.**

7 (a) *AUTHORIZATION.*—(1) *The President is authorized*
8 *to direct the transfer of all functions and authorities from*
9 *the Board for International Broadcasting to the United*
10 *States Information Agency, the Board, or the Bureau as*
11 *may be necessary to implement this title.*

12 (2)(A) *Not later than 120 days after the date of enact-*
13 *ment of this Act, the Director of the United States Informa-*
14 *tion Agency and the Chairman of the Board for Inter-*
15 *national Broadcasting shall jointly prepare and submit to*
16 *the President for approval and implementation a plan to*
17 *implement the provisions of this title. Such report shall in-*
18 *clude at a minimum a detailed cost analysis to implement*
19 *fully the recommendations of such plan. Additionally, such*
20 *plan shall identify all costs in excess of those authorized*
21 *for such purposes and shall provide that any excess cost*
22 *to implement such plan shall be derived only from funds*
23 *authorized in title II, part A, section 201(a)(1) of this Act.*

24 (B) *The President shall transmit copies of the ap-*
25 *proved plan, together with any recommendations for legisla-*

1 *tive changes that may be necessary, to the appropriate con-*
2 *gressional committees.*

3 **(b) NEW APPOINTEES.**—*The Director of the United*
4 *States Information Agency may assign employees of the*
5 *Agency for service with RFE/RL, Incorporated, with the*
6 *concurrence of the president of RFE/RL, Incorporated.*
7 *Such assignment shall not affect the rights and benefits of*
8 *such personnel as employees of the United States Informa-*
9 *tion Agency.*

10 **(c) BOARD FOR INTERNATIONAL BROADCASTING PER-**
11 *SONNEL.*—*All Board for International Broadcasting full-*
12 *time United States Government personnel (except special*
13 *Government employees) and part-time United States Gov-*
14 *ernment personnel holding permanent positions shall be*
15 *transferred to the United States Information Agency, the*
16 *Board, or the Bureau. Such transfer shall not cause any*
17 *such employee to be separated or reduced in grade or com-*
18 *pensation.*

19 **(d) OTHER AUTHORITIES.**—*The Director of the United*
20 *States Information Agency is authorized to utilize the pro-*
21 *visions of titles VIII and IX of the United States Informa-*
22 *tion and Educational Exchange Act of 1948, and any other*
23 *authority available to the Director on the date of enactment*
24 *of this Act, to the extent that the Director deems necessary*
25 *in carrying out the provisions and purposes of this title.*

1 (e) *REPEAL.*—*The Board for International Broadcast-*
2 *ing Act of 1973 (22 U.S.C. 2871, et seq.) is repealed effective*
3 *September 30, 1995, or the earliest date by which all mem-*
4 *bers of the Board are appointed, whichever is later.*

5 (f) *SAVINGS PROVISIONS.*—

6 (1) *CONTINUING EFFECT OF LEGAL DOCU-*
7 *MENTS.*—*All orders, determinations, rules, regula-*
8 *tions, permits, agreements, grants, contracts, certifi-*
9 *cates, licenses, registrations, privileges, and other ad-*
10 *ministrative actions—*

11 (A) *which have been issued, made, granted,*
12 *or allowed to become effective by the President,*
13 *any Federal agency or official thereof, or by a*
14 *court of competent jurisdiction, in the perform-*
15 *ance of functions which are transferred under*
16 *this title; and*

17 (B) *which are in effect at the time this title*
18 *takes effect, or were final before the effective date*
19 *of this title and are to become effective on or*
20 *after the effective date of this title,*

21 *shall continue in effect according to their terms until*
22 *modified, terminated, superseded, set aside, or revoked*
23 *in accordance with law by the President, the Director*
24 *of the United States Information Agency or other au-*

1 *thorized official, a court of competent jurisdiction, or*
2 *by operation of law.*

3 (2) *PROCEEDINGS NOT AFFECTED.*—*The provi-*
4 *sions of this title shall not affect any proceedings*
5 *pending before the Board for International Broadcast-*
6 *ing at the time this title takes effect, with respect to*
7 *functions transferred by this title, but such proceed-*
8 *ings shall be continued. Orders shall be issued in such*
9 *proceedings, appeals shall be taken therefrom, and*
10 *payments shall be made pursuant to such orders, as*
11 *if this title had not been enacted, and orders issued*
12 *in any such proceedings shall continue in effect until*
13 *modified, terminated, superseded, or revoked by a*
14 *duly authorized official, by a court of competent ju-*
15 *risdiction, or by operation of law. Nothing in this*
16 *subsection shall be deemed to prohibit the discontinu-*
17 *ance or modification of any such proceeding under*
18 *the same terms and conditions and to the same extent*
19 *that such proceeding could have been discontinued or*
20 *modified if this title had not been enacted.*

21 (3) *SUITS NOT AFFECTED.*—*The provisions of*
22 *this title shall not affect suits commenced before the*
23 *effective date of this title, and in all such suits, pro-*
24 *ceedings shall be had, appeals taken, and judgments*

1 *rendered in the same manner and with the same effect*
2 *as if this title had not been enacted.*

3 (4) *NONABATEMENT OF ACTIONS.*—*No suit, ac-*
4 *tion, or other proceeding commenced by or against the*
5 *Board for International Broadcasting or by or*
6 *against any individual in the official capacity of*
7 *such individual as an officer of the Board for Inter-*
8 *national Broadcasting shall abate by reason of the en-*
9 *actment of this title.*

10 (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*
11 *MULGATION OF REGULATIONS.*—*Any administrative*
12 *action relating to the preparation or promulgation of*
13 *a regulation by the Board for International Broad-*
14 *casting relating to a function transferred under this*
15 *title may be continued by the United States Informa-*
16 *tion Agency with the same effect as if this title had*
17 *not been enacted.*

18 (6) *REFERENCES.*—*A reference in any provision*
19 *of law, reorganization plan, or other authority to the*
20 *Associate Director for Broadcasting of the United*
21 *States Information Agency shall be considered to be*
22 *a reference to the Director of the International Broad-*
23 *casting Bureau of the United States Information*
24 *Agency.*

1 (7) *EFFECT ON OTHER LAWS.*—*The provisions*
2 *of, and authorities contained in or transferred pursu-*
3 *ant to, this title are not intended to repeal, limit, or*
4 *otherwise derogate from the authorities or functions of*
5 *or available to the Director of the United States In-*
6 *formation Agency or the Secretary of State under*
7 *law, reorganization plan, or otherwise, unless such*
8 *provision hereof—*

9 (A) *specifically refers to the provision of*
10 *law or authority existing on the effective date of*
11 *this title, so affected; or*

12 (B) *is in direct conflict with such law or*
13 *authority existing on the effective date of this*
14 *title.*

15 **SEC. 311. PRESERVATION OF AMERICAN JOBS.**

16 *It is the sense of the Congress that the Director of the*
17 *United States Information Agency and the Chairman of the*
18 *Board for International Broadcasting should, in developing*
19 *the plan for consolidation and reorganization of overseas*
20 *international broadcasting services, limit, to the maximum*
21 *extent feasible, consistent with the purposes of the consolida-*
22 *tion, elimination of any United States-based positions and*
23 *should affirmatively seek to transfer as many positions as*
24 *possible to the United States.*

1 **SEC. 312. PRIVATIZATION OF RADIO FREE EUROPE AND**
2 **RADIO LIBERTY.**

3 (a) *DECLARATION OF POLICY.*—It is the sense of the
4 Congress that, in furtherance of the objectives of section 302
5 of this Act, the funding of Radio Free Europe and Radio
6 Liberty should be assumed by the private sector not later
7 than December 31, 1999, and that the funding of Radio
8 Free Europe and Radio Liberty Research Institute should
9 be assumed by the private sector at the earliest possible
10 time.

11 (b) *PRESIDENTIAL SUBMISSION.*—The President shall
12 submit with his annual budget submission for the Inter-
13 national Broadcasting Bureau established by section 306
14 of this Act an analysis and recommendations for achieving
15 the objectives of subsection (a).

16 (c) *REPORTS ON TRANSFER OF RFE/RL RESEARCH*
17 *INSTITUTE.*—No later than 120 days after the date of enact-
18 ment of this Act, the Board for International Broadcasting,
19 or the Board, if established, shall submit to the appropriate
20 congressional committees a report on the steps being taken
21 to transfer RFE/RL Research Institute pursuant to sub-
22 section (a) and shall provide periodic progress reports on
23 such efforts until such transfer has been achieved.

24 **SEC. 313. DEFINITIONS.**

25 *For the purposes of this title—*

1 (1) the term “appropriate congressional commit-
2 tees” means the Committee on Foreign Relations and
3 the Committee on Appropriations of the Senate and
4 the Committee on Foreign Affairs and the Committee
5 on Appropriations of the House of Representatives;

6 (2) the term “Director” means the Director of the
7 International Broadcasting Bureau, acting through
8 the Office of Surrogate Broadcasting;

9 (3) the term “RFE/RL, Incorporated” in-
10 cludes—

11 (A) the corporation having the corporate
12 title described in section 307(b)(3); and

13 (B) any alternative grantee described in
14 section 307(e).

15 (4) the term “salary or other compensation” in-
16 cludes any deferred compensation or pension pay-
17 ments, any payments for expenses for which the recip-
18 ient is not obligated to itemize, and any payments for
19 personnel services provided to an employee of RFE/
20 RL, Incorporated.

1 **TITLE IV—COMMISSION ON PRO-**
2 **TECTING AND REDUCING**
3 **GOVERNMENT SECRECY**

4 **SEC. 401. SHORT TITLE.**

5 *This title may be cited as the “Protection and Reduc-*
6 *tion of Government Secrecy Act”.*

7 **SEC. 402. PURPOSE.**

8 *It is the purpose of this title to establish for a two*
9 *year period a Commission on Protecting and Reducing*
10 *Government Secrecy which will examine the implications*
11 *of the extensive classification of information and to make*
12 *recommendations to reduce the volume of information clas-*
13 *sified and to thereby strengthen the protection of legiti-*
14 *mately classified information.*

15 **SEC. 403. FINDINGS.**

16 *The Congress makes the following findings:*

17 *(1) During the Cold War an extensive secrecy*
18 *system developed which limited the public’s access to*
19 *information and reduced the ability of the public to*
20 *participate with full knowledge in the process of gov-*
21 *ernmental decision-making;*

22 *(2) In 1992 alone 6,349,532 documents were*
23 *classified and approximately three million persons*
24 *held some form of security clearance;*

1 (3) *The burden of managing more than 6 million*
2 *newly classified documents every year has led to tre-*
3 *mendous administrative expense, reduced communica-*
4 *tion within the government and within the scientific*
5 *community, reduced communication between the gov-*
6 *ernment and the people of the United States, and the*
7 *selective and unauthorized public disclosure of classi-*
8 *fied information;*

9 (4) *It has been estimated that private industries*
10 *spend over \$14 billion per year implementing govern-*
11 *ment mandated regulations for protecting classified*
12 *information;*

13 (5) *If a smaller amount of truly sensitive infor-*
14 *mation was classified the information could be held*
15 *more securely;*

16 (6) *In 1970 a Task Force organized by the De-*
17 *fense Science Board and headed by Dr. Frederick*
18 *Seitz concluded that “more might be gained than lost*
19 *if our Nation were to adopt—unilaterally, if nec-*
20 *essary—a policy of complete openness in all areas of*
21 *information;” and*

22 (7) *A bipartisan study commission specially con-*
23 *stituted for the purpose of examining the consequences*
24 *of the secrecy system will be able to offer comprehen-*
25 *sive proposals for reform.*

1 **SEC. 404. FUNCTIONS OF THE COMMISSION.**

2 *The functions of the Commission shall be—*

3 *(1) to conduct, for not more than a period of 2*
4 *years, an investigation into all matters in any way*
5 *related to any legislation, executive order, regulation,*
6 *practice, or procedure relating to the access to or the*
7 *classification of information or involving security*
8 *clearances; and*

9 *(2) to make such recommendations concerning*
10 *the classification of national security information as*
11 *the Commission shall deem necessary, including pro-*
12 *posing new legislation.*

13 **SEC. 405. COMPOSITION OF THE COMMISSION.**

14 *(a) ESTABLISHMENT.—To carry out the purposes of*
15 *this title, there is established a Commission on Protecting*
16 *and Reducing Government Secrecy (in this title referred to*
17 *as the “Commission”).*

18 *(b) COMPOSITION.—The Commission shall be composed*
19 *of twelve members, as follows:*

20 *(1) Four members appointed by the President,*
21 *two from the executive branch of the Government and*
22 *two from private life.*

23 *(2) Four members appointed by the President of*
24 *the Senate, two from Members of the Senate (one from*
25 *each of the two major political parties) and two from*
26 *private life.*

1 (3) *Four members appointed by the Speaker of*
2 *the House of Representatives, two from Members of*
3 *the House of Representatives (one from each of the*
4 *two major political parties) and two from private*
5 *life.*

6 (c) *CHAIRMAN AND VICE CHAIRMAN.—The Commis-*
7 *sion shall elect a Chairman and a Vice Chairman from*
8 *among its members.*

9 (d) *QUORUM; VACANCIES.—Seven members of the*
10 *Commission shall constitute a quorum. Any vacancy in the*
11 *Commission shall not affect its powers, but shall be filled*
12 *in the same manner in which the original appointment was*
13 *made.*

14 (e) *COMPENSATION AND TRAVEL EXPENSES.—(1) Ex-*
15 *cept as provided in paragraph (2), each member of the Com-*
16 *mission may be compensated at not to exceed the daily*
17 *equivalent of the annual rate of basic pay in effect for a*
18 *position at level IV of the Executive Schedule under section*
19 *5315 of title 5, United States Code, for each day during*
20 *which that member is engaged in the actual performance*
21 *of the duties of the Commission.*

22 (2) *Members of the Commission who are full-time offi-*
23 *cers or employees of the United States or Members of Con-*
24 *gress shall receive no additional pay on account of their*
25 *service on the Commission.*

1 (3) *While away from their homes or regular places of*
2 *business in the performance of services for the Commission,*
3 *members of the Commission shall be allowed travel expenses,*
4 *including per diem in lieu of subsistence, in the same man-*
5 *ner as persons employed intermittently in the Government*
6 *service are allowed expenses under section 5703(b) of title*
7 *5, United States Code.*

8 **SEC. 406. POWERS OF THE COMMISSION.**

9 (a) *IN GENERAL.*—*The Commission or, on the author-*
10 *ization of the Commission, any subcommittee or member*
11 *thereof, may, for the purpose of carrying out the provisions*
12 *of this title, hold such hearings and sit and act at such*
13 *times and places, administer such oaths, and require, by*
14 *subpena or otherwise, the attendance and testimony of such*
15 *witnesses and the production of such books, records, cor-*
16 *respondence, memoranda, papers, and documents as the*
17 *Commission or such subcommittee or member may deem ad-*
18 *visable. Subpenas may be issued under the signature of the*
19 *Chairman of the Commission, of any such subcommittee,*
20 *or any designated member, and may be served by any per-*
21 *son designated by such Chairman or member. The provi-*
22 *sions of sections 102 through 104 of the Revised Statutes*
23 *of the United States (2 U.S.C. 192–194) shall apply in the*
24 *case of any failure of any witness to comply with any sub-*

1 *pena or to testify when summoned under authority of this*
2 *section.*

3 (b) *COOPERATION WITH OTHER AGENCIES.*—The
4 *Commission is authorized to secure directly from any execu-*
5 *tive department, bureau, agency, board, commission, office,*
6 *independent establishment, or instrumentality of the Gov-*
7 *ernment information, suggestions, estimates, and statistics*
8 *for the purposes of this title. Each such department, bureau,*
9 *agency, board, commission, office, establishment, or instru-*
10 *mentality shall, to the extent authorized by law, furnish*
11 *such information, suggestions, estimates, and statistics di-*
12 *rectly to the Commission, upon request made by the Chair-*
13 *man or Vice Chairman.*

14 **SEC. 407. STAFF OF THE COMMISSION.**

15 (a) *IN GENERAL.*—The Commission shall have power
16 *to appoint and fix the compensation of such personnel as*
17 *it deems advisable, without regard to the provisions of title*
18 *5, United States Code, governing appointments in the com-*
19 *petitive service, and without regard to the provisions of*
20 *chapter 51 and subchapter III of chapter 53 of such title*
21 *relating to classification and General Schedule pay rates.*

22 (b) *CONSULTANT SERVICES.*—The Commission is au-
23 *thorized to procure the services of experts and consultants*
24 *in accordance with section 3109 of title 5, United States*
25 *Code, but at rates not to exceed the daily rate paid a person*

1 *occupying a position at level IV of the Executive Schedule*
2 *under section 5315 of title 5, United States Code.*

3 **SEC. 408. FINAL REPORT OF COMMISSION; TERMINATION.**

4 (a) *FINAL REPORT.*—*Not later than two years after*
5 *the date of enactment of this title, the Commission shall*
6 *submit to the President and to the Congress its final report*
7 *and recommendations.*

8 (b) *TERMINATION.*—*The Commission, and all the au-*
9 *thorities of this title, shall terminate two years after the*
10 *date of enactment of this Act, or upon the submission of*
11 *the final report and recommendations in accordance with*
12 *subsection (a), whichever comes first.*

13 **TITLE V—SPOILS OF WAR ACT OF**
14 **1993**

15 **SEC. 501. SHORT TITLE.**

16 *This title may be cited as the “Spoils of War Act of*
17 *1993”.*

18 **SEC. 502. TRANSFERS OF SPOILS OF WAR.**

19 (a) *ELIGIBILITY FOR TRANSFER.*—*Spoils of war in the*
20 *possession, custody, or control of the United States may be*
21 *transferred to any other party, including any government,*
22 *group, or person, by sale, grant, loan or in any other man-*
23 *ner, only to the extent and in the same manner that prop-*
24 *erty of the same type, if otherwise owned by the United*
25 *States, may be so transferred.*

1 (b) *TERMS AND CONDITIONS.*—Any transfer pursuant
2 to subsection (a) shall be subject to all of the terms, condi-
3 tions, and requirements applicable to the transfer of prop-
4 erty of the same type otherwise owned by the United States.

5 **SEC. 503. PROHIBITION ON TRANSFERS TO COUNTRIES**
6 **WHICH SUPPORT TERRORISM.**

7 *Spoils of war in the possession, custody, or control of*
8 *the United States may not be transferred to any country*
9 *determined by the Secretary of State, for purposes of section*
10 *40 of the Arms Export Control Act, to be a nation whose*
11 *government has repeatedly provided support for acts of*
12 *international terrorism.*

13 **SEC. 504. REPORT ON PREVIOUS TRANSFERS.**

14 *Not later than 90 days after the date of enactment of*
15 *this Act, the President shall submit to the appropriate con-*
16 *gressional committees a report describing any spoils of war*
17 *obtained subsequent to August 2, 1990 that were transferred*
18 *to any party, including any government, group, or person,*
19 *before the date of enactment of this Act. Such report shall*
20 *be submitted in unclassified form to the extent possible.*

21 **SEC. 505. DEFINITIONS.**

22 *As used in this title—*

23 (1) *the term “appropriate congressional commit-*
24 *tees” means the Committee on Foreign Relations of*
25 *the Senate and the Committee on Foreign Affairs of*

1 *the House of Representatives, or, where required by*
2 *law for certain reporting purposes, the Select Com-*
3 *mittee on Intelligence of the Senate and the Select*
4 *Committee on Intelligence of the House of Representa-*
5 *tives;*

6 (2) *the term “enemy” means any country, gov-*
7 *ernment, group, or person that has been engaged in*
8 *hostilities, whether or not lawfully authorized, with*
9 *the United States;*

10 (3) *the term “person” means—*

11 (A) *any natural person;*

12 (B) *any corporation, partnership, or other*
13 *legal entity; and*

14 (C) *any organization, association, or group;*
15 *and*

16 (4) *the term “spoils of war” means enemy mov-*
17 *able property lawfully captured, seized, confiscated, or*
18 *found which has become United States property in*
19 *accordance with the laws of war.*

20 **SEC. 506. CONSTRUCTION.**

21 *Nothing in this title shall apply to—*

22 (1) *the abandonment or failure to take possession*
23 *of spoils of war by troops in the field for valid mili-*
24 *tary reasons related to the conduct of the immediate*
25 *conflict, including the burden of transporting such*

1 *property or a decision to allow allied forces to take*
2 *immediate possession of certain property solely for*
3 *use during an ongoing conflict;*

4 *(2) the abandonment or return of any property*
5 *obtained, borrowed, or requisitioned for temporary*
6 *use during military operations without intent to re-*
7 *tain possession of such property;*

8 *(3) the destruction of spoils of war by troops in*
9 *the field;*

10 *(4) the return of spoils of war to previous owners*
11 *from whom such property had been seized by enemy*
12 *forces; or*

13 *(5) minor articles of personal property which*
14 *have lawfully become the property of individual mem-*
15 *bers of the armed forces as war trophies pursuant to*
16 *public written authorization from the Department of*
17 *Defense.*

18 **TITLE VI—THE KHMER ROUGE**
19 **PROSECUTION AND EXCLU-**
20 **SION ACT**

21 **SEC. 601. SHORT TITLE.**

22 *This title may be cited as the “Khmer Rouge Prosecu-*
23 *tion and Exclusion Act”.*

24 **SEC. 602. POLICY.**

25 *The Congress urges the President—*

1 (1) promptly and actively to assist appropriate
2 organizations to collect relevant data on crimes
3 against humanity committed by the Khmer Rouge in
4 Cambodia between April 17, 1975 and January 7,
5 1979;

6 (2) to carry out paragraph (1) consistent with
7 the Agreement on a Comprehensive Political Settle-
8 ment of the Cambodia Conflict, signed at Paris on
9 October 23, 1991; and

10 (3) to promote vigorously the establishment of a
11 national or international criminal tribunal for the
12 prosecution of those accused of genocide in Cambodia.

13 **SEC. 603. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.**

14 (a) *ESTABLISHMENT.*—(1) There is established within
15 the Department of State the Office of Cambodian Genocide
16 Investigation (hereafter in this Act referred to as the “Of-
17 fice”).

18 (2) The Office shall carry out its operations solely
19 within Cambodia.

20 (3) The Secretary of State shall designate an officer
21 or employee of the Department of State to serve as Director
22 of the Office.

23 (b) *ADMINISTRATION.*—(1) The Assistant Secretary of
24 State for East Asian and Pacific Affairs (or any successor
25 Assistant Secretary) shall administer the Office.

1 (2) *The Secretary of State shall make available to the*
2 *Office such personnel and office space in Cambodia as the*
3 *Office may require.*

4 (c) *PURPOSE.*—*The purpose of the Office shall be—*

5 (1) *to investigate crimes against humanity com-*
6 *mitted by national Khmer Rouge leaders in the pe-*
7 *riod beginning on April 17, 1975 and ending Janu-*
8 *ary 7, 1979;*

9 (2) *to provide the people of Cambodia with ac-*
10 *cess to documents, records, and other evidence held by*
11 *the Office as a result of such investigation;*

12 (3) *to submit the relevant data to a national or*
13 *international penal tribunal that may be convened to*
14 *formally hear and judge the genocidal acts committed*
15 *by the Khmer Rouge; and*

16 (4) *to develop the United States proposal for the*
17 *establishment of an international criminal tribunal*
18 *for the prosecution of those accused of genocide in*
19 *Cambodia.*

20 **SEC. 604. REPORTING REQUIREMENT.**

21 (a) *IN GENERAL.*—*Beginning 6 months after the date*
22 *of enactment of this Act, and every 6 months thereafter, the*
23 *President shall submit a report to the appropriate congres-*
24 *sional committees—*

1 (1) that describes the activities of the Office, and
2 sets forth new facts learned about past Khmer Rouge
3 practices, during the preceding 6-month period; and

4 (2) that describes the steps the President has
5 taken during the preceding 6-month period to pro-
6 mote human rights, to support efforts to bring to jus-
7 tice the national political and military leadership of
8 the Khmer Rouge, and to prevent the recurrence of
9 human rights abuses in Cambodia through actions—

10 (A) which are not related to United Nations
11 activities in Cambodia; and

12 (B) which are consistent with Article 15 of
13 the Agreement on a Comprehensive Political Set-
14 tlement of the Cambodia Conflict, signed at
15 Paris on October 23, 1991.

16 (b) *DEFINITION.*—For purposes of this section, the
17 term “appropriate congressional committees” means the
18 Committee on Foreign Relations of the Senate and the Com-
19 mittee on Foreign Affairs of the House of Representatives.

20 **SEC. 605. EXCLUSION FROM THE UNITED STATES.**

21 (a) *AMENDMENT TO THE IMMIGRATION AND NATION-*
22 *ALITY ACT.*—Section 212(a) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1182(a)) is amended by adding at
24 the end thereof the following new paragraph:

1 “(10)(A) Any alien, who, at any time during the
2 period beginning on April 17, 1975, and ending on
3 January 7, 1979, was a member of the national mili-
4 tary or political leadership of the Khmer Rouge, is ex-
5 cluded.

6 “(B) For purposes of this paragraph, the na-
7 tional military and political leadership of the Khmer
8 Rouge includes, but is not limited to, the following
9 persons: Pol Pot, Khieu Samphan, Son Sen, Ieng
10 Sary, Nuon Chea, Ke Pauk, Mok, Ieng Thirith, and
11 Yun Yat.”

12 (b) *POLICY REGARDING ADMISSION TO FOREIGN*
13 *COUNTRIES.*—The Congress urges the President to encour-
14 age foreign governments similarly to exclude from their
15 countries former and present Khmer Rouge leaders de-
16 scribed in section 212(a)(10) of the Immigration and Na-
17 tionality Act.

18 **TITLE VII—MISCELLANEOUS**

19 **SEC. 701. PEACE CORPS.**

20 There are authorized to be appropriated \$219,745,000
21 for the fiscal year 1994 and \$234,745,000 for the fiscal year
22 1995 to carry out the Peace Corps Act.

1 **SEC. 702. REPORTING REQUIREMENTS ON OCCUPIED**
2 **TIBET.**

3 (a) *REPORT ON UNITED STATES-TIBET RELATIONS.*—
4 *Because Congress has determined that Tibet is an occupied*
5 *sovereign country under international law and that its true*
6 *representatives are the Dalai Lama and the Tibetan Gov-*
7 *ernment-in-Exile:*

8 (1) *it is the sense of the Congress that the United*
9 *States should seek to establish a dialog with the Dalai*
10 *Lama and the Tibetan Government-in-Exile concern-*
11 *ing the situation in Tibet and the future of the Ti-*
12 *betan people and to expand and strengthen United*
13 *States-Tibet cultural and educational relations, in-*
14 *cluding promoting bilateral exchanges arranged di-*
15 *rectly with the Tibetan Government-in-Exile; and*

16 (2) *not later than 6 months after the date of en-*
17 *actment of this Act, and every 12 months thereafter,*
18 *the Secretary of State shall transmit to the Chairman*
19 *of the Committee on Foreign Relations and the*
20 *Speaker of the House of Representatives a report on*
21 *the state of United States-Tibetan Government-in-*
22 *Exile relations and on conditions in Tibet.*

23 (b) *SEPARATE TIBET REPORTS.*—(1) *Whenever a re-*
24 *port is transmitted to the Congress on a country-by-country*
25 *basis there shall be included in such report, where applica-*

1 *ble, a separate report on Tibet listed alphabetically with*
2 *its own state heading.*

3 (2) *The reports referred to in paragraph (1) include,*
4 *but are not limited to, reports transmitted under sections*
5 *116(d) and 502B(b) of the Foreign Assistance Act of 1961*
6 *(relating to human rights).*

7 **SEC. 703. POLICY ON MIDDLE EAST ARMS SALES.**

8 (a) *BOYCOTT OF ISRAEL.*—*Section 322 of the Foreign*
9 *Relations Authorization Act, Fiscal Years 1992 and 1993*
10 *(Public Law 102–138) is amended—*

11 (1) *in paragraph (2), by striking “and” at the*
12 *end; and*

13 (2) *in paragraph (3)—*

14 (A) *by striking “and” at the end of sub-*
15 *paragraph (A);*

16 (B) *by striking the period at the end of sub-*
17 *paragraph (B) and inserting “; and”; and*

18 (C) *by adding at the end the following new*
19 *subparagraph:*

20 “(C) *does not participate in the Arab*
21 *League primary or secondary boycott of Israel.”.*

22 (b) *REPORT TO CONGRESS.*—*Not later than 180 days*
23 *after the date of the enactment of this Act, the Secretary*
24 *of State shall submit to the Speaker of the House of Rep-*
25 *resentatives and the Chairman of the Committee on Foreign*

1 *Relations of the Senate a report concerning steps taken to*
2 *ensure that the goals of section 322 of the Foreign Relations*
3 *Authorization Act, Fiscal Years 1992 and 1993 (Public*
4 *Law 102–138) are being met.*

5 **SEC. 704. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

6 (a) *OFFENSE.*—Chapter 113A of title 18, United
7 States Code, is amended by adding at the end the following
8 new section:

9 **“SEC. 2339. PROVIDING MATERIAL SUPPORT TO TERROR-**
10 **ISTS.**

11 “Whoever, within the United States, provides material
12 support or resources or conceals or disguises the nature, lo-
13 cation, source, or ownership of material support or re-
14 sources, knowing or intending that they are to be used in
15 preparation for, or in carrying out, a violation of section
16 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363,
17 1751, 2280, 2281, 2332, or 2339A of this title or section
18 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App.
19 1472(i)), or in preparation for, or carrying out, the conceal-
20 ment or an escape from the commission of any of the fore-
21 going, shall be fined under this title, imprisoned not more
22 than 10 years, or both. For purposes of this section, the term
23 ‘material support or resources’ includes currency or other
24 financial securities, financial services, lodging, training,
25 safehouses, false documentation or identification, commu-

1 *nications equipment, facilities, weapons, lethal substances,*
 2 *explosives, personnel, transportation, and other physical as-*
 3 *sets, but does not include humanitarian assistance to per-*
 4 *sons not directly involved in such violations.”.*

5 (b) *TECHNICAL AMENDMENT.*—*The chapter analysis*
 6 *for chapter 113A of title 18, United States Code, as amend-*
 7 *ed by section 601(b)(1), is amended by adding at the end*
 8 *the following new item:*

“2339. Providing material support to terrorists.”.

9 ***SEC. 705. TORTURE CONVENTION IMPLEMENTATION.***

10 (a) *IN GENERAL.*—*Part I of title 18, United States*
 11 *Code, is amended by inserting after chapter 113A the fol-*
 12 *lowing new chapter:*

“CHAPTER 113B—TORTURE

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

13 ***“SEC. 2340. DEFINITIONS.***

14 *“As used in this chapter—*

15 *“(1) ‘torture’ means an act committed by a per-*
 16 *son acting under the color of law specifically intended*
 17 *to inflict severe physical or mental pain or suffering*
 18 *(other than pain or suffering incidental to lawful*
 19 *sanctions) upon another person with custody or phys-*
 20 *ical control;*

21 *“(2) ‘severe mental pain or suffering’ means the*
 22 *prolonged mental harm caused by or resulting from—*

1 “(A) *the intentional infliction or threatened*
2 *infliction of severe physical pain or suffering;*

3 “(B) *the administration or application, or*
4 *threatened administration or application, of*
5 *mind-altering substances or other procedures cal-*
6 *culated to disrupt profoundly the senses or the*
7 *personality;*

8 “(C) *the threat of imminent death; or*

9 “(D) *the threat that another person will im-*
10 *minently be subjected to death, severe physical*
11 *pain or suffering, or the administration or ap-*
12 *plication of mind-altering substances or other*
13 *procedures calculated to disrupt profoundly the*
14 *senses or personality; and*

15 “(3) *‘United States’ includes all areas under the*
16 *jurisdiction of the United States including any of the*
17 *places described in sections 5 and 7 of this title and*
18 *section 101(38) of the Federal Aviation Act of 1958*
19 *(49 U.S.C. App. 1301(38)).*

20 **“SEC. 2340A. TORTURE.**

21 “(a) *OFFENSE.—Whoever outside the United States*
22 *commits or attempts to commit torture shall be fined under*
23 *this title or imprisoned not more than 20 years, or both,*
24 *and if death results to any person from conduct prohibited*

1 *by this subsection, shall be imprisoned for any term of years*
 2 *or for life.*

3 “(b) *JURISDICTION.*—*There is jurisdiction over the ac-*
 4 *tivity prohibited in subsection (a) if—*

5 “(1) *the alleged offender is a national of the*
 6 *United States; or*

7 “(2) *the alleged offender is present in the United*
 8 *States, irrespective of the nationality of the victim or*
 9 *alleged offender.*

10 **“SEC. 2340B. EXCLUSIVE REMEDIES.**

11 “*Nothing in this chapter shall be construed as preclud-*
 12 *ing the application of State or local laws on the same sub-*
 13 *ject, nor shall anything in this chapter be construed as cre-*
 14 *ating any substantive or procedural right enforceable by*
 15 *law by any party in any civil proceeding.”.*

16 (b) *TECHNICAL AMENDMENT.*—*The part analysis for*
 17 *part I of title 18, United States Code, is amended by insert-*
 18 *ing after the item relating to chapter 113A the following*
 19 *new item:*

“113B. Torture 2340.”.

20 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 21 *section shall take effect on the later of—*

22 (1) *the date of enactment of this Act; or*

23 (2) *the date on which the United States has be-*
 24 *come a party to the Convention Against Torture and*

1 (1) *the international community, pursuant to*
2 *United Nations Security Council Resolution 688, and*
3 *with the continuation of Operation Provide Comfort,*
4 *supports the protection of Iraqi's Kurdish and other*
5 *ethnic and religious minorities;*

6 (2) *notwithstanding the international commu-*
7 *nity's resolve, certain areas of Iraqi Kurdistan re-*
8 *main at risk of an Iraqi invasion;*

9 (3) *despite the threat of an Iraqi invasion, the*
10 *Kurds, along with other minority ethnic and religious*
11 *groups, have initiated a drive toward self-sufficiency,*
12 *including—*

13 (A) *holding free and fair democratic elec-*
14 *tions to establish a parliament, which supports*
15 *Iraq's territorial integrity and the transition to*
16 *a unified, democratic Iraq;*

17 (B) *planning for and administering public*
18 *services;*

19 (C) *reconstructing and rehabilitating the*
20 *basic infrastructure of Iraqi Kurdistan; and*

21 (D) *establishing unified police and security*
22 *forces;*

23 (4) *despite the provision of substantial inter-*
24 *national humanitarian assistance, and despite the*
25 *fact that the United Nations blockade on Iraq con-*

1 *tains exceptions for humanitarian-related items, the*
2 *inhabitants of Iraqi Kurdistan still face difficulties*
3 *because of an internal Iraqi government blockade; and*

4 *(5) the Kurds and other ethnic and religious mi-*
5 *norities, with appropriate additional support, would*
6 *have the ability to meet their goal of self-sufficiency*
7 *and move beyond the need for international assist-*
8 *ance.*

9 *(b) POLICY.—It is the sense of the Congress that the*
10 *President should—*

11 *(1) take steps to encourage the United Nations*
12 *Security Council—*

13 *(A) to reaffirm support for the protection of*
14 *all Iraqi Kurdish and other minorities in Iraqi*
15 *Kurdistan pursuant to Security Council Resolu-*
16 *tion 688; and*

17 *(B) to consider lifting selectively the United*
18 *Nations embargo on the areas under the admin-*
19 *istration of the democratically elected leadership*
20 *of Iraqi Kurdistan, subject to the verifiable con-*
21 *ditions that—*

22 *(i) the inhabitants of such areas do not*
23 *conduct trade with the Iraqi regime; and*

24 *(ii) the partial lifting of the embargo*
25 *will not materially assist the Iraqi regime;*

1 (2) continue to advocate the transition to a uni-
2 fied, democratic Iraq;

3 (3) take steps to design a multilateral assistance
4 program for the people of Iraqi Kurdistan that sup-
5 ports their efforts to attain self-sufficiency through the
6 provision of—

7 (A) financial and technical assistance
8 through the democratically elected Kurdish ad-
9 ministration to enable the exploitation of natu-
10 ral resources such as oil; and

11 (B) financial assistance to support the le-
12 gitimate self-defense and security needs of the
13 people of Iraqi Kurdistan; and

14 (4) take steps to intensify discussions with the
15 Government of Turkey, whose support and coopera-
16 tion in the protection of the people of Iraqi Kurdistan
17 is critical, to ensure that the stability of both Turkey
18 and the entire region is enhanced by the measures
19 taken under this section.

20 **SEC. 709. ADDITIONAL SANCTIONS AGAINST NORTH KOREA.**

21 (a) *IN GENERAL.*—Notwithstanding any other provi-
22 sion of law, no license, instruction, rule, regulation, or order
23 issued under section 5 of the Trading With the Enemy Act
24 of 1917 (50 U.S.C. App. 5) may—

1 (1) *authorize any transaction involving the com-*
2 *mercial sale of any good or technology to North*
3 *Korea; or*

4 (2) *authorize any transaction involving the pro-*
5 *vision of services for travel to North Korea which was*
6 *not otherwise authorized as of January 2, 1989.*

7 (b) *WAIVER.—The President may waive the applica-*
8 *tion of subsection (a) if the President determines that such*
9 *a waiver would serve the national interest.*

10 **SEC. 710. WAIVER OF SANCTIONS WITH RESPECT TO THE**
11 **REPUBLIC OF SERBIA AND THE REPUBLIC OF**
12 **MONTENEGRO TO PROMOTE DEMOCRACY**
13 **ABROAD.**

14 (a) *AUTHORITY.—Notwithstanding any other provi-*
15 *sion of law, the President is authorized and encouraged to*
16 *exempt from sanctions imposed against the Republic of Ser-*
17 *bia and the Republic of Montenegro those United States-*
18 *supported programs, projects, or activities involving reform*
19 *of the electoral process, or the development of democratic*
20 *institutions or democratic political parties, in these two*
21 *countries.*

22 (b) *POLICY.—The President, acting through the United*
23 *States Permanent Representative to the United Nations,*
24 *should propose that any action, past or future, by the Secu-*
25 *rity Council pursuant to Article 41 of the United Nations*

1 *Charter, with respect to the Republic of Serbia or the Re-*
2 *public of Montenegro, should take account of the exemption*
3 *described in subsection (a).*

4 **SEC. 711. CLAIMS BASED ON LETTERS OF CREDIT FOR**
5 **GOODS SHIPPED BUT NOT PAID FOR BEFORE**
6 **IMPOSITION OF NATIONAL EMERGENCY.**

7 *Title I of the International Claims Settlement Act of*
8 *1949 (22 U.S.C. 1621 et seq.) is amended by adding at the*
9 *end the following new section:*

10 *“SEC. 10. Notwithstanding any other provision of law,*
11 *funds on deposit in United States banks that have been*
12 *blocked under the International Emergency Economic Pow-*
13 *ers Act in accounts of foreign banks that issued or con-*
14 *firmed letters of credit for the benefit of United States na-*
15 *tionals may be released to pay such letters of credit if the*
16 *United States beneficiaries lawfully shipped goods or other-*
17 *wise performed underlying contractual obligations based on*
18 *such letters of credit before the declaration of a national*
19 *emergency pursuant to that Act.”.*

20 **SEC. 712. ENFORCEMENT OF NONPROLIFERATION TREA-**
21 **TIES.**

22 *(a) POLICY.—It is the sense of the Congress that the*
23 *President should instruct the United States Permanent*
24 *Representative to the United Nations to enhance the role*
25 *of that institution in the enforcement of nonproliferation*

1 *treaties through the passage of a United Nations Security*
2 *Council resolution which would state that, any non-nuclear*
3 *weapon state that is found by the United Nations Security*
4 *Council, in consultation with the International Atomic En-*
5 *ergy Agency (IAEA), to have terminated, abrogated, or ma-*
6 *terially violated an IAEA full-scope safeguards agreement*
7 *would be subjected to international economic sanctions, the*
8 *scope of which to be determined by the United Nations Secu-*
9 *rity Council.*

10 (b) *PROHIBITION.*—*Notwithstanding any other provi-*
11 *sion of law, no United States assistance, under the Foreign*
12 *Assistance Act of 1961 shall be provided to any non-nuclear*
13 *weapon state that is found by the President to have termi-*
14 *nated, abrogated, or materially violated an IAEA full-scope*
15 *safeguard agreement or materially violated a bilateral*
16 *United States nuclear cooperation agreement entered into*
17 *after the date of enactment of the Nuclear Non-Proliferation*
18 *Act of 1978.*

19 **SEC. 713. SENSE OF SENATE ON THE PEACE PROCESS IN**
20 **NORTHERN IRELAND.**

21 (a) *FINDINGS.*—*The Senate makes the following find-*
22 *ings:*

23 (1) *The people of Northern Ireland, Ireland, and*
24 *Great Britain earnestly seek a peaceful end to a con-*

1 *flict in the North of Ireland which has caused more*
2 *than 3,000 deaths since 1969.*

3 *(2) The people of the United States, many of*
4 *whom share a common ancestry and cultural roots*
5 *with the people of Northern Ireland, Ireland, and*
6 *Great Britain, are deeply concerned about the con-*
7 *tinuing conflict and desire to facilitate an early reso-*
8 *lution to the conflict.*

9 *(3) In 1993, John Hume, head of the Social*
10 *Democratic and Labour Party and Gerry Adams,*
11 *President of Sinn Fein, conducted talks on the con-*
12 *flict.*

13 *(4) These talks were a significant contribution to*
14 *a climate encouraging peace in the North of Ireland.*

15 *(5) The Government of the United Kingdom and*
16 *the Government of Ireland have held talks on North-*
17 *ern Ireland culminating in the Joint Declaration is-*
18 *sued by the two governments on December 15, which*
19 *declaration offers a framework for lasting peace in the*
20 *region.*

21 *(b) SENSE OF SENATE.—It is the sense of the Senate*
22 *that the United States should strongly encourage all parties*
23 *to the conflict in the North of Ireland to renounce violence*
24 *and to participate in the current search for peace in the*
25 *region.*

1 **SEC. 714. CONTROL OF REEXPORTS TO TERRORIST COUN-**
2 **TRIES.**

3 *Section 6(j) of the Export Administration Act of 1979*
4 *(50 U.S.C. App. 2405(j)) is amended by adding at the end*
5 *the following new paragraphs:*

6 *“(5) Upon the request of the chairman or ranking mi-*
7 *nority member of the Committee on Foreign Relations or*
8 *the Committee on Banking, Housing and Urban Affairs of*
9 *the Senate or the Committee on Foreign Affairs or the Com-*
10 *mittee on Banking, Finance and Urban Affairs of the*
11 *House of Representatives, the President shall include in the*
12 *notification required by paragraph (2)—*

13 *“(A) a detailed description of the goods or serv-*
14 *ices to be offered, including a brief description of the*
15 *capabilities of any article for which a license to ex-*
16 *port is sought;*

17 *“(B) an evaluation, prepared by the Director of*
18 *the Arms Control and Disarmament Agency, in con-*
19 *sultation with the Secretary of State and the Sec-*
20 *retary of Defense, of the manner, if any, in which the*
21 *proposed export would—*

22 *“(i) contribute to an arms race;*

23 *“(ii) support international terrorism;*

24 *“(iii) increase the possibility of an outbreak*
25 *or escalation of conflict;*

1 “(iv) prejudice the negotiation of any arms
2 controls; or

3 “(v) adversely affect the arms control policy
4 of the United States;

5 “(C) the reasons why the foreign country or
6 international organization to which the export or
7 transfer is proposed to be made needs the goods or
8 services which are the subject of such export or trans-
9 fer and a description of the manner in which such
10 country or organization intends to use such articles,
11 services, or design and construction services;

12 “(D) the reasons why the proposed export or
13 transfer is in the national interest of the United
14 States;

15 “(E) an analysis by the President of the impact
16 of the proposed export or transfer on the military ca-
17 pabilities of the foreign country or international orga-
18 nization to which such export or transfer would be
19 made;

20 “(F) an analysis by the President of the manner
21 in which the proposed export would affect the relative
22 military strengths of countries in the region to which
23 the goods or services which are the subject of such ex-
24 port would be delivered and whether other countries

1 *in the region have comparable kinds and amounts of*
2 *articles, services, or design and construction services;*

3 “(G) *an analysis of the impact of the proposed*
4 *export or transfer on the United States relations with*
5 *the countries in the region to which the goods or serv-*
6 *ices which are the subject of such export would be de-*
7 *livered;*

8 “(H) *the projected delivery dates of the goods or*
9 *services to be offered; and*

10 “(I) *a detailed description of weapons and levels*
11 *of munitions that may be required as support for the*
12 *proposed export.*

13 “(6) *If the Congress within 30 calendar days after re-*
14 *ceiving a notification under paragraph (2) enacts a joint*
15 *resolution prohibiting the proposed export, then no license*
16 *may be issued, unless the President states in his notification*
17 *that an emergency exists which requires such export in the*
18 *national security interest of the United States. If the Presi-*
19 *dent so states that an emergency exists, he shall set forth*
20 *in the notification a detailed justification for his deter-*
21 *mination, including a description of the emergency cir-*
22 *cumstances which necessitate the immediate issuance of the*
23 *license and a discussion of the national security interest*
24 *involved.*

1 “(7)(A) Any joint resolution under this subsection
2 shall be considered in the Senate in accordance with the
3 provisions of section 601(b) of the International Security
4 Assistance and Arms Export Control Act of 1976.

5 “(B) For the purpose of expediting the consideration
6 and enactment of joint resolutions under this subsection, a
7 motion to proceed to the consideration of any such joint
8 resolution after it has been reported by the appropriate
9 committee shall be treated as highly privileged in the House
10 of Representatives.

11 “(8) For purposes of this section, the terms ‘export’
12 and ‘transfer’ shall include any reexport, third party trans-
13 fer or other consignment of United States-origin goods or
14 services.”.

15 **SEC. 715. REPORTS UNDER THE ARMS EXPORT CONTROL**

16 **ACT.**

17 (a) *QUARTERLY REPORTS.*—Section 36(a) of the Arms
18 Export Control Act (22 U.S.C. 2776(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (10);

21 (2) by striking the period at the end of para-
22 graph (11) and inserting “; and”; and

23 (3) by adding at the end the following new para-
24 graph:

1 “(12) a listing of all offset agreements proposed
2 to be entered into in connection with the sale of any
3 defense article or defense service.”.

4 (b) *NUMBERED CERTIFICATIONS WITH RESPECT TO*
5 *GOVERNMENT-TO-GOVERNMENT SALES.*—Section 36(b)(1)
6 of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is
7 amended after the second sentence by inserting the following
8 new sentence: “Each such numbered certification shall con-
9 tain a description of any offset agreement proposed to be
10 entered into in connection with such letter of offer to sell.”.

11 (c) *NUMBERED CERTIFICATIONS WITH RESPECT TO*
12 *COMMERCIAL EXPORTS.*—Section 36(c)(1) of the Arms Ex-
13 port Control Act (22 U.S.C. 2776(c)(1)) is amended after
14 the first sentence by inserting the following new sentence:
15 “Each such numbered certification shall also contain a de-
16 scription of any offset agreement proposed to be entered into
17 in connection with such export.”.

18 (d) *DEFINITIONS.*—Section 36 of the Arms Export
19 Control Act (22 U.S.C. 2776) is amended by adding at the
20 end the following:

21 “(e) For purposes of this section—

22 “(1) the term ‘offset agreement’ means an agree-
23 ment, arrangement, or understanding between a Unit-
24 ed States supplier of defense articles or defense serv-
25 ices and a foreign country under which the supplier

1 *agrees to purchase or acquire, or to promote the pur-*
2 *chase or acquisition by other United States persons*
3 *of, goods or services produced, manufactured, grown,*
4 *or extracted, in whole or in part, in that foreign*
5 *country in consideration for the purchase by the for-*
6 *ign country of defense articles or defense service from*
7 *the supplier; and*

8 *“(2) the term ‘United States person’ means—*

9 *“(A) an individual who is a national or*
10 *permanent resident alien of the United States;*

11 *“(B) any corporation, business association,*
12 *partnership, trust, or other juridical entity—*

13 *“(i) organized under the laws of the*
14 *United States or any State, district, terri-*
15 *tory, or possession thereof; or*

16 *“(ii) owned or controlled in fact by in-*
17 *dividuals described in subparagraph (A);*

18 *and*

19 *“(C) the United States Government or any*
20 *agency or instrumentality thereof.”.*

1 **SEC. 716. PROHIBITION ON THIRD PARTY INCENTIVE PAY-**
2 **MENTS UNDER THE ARMS EXPORT CONTROL**
3 **ACT.**

4 *Section 39 of the Arms Export Control Act (22 U.S.C.*
5 *2779) is amended by adding at the end the following new*
6 *subsection:*

7 *“(e)(1) No sale may be made, no credits may be ex-*
8 *tended, no guarantees may be issued, and no licenses may*
9 *be approved under this Act with respect to the sale of any*
10 *defense article or defense service to a foreign country unless*
11 *the United States supplier of such articles or services first*
12 *certifies that neither the supplier nor any employee, agent,*
13 *or subcontractor thereof will make any third-party incen-*
14 *tive payments for the purpose of satisfying, in whole or in*
15 *part, any offset agreement with that country.*

16 *“(2) For purposes of this subsection—*

17 *“(A) the term ‘offset agreement’ means an agree-*
18 *ment, arrangement, or understanding between a Unit-*
19 *ed States supplier of defense articles or defense serv-*
20 *ices and a foreign country under which the supplier*
21 *agrees to purchase or acquire, or to promote the pur-*
22 *chase or acquisition by other United States persons*
23 *of, goods or services produced, manufactured, grown,*
24 *or extracted, in whole or in part, in that foreign*
25 *country in consideration for the purchase by the for-*

1 *eign country of defense articles or defense services*
2 *from the supplier;*

3 “(B) the term ‘third-party incentive payments’
4 *means cash incentives, fees, or compensation of any*
5 *kind made by a United States supplier of defense ar-*
6 *ticles or defense services or by any employee, agent,*
7 *or subcontractor thereof to any other United States*
8 *person to induce that United States person to pur-*
9 *chase or acquire goods or services produced, manufac-*
10 *tured, grown, or extracted, in whole or in part, in the*
11 *foreign country which is purchasing those defense ar-*
12 *ticles or services; and*

13 “(C) the term ‘United States person’ means—

14 “(i) *an individual who is a national or per-*
15 *manent resident alien of the United States;*

16 “(ii) *any corporation, business association,*
17 *partnership, trust, or other juridical entity—*

18 “(I) *organized under the laws of the*
19 *United States or any State, district, terri-*
20 *tory, or possession thereof; or*

21 “(II) *owned or controlled in fact by in-*
22 *dividuals described in subparagraph (A);*
23 *and*

24 “(iii) *the United States Government or any*
25 *agency or instrumentality thereof.”*

1 **SEC. 717. SENSE OF SENATE ON UNITED STATES POLICY ON**
2 **NUCLEAR WEAPONS PROLIFERATION BY**
3 **NORTH KOREA.**

4 (a) *FINDINGS.*—*The Senate makes the following find-*
5 *ings:*

6 (1) *North Korea is a signatory to the Treaty on*
7 *the Non-Proliferation of Nuclear Weapons.*

8 (2) *The International Atomic Energy Agency is*
9 *charged with ensuring that signatories to that treaty*
10 *meet their obligations under the treaty.*

11 (3) *The agency fulfills that mission principally*
12 *by inspections of nuclear facilities and by other legiti-*
13 *mate means necessary to ensure that signatories are*
14 *in compliance with the terms and obligations of the*
15 *treaty.*

16 (4) *North Korea is the location of seven declared*
17 *nuclear sites whose inspection is provided for under*
18 *the terms of the treaty.*

19 (5) *The International Atomic Energy Agency*
20 *suspects that North Korea is also the site of at least*
21 *two additional undeclared nuclear sites at which liq-*
22 *uid and solid nuclear waste is being stored.*

23 (6) *Inspection of the undeclared nuclear sites is*
24 *necessary to ensure the compliance of North Korea*
25 *with the terms of the treaty.*

1 (7) *The Government of North Korea is attempt-*
2 *ing to place significant restrictions on inspections of*
3 *its declared nuclear sites and is refusing any inspec-*
4 *tions of its undeclared nuclear sites.*

5 (8) *The national security interests of the United*
6 *States require the curtailment of the proliferation of*
7 *weapons of mass destruction, particularly nuclear*
8 *weapons.*

9 (9) *To ensure advancement of the goal of nuclear*
10 *nonproliferation, a signatory to the Treaty on the*
11 *Non-Proliferation of Nuclear Weapons must permit*
12 *inspections of its facilities and comply with any other*
13 *legitimate requests of the International Atomic En-*
14 *ergy Agency that are necessary to ensure that the*
15 *country is in compliance with the terms and obliga-*
16 *tions of the treaty.*

17 (b) *SENSE OF SENATE.—It is the sense of the Senate*
18 *that—*

19 (1) *the President should not engage in negotia-*
20 *tions connected with normalization of relations with*
21 *the Government of North Korea until that government*
22 *meets its full obligations under the Treaty on the*
23 *Non-Proliferation of Nuclear Weapons, including any*
24 *inspection of nuclear sites located in North Korea suf-*
25 *ficient to ensure the full compliance by the Govern-*

1 *ment of North Korea with the terms and obligations*
2 *of the treaty; and*

3 *(2) the President undertake such diplomatic ac-*
4 *tivity with respect to the People's Republic of China*
5 *as is appropriate to enlist the assistance of that coun-*
6 *try in gaining the compliance of the Government of*
7 *North Korea with its obligations under the treaty.*

8 *(c) DEFINITION.—In this section, the term “normal-*
9 *ization of relations” means the following:*

10 *(1) Disbanding the United Nations Forces Com-*
11 *mand and withdrawing United States troops from the*
12 *Republic of Korea.*

13 *(2) Lifting restrictions on trade with and invest-*
14 *ment in North Korea that are imposed pursuant to*
15 *United States law on trade with hostile states.*

16 *(3) Expanding economic cooperation with North*
17 *Korea.*

18 *(4) Assisting the entry of the North Korea Gov-*
19 *ernment into international organizations relating to*
20 *economic activity.*

21 *(5) Granting the diplomatic recognition of the*
22 *United States to the Government of North Korea.*

23 **SEC. 718. SENSE OF SENATE ON NORMALIZATION OF RELA-**
24 **TIONS WITH VIETNAM.**

25 *It is the sense of the Senate that—*

1 (1) *the Government of the United States is com-*
2 *mitted to seeking the fullest possible accounting of*
3 *American servicemen unaccounted for during the war*
4 *in Vietnam;*

5 (2) *cooperation by the Government of Vietnam*
6 *on resolving the fate of those American servicemen un-*
7 *accounted for has increased significantly over the last*
8 *three years and is essential to the resolution of out-*
9 *standing POW/MIA cases;*

10 (3) *substantial and tangible progress has been*
11 *made in the POW/MIA accounting process;*

12 (4) *cooperative efforts between the United States*
13 *and Vietnam should continue in order to resolve all*
14 *outstanding questions concerning the fate of Ameri-*
15 *cans missing-in-action;*

16 (5) *United States senior military commanders*
17 *and United States personnel working in the field to*
18 *account for United States POW/MIAs in Vietnam be-*
19 *lieve that lifting the United States trade embargo*
20 *against Vietnam will facilitate and accelerate the ac-*
21 *counting efforts;*

22 (6) *therefore, in order to maintain and expand*
23 *further United States and Vietnamese efforts to obtain*
24 *the fullest possible accounting, the President should*

1 *lift the United States trade embargo against Vietnam*
2 *expeditiously; and*

3 *(7) moreover, as the United States and Vietnam*
4 *move toward normalization of relations, the Govern-*
5 *ment of Vietnam should demonstrate further improve-*
6 *ments in meeting internationally recognized stand-*
7 *ards of human rights.*

8 **SEC. 719. STUDY OF DEMOCRACY PROGRAM EFFECTIVE-**
9 **NESS.**

10 *(a) FINDINGS.—The Congress finds that—*

11 *(1) the National Endowment for Democracy will*
12 *fund \$35,000,000 in democracy development pro-*
13 *grams overseas in fiscal year 1994;*

14 *(2) the Agency for International Development*
15 *will fund approximately \$400,000,000 worth of de-*
16 *mocracy development programs overseas in fiscal year*
17 *1994;*

18 *(3) it is in the interest of the United States to*
19 *have a coordinated approach to the funding of inter-*
20 *national democracy programs supported by United*
21 *States Government funds;*

22 *(4) both the Agency for International Develop-*
23 *ment and the National Endowment for Democracy*
24 *have funded overlapping programs in the same coun-*
25 *try; and*

1 (5) *the recent study of the independent Board for*
2 *International Broadcasting and the United States In-*
3 *formation Agency's Voice of America yielded a plan*
4 *for a new, more cost-effective structure for United*
5 *States Government-sponsored broadcasting that re-*
6 *duces cost and increases coordination.*

7 (b) *REPORT.—(1) Not later than 60 days after the date*
8 *of enactment of this Act, the President shall establish a com-*
9 *mission for the purpose of conducting a study of United*
10 *States Government-funded democracy support activities, in-*
11 *cluding activities funded through the National Endowment*
12 *for Democracy and the Agency for International Develop-*
13 *ment. Such commission shall submit a report to the Presi-*
14 *dent and to the appropriate committees of the Congress on*
15 *a streamlined, cost-effective organization of United States*
16 *democracy assistance.*

17 (2) *The report shall include—*

18 (A) *a review of all United States-sponsored de-*
19 *mocracy programs and identification of those pro-*
20 *grams that are overlapping;*

21 (B) *a clear statement of achievable goals and ob-*
22 *jectives for all United States-sponsored democracy*
23 *programs, and an evaluation of the manner in which*
24 *current democracy activities meet these goals and ob-*
25 *jectives;*

1 (C) a review of the current United States Gov-
2 ernment organization for the delivery of democracy
3 assistance and recommended changes to reduce cost
4 and streamline overhead involved in the delivery of
5 democracy assistance; and

6 (D) a review of all agencies involved in deliver-
7 ing United States Government funds in the form of
8 democracy assistance and a recommended focal point
9 or lead agency within the United States Government
10 for overall coordination and consolidation of the ef-
11 fort.

12 (3) The report required by paragraph (1) shall be sub-
13 mitted not later than 180 days after the commission is es-
14 tablished.

15 **SEC. 720. HIGH-LEVEL VISITS TO TAIWAN.**

16 *It is the sense of the Congress that—*

17 (a) The President should be commended for his
18 meeting with Taiwan's Minister of Economic Affairs
19 during the Asia-Pacific Economic Cooperation Con-
20 ference in Seattle;

21 (b) The President should send Cabinet-level ap-
22 pointees to Taiwan to promote American interests
23 and to ensure the continued success of United States
24 business in Taiwan;

1 (c) *In addition to Cabinet-level visits, the Presi-*
2 *dent should take steps to show clear United States*
3 *support for Taiwan both in our bilateral relationship*
4 *and in multilateral organizations of which the United*
5 *States is a member.*

6 **SEC. 721. FREEDOM OF INFORMATION EXEMPTION FOR**
7 **CERTAIN OPEN SKIES TREATY DATA.**

8 (a) *IN GENERAL.*—*Data collected by sensors during*
9 *observation flights conducted in connection with the Treaty*
10 *on Open Skies, including flights conducted prior to entry*
11 *into force of the Treaty, shall be exempt from disclosure*
12 *under the Freedom of Information Act or any other Act—*

13 (1) *in the case of data with respect to a foreign*
14 *country—*

15 (A) *if the country has not disclosed the data*
16 *to the public; and*

17 (B) *if the country has not, acting through*
18 *the Open Skies Consultative Commission or any*
19 *other diplomatic channel, authorized the United*
20 *States to disclose the data to the public; or*

21 (2) *in the case of data with respect to the United*
22 *States, if disclosure of such data could be reasonably*
23 *expected to cause substantial harm to the national de-*
24 *fense as determined by the Secretary of Defense or to*

1 *the foreign relations of the United States as deter-*
2 *mined by the Secretary of State.*

3 (b) *EXTENSION OF WITHHOLDING OF CERTAIN*
4 *DATA.—(1) For purposes of subsection (a)(2), data held for*
5 *a period of 5 years from the date of collection shall be*
6 *deemed not to cause substantial harm to the national de-*
7 *fense or foreign relations of the United States and shall be*
8 *released unless the head of the agency that made the initial*
9 *determination determines otherwise, in which case the data*
10 *may be withheld for an additional period or periods of 5*
11 *years each.*

12 (2) *In no case may data be withheld under this sub-*
13 *section for more than 10 years from the date of collection.*

14 (3) *Determinations under this subsection may not be*
15 *delegated.*

16 (c) *STATUTORY CONSTRUCTION.—This section con-*
17 *stitutes a specific exemption within the meaning of section*
18 *552(b)(3) of title 5, United States Code.*

19 (d) *DEFINITIONS.—For the purposes of this section—*

20 (1) *the term “Freedom of Information Act”*
21 *means the provisions of section 552 of title 5, United*
22 *States Code;*

23 (2) *the term “Open Skies Consultative Commis-*
24 *sion” means the commission established pursuant to*
25 *Article X of the Treaty on Open Skies; and*

1 (3) the term “Treaty on Open Skies” means the
2 Treaty on Open Skies, signed at Helsinki on March
3 24, 1992.

4 **SEC. 722. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS**
5 **DEFENSE ARTICLES IN THE WAR RESERVE AL-**
6 **LIES STOCKPILE TO THE REPUBLIC OF**
7 **KOREA.**

8 (a) *AUTHORITY.*—(1) Notwithstanding section 514 of
9 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the
10 Secretary of Defense is authorized to transfer to the Repub-
11 lic of Korea, in return for concessions to be negotiated by
12 the Secretary, any or all of the items described in para-
13 graph (2).

14 (2) The items referred to in paragraph (1) are equip-
15 ment, tanks, weapons, repair parts, and ammunition
16 that—

17 (A) are obsolete or surplus items;

18 (B) are in the inventory of the Department of
19 Defense;

20 (C) are intended for use as reserve stocks for the
21 Republic of Korea; and

22 (D) as of the date of enactment of this Act, are
23 located in a stockpile in the Republic of Korea.

24 (b) *CONCESSIONS.*—The value of the concessions nego-
25 tiated by the Secretary of Defense shall be at least equal

1 *to the fair market value of the items transferred. The conces-*
2 *sions may include cash compensation, services, waiver of*
3 *charges otherwise payable by the United States, and other*
4 *items of value.*

5 (c) *ADVANCE NOTIFICATION OF TRANSFER.*—*Not less*
6 *than 30 days before making a transfer under the authority*
7 *of this section, the Secretary of Defense shall transmit to*
8 *the Committee on Foreign Relations of the Senate, the Com-*
9 *mittee on Foreign Affairs of the House of Representatives,*
10 *and the congressional defense committees a notification of*
11 *the proposed transfer. The notification shall identify the*
12 *items to be transferred and the concessions to be received.*

13 (d) *EXPIRATION OF AUTHORITY.*—*No transfer may be*
14 *made under the authority of this section more than two*
15 *years after the date of the enactment of this Act.*

16 **SEC. 723. PILOT VISA WAIVER PROJECT FOR KOREANS VIS-**
17 **ITING ALASKA AND HAWAII.**

18 (a) *CONGRESSIONAL FINDINGS.*—*The Congress finds*
19 *that—*

20 (1) *travel and tourism play a major role in re-*
21 *ducing the United States unfavorable balance of*
22 *trade;*

23 (2) *the characteristics of the Korean travel mar-*
24 *ket do not permit long-term planning for longer trips;*

1 (3) *applications for United States visas cannot*
2 *now be processed in a reasonable period of time;*

3 (4) *the United States Department of State has*
4 *directed reductions in staff at the United States Em-*
5 *bassy in Seoul, which promise to further expand the*
6 *time necessary for potential Korean travelers to ob-*
7 *tain a United States visa;*

8 (5) *most of the nations of the South Pacific and*
9 *Europe do not currently require Koreans entering*
10 *their countries to have a visa, thus providing them*
11 *with a serious competitive advantage;*

12 (6) *the United States territory of Guam has been*
13 *permitted by the United States Government to elimi-*
14 *nate visa requirements for Koreans visiting Guam,*
15 *with resultant impressive increases in travel and*
16 *tourism from the Republic of Korea;*

17 (7) *the existing procedures to add any nation,*
18 *including the Republic of Korea, to the group of fa-*
19 *vored nations exempted from United States visa regu-*
20 *lations, would require many years during which time*
21 *the United States could well lose its competitive ad-*
22 *vantages in attracting travel and tourism from the*
23 *Republic of Korea; and*

24 (8) *the Republic of Korea as a gesture of good-*
25 *will has already unilaterally released United States*

1 *travelers to the Republic of Korea from the necessity*
2 *of obtaining a visa.*

3 *(b) POLICY.—The Secretary of State shall explore the*
4 *procedures necessary to inaugurate a pilot study project*
5 *which—*

6 *(1) would be aimed at greatly reducing the time*
7 *and formalities needed to permit the Republic of*
8 *Korea to join the other visa-waiver nations of the*
9 *world; and*

10 *(2) would immediately permit the noncontiguous*
11 *States of Alaska and Hawaii to join Guam as visa-*
12 *free destinations for Korean travelers.*

13 *(c) DESCRIPTION OF PILOT PROJECT.—A pilot project*
14 *conducted under subsection (a) should consist of the follow-*
15 *ing elements:*

16 *(1) United States visas would be declared unnec-*
17 *essary for Koreans visiting Alaska or Hawaii.*

18 *(2) At United States Customs passport control*
19 *stations in Alaska and Hawaii, Koreans would be ex-*
20 *pected to display their return trip airline ticket, with*
21 *return to be effected within 2 weeks.*

22 *(3) At the end of 1 year, if immigration viola-*
23 *tions do not exceed the numbers experienced for Kore-*
24 *ans entering other United States gateways, then the*

1 *Department of State should consider extending visa*
2 *waivers to all Koreans visiting the United States.*

3 *(d) EFFECTIVE DATE; TERMINATION DATE.—A pilot*
4 *project conducted under subsection (a) should begin not*
5 *later than May 1, 1994, and should terminate April 30,*
6 *1995.*

7 **SEC. 724. EUROPEAN NATIONS PARTICIPATION IN NATO.**

8 *(a) The Congress finds that:*

9 *(1) The Warsaw Pact has been disbanded and re-*
10 *placed by governments with legitimate political, eco-*
11 *nomical and security interests;*

12 *(2) It is in the national interests of the United*
13 *States to preserve European regional stability through*
14 *the promotion of political and economic freedom and*
15 *respect for territorial integrity and national sov-*
16 *ereignty;*

17 *(3) The North Atlantic Treaty Organization has*
18 *served and advanced United States and European in-*
19 *terests in political stability and collective security for*
20 *forty-five years;*

21 *(4) The Partnership for Peace is a positive step*
22 *towards maintaining and furthering that security, a*
23 *step that gives the nations of the East time to prepare*
24 *for membership, therefore*

25 *(b) It is the sense of the Senate that:*

1 (1) *European nations which demonstrate both*
2 *the capability and willingness to support collective*
3 *defense requirements and established democratic prac-*
4 *tices including free, fair elections, civilian control of*
5 *military institutions, respect for territorial integrity*
6 *and the individual liberties of its citizens, share the*
7 *goals of the North Atlantic Treaty Organization; and*

8 (2) *The United States should urge prompt ad-*
9 *mission to NATO for those nations after they have*
10 *demonstrated such capability and willingness as set*
11 *forth in paragraph (1).*

12 **SEC. 725. POLICY ON TERMINATION OF UNITED STATES**

13 **ARMS EMBARGO.**

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

16 (1) *On July 10, 1991, the United States adopted*
17 *a policy suspending all licenses and other approvals*
18 *to export or otherwise transfer defense articles and de-*
19 *fense services to Yugoslavia.*

20 (2) *On September 25, 1991, the United Nations*
21 *Security Council adopted Resolution 713, which im-*
22 *posed a mandatory international embargo on all de-*
23 *liveries of weapons and military equipment to Yugo-*
24 *slavia.*

1 (3) *The United States considered the policy*
2 *adopted July 10, 1991, to comply fully with Resolu-*
3 *tion 713 and therefore took no additional action in*
4 *response to that resolution.*

5 (4) *On January 8, 1992, the United Nations Se-*
6 *curity Council adopted Resolution 727, which decided*
7 *that the mandatory arms embargo imposed by Resolu-*
8 *tion 713 should apply to any independent states that*
9 *might thereafter emerge on the territory of Yugo-*
10 *slavia.*

11 (5) *On February 29 and March 1, 1992, the peo-*
12 *ple of Bosnia and Herzegovina voted in a referendum*
13 *to declare independence from Yugoslavia.*

14 (6) *On April 7, 1992, the United States recog-*
15 *nized the Government of Bosnia and Herzegovina.*

16 (7) *On May 22, 1992, the Government of Bosnia*
17 *and Herzegovina was admitted to full membership in*
18 *the United Nations.*

19 (8) *Consistent with Resolution 727, the United*
20 *States has continued to apply the policy adopted July*
21 *10, 1991, to independent states that have emerged on*
22 *the territory of the former Yugoslavia, including*
23 *Bosnia and Herzegovina.*

24 (9) *Subsequent to the adoption of Resolution 727*
25 *and Bosnia and Herzegovina's independence referen-*

1 *dum, the siege of Sarajevo began and fighting spread*
2 *to other areas of Bosnia and Herzegovina.*

3 *(10) The Government of Serbia intervened di-*
4 *rectly in the fighting by providing significant mili-*
5 *tary, financial, and political support and direction to*
6 *Serbian-allied irregular forces in Bosnia and*
7 *Herzegovina.*

8 *(11) In statements dated May 1 and May 12,*
9 *1992, the Conference on Security and Cooperation in*
10 *Europe declared that the Government of Serbia and*
11 *the Serbian-controlled Yugoslav National Army were*
12 *committing aggression against the Government of*
13 *Bosnia and Herzegovina and assigned to them prime*
14 *responsibility for the escalation of bloodshed and de-*
15 *struction.*

16 *(12) On May 30, 1992, the United Nations Secu-*
17 *rity Council adopted Resolution 757, which con-*
18 *demned the Government of Serbia for its continued*
19 *failure to respect the territorial integrity of Bosnia*
20 *and Herzegovina.*

21 *(13) Serbian-allied irregular forces have occu-*
22 *ped approximately 70 percent of the territory of*
23 *Bosnia and Herzegovina, committed gross violations*
24 *of human rights in the areas they have occupied, and*

1 *established a secessionist government committed to*
2 *eventual unification with Serbia.*

3 (14) *The military and other support and direc-*
4 *tion provided to Serbian-allied irregular forces in*
5 *Bosnia and Herzegovina constitutes an armed attack*
6 *on the Government of Bosnia and Herzegovina by the*
7 *Government of Serbia within the meaning of Article*
8 *51 of the United Nations Charter.*

9 (15) *Under Article 51, the Government of Bosnia*
10 *and Herzegovina, as a member of the United Nations,*
11 *has an inherent right of individual or collective self-*
12 *defense against the armed attack from the Govern-*
13 *ment of Serbia until the United Nations Security*
14 *Council has taken measures necessary to maintain*
15 *international peace and security.*

16 (16) *The measures taken by the United Nations*
17 *Security Council in response to the armed attack on*
18 *Bosnia and Herzegovina have not been adequate to*
19 *maintain international peace and security.*

20 (17) *Bosnia and Herzegovina has been unable*
21 *successfully to resist the armed attack from Serbia be-*
22 *cause it lacks the means to counter heavy weaponry*
23 *that Serbia obtained from the Yugoslav National*
24 *Army upon the dissolution of Yugoslavia, and because*
25 *the mandatory international arms embargo has pre-*

1 *vented Bosnia and Herzegovina from obtaining from*
2 *other countries the means to counter such heavy*
3 *weaponry.*

4 *(18) On December 18, 1992, with the affirmative*
5 *vote of the United States, the United Nations General*
6 *Assembly adopted Resolution 47/121, which urged the*
7 *United Nations Security Council to exempt Bosnia*
8 *and Herzegovina from the mandatory arms embargo*
9 *imposed by Resolution 713.*

10 *(19) In the absence of adequate measures to*
11 *maintain international peace and security, continued*
12 *application to the Government of Bosnia and*
13 *Herzegovina of the mandatory international arms*
14 *embargo imposed by the United Nations Security*
15 *Council prior to the armed attack on Bosnia and*
16 *Herzegovina undermines that government's right of*
17 *individual or collective self-defense and therefore con-*
18 *travenes Article 51 of the United Nations Charter.*

19 *(20) Bosnia and Herzegovina's right of self-de-*
20 *fense under Article 51 of the United Nations Charter*
21 *includes the right to ask for military assistance from*
22 *other countries and to receive such assistance if of-*
23 *fered.*

24 *(b) POLICY ON TERMINATION OF ARMS EMBARGO.—*
25 *(1) It is the sense of the Senate that the President should*

1 *terminate the United States arms embargo of the Govern-*
2 *ment of Bosnia and Herzegovina upon receipt from that*
3 *government of a request for assistance in exercising its right*
4 *of self-defense under Article 51 of the United Nations Char-*
5 *ter.*

6 (2) *As used in this subsection, the term “United States*
7 *arms embargo of the Government of Bosnia and*
8 *Herzegovina” means the application to the Government of*
9 *Bosnia and Herzegovina of—*

10 (A) *the policy adopted July 10, 1991, and pub-*
11 *lished in the Federal Register of July 19, 1991 (58*
12 *Fed. Reg. 33322) under the heading “Suspension of*
13 *Munitions Export Licenses to Yugoslavia”; and*

14 (B) *any similar policy being applied by the*
15 *United States Government as of the date of receipt of*
16 *the request described in subsection (a) pursuant to*
17 *which approval is routinely denied for transfers of de-*
18 *fense articles and defense services to the former Yugo-*
19 *slavia.*

20 (c) *POLICY ON MILITARY ASSISTANCE.—The President*
21 *should provide appropriate military assistance to the Gov-*
22 *ernment of Bosnia and Herzegovina upon receipt from that*
23 *government of a request for assistance in exercising its right*
24 *of self-defense under Article 51 of the United Nations Char-*
25 *ter.*

1 **SEC. 726. POLICY ON PREPARING TO REINTRODUCE OF**
2 **TACTICAL NUCLEAR WEAPONS TO THE KO-**
3 **REAN PENINSULA.**

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

6 (1) *It was announced by South Korean President*
7 *Roh Tae Woo on December 18, 1991, that all tactical*
8 *nuclear weapons had been removed from the Korean*
9 *peninsula.*

10 (2) *On December 31, 1991, North Korea agreed*
11 *to a denuclearization agreement with South Korea*
12 *pledging not to possess, manufacture, or use nuclear*
13 *weapons, not to possess plutonium reprocessing facili-*
14 *ties, and to negotiate the establishment of a nuclear*
15 *inspection system.*

16 (3) *On January 30, 1992, North Korea signed a*
17 *nuclear safeguards agreement with the International*
18 *Atomic Energy Agency (IAEA), allowing for IAEA*
19 *regular inspections of nuclear facilities designated by*
20 *North Korea.*

21 (4) *Negotiations between North and South Korea*
22 *over implementation of the bilateral denuclearization*
23 *agreement have stalled.*

24 (5) *North Korea stated its intention on March*
25 *12, 1993, to withdraw from the Treaty on the Non-*

1 *Proliferation of Nuclear Weapons (NPT), done on*
2 *July 1, 1968.*

3 (6) *North Korea said it would “suspend as long*
4 *as it considers necessary” its withdrawal from the*
5 *Treaty on June 11, 1993, but continues to refuse to*
6 *fully comply with Treaty provisions requiring regular*
7 *inspections of declared nuclear facilities and allowing*
8 *special inspections of undeclared sites.*

9 (7) *North Korea is the only country to ever for-*
10 *mally threaten to withdraw from the Treaty, and ef-*
11 *fectively remains in a state of noncompliance with the*
12 *Treaty.*

13 (8) *President Clinton has stated that the United*
14 *States objective is a Korean peninsula free of nuclear*
15 *weapons, and reaffirmed the United States security*
16 *commitment to South Korea during a visit there on*
17 *July 10–11, 1993.*

18 (9) *On November 7, 1993, President Clinton*
19 *stated that “North Korea cannot be allowed to develop*
20 *a nuclear bomb.”.*

21 (10) *North Korea has reportedly rejected IAEA*
22 *inspection procedures of seven declared nuclear sites*
23 *after agreeing, in principle, with United States offi-*
24 *cial to allow IAEA investigators to visit each of those*
25 *sites.*

1 (11) *In a statement issued on January 21, 1994,*
2 *to IAEA authorities, North Korea reportedly declared*
3 *that “routine or ad hoc” inspections, otherwise known*
4 *as regular or special inspections, would not be al-*
5 *lowed, and an IAEA spokesman stated that “we are*
6 *not in agreement” about the inspections.*

7 **(b) POLICY.**—*It is the sense of Congress that if North*
8 *Korea continues to resist the efforts of the international*
9 *community to allow the IAEA to conduct regular and spe-*
10 *cial inspections of its declared and undeclared nuclear sites*
11 *and facilities, and refuses to return to, and fully comply*
12 *with, the Treaty on the Non-Proliferation of Nuclear Weap-*
13 *ons, the President should—*

14 *(1) fully coordinate with United States allies in*
15 *the region regarding the military posture of North*
16 *Korea and the ability of the United States to deter*
17 *any future nuclear attack against South Korea or*
18 *Japan; and*

19 *(2) in conjunction with United States allies, act*
20 *to defend United States security interests on the Ko-*
21 *rean peninsula and enhance the defense capability of*
22 *United States forces by preparing to reintroduce tac-*
23 *tical nuclear weapons in South Korea.*

1 (c) *DEFINITION.*—For purposes of this section, the
2 term “IAEA” means the International Atomic Energy
3 Agency.

4 **SEC. 727. ASYLUM REFORMS.**

5 (a) *FINDINGS.*—The Congress finds that—

6 (1) in the last decade applications for asylum
7 have greatly exceeded the original 5,000 annual limit
8 provided in the Refugee Act of 1980, with more than
9 150,000 asylum applications filed in fiscal year 1993,
10 and the backlog of cases growing to the current level
11 of 355,000;

12 (2) this flood of asylum claims has swamped the
13 system, creating delays in the processing of applica-
14 tions of up to several years;

15 (3) the delay in processing asylum claims due to
16 the overwhelming numbers has contributed to numer-
17 ous problems, including—

18 (A) an abuse of the asylum laws by fraudu-
19 lent applicants whose primary interest is obtain-
20 ing work authority in the United States while
21 their claim languishes in the backlogged asylum
22 processing system;

23 (B) the growth of alien smuggling oper-
24 ations, often involving organized crime;

1 (C) a drain on limited resources resulting
2 from the high cost of processing frivolous asylum
3 claims through our multi-layered system; and

4 (D) an erosion of public support for asy-
5 lum;

6 (4) asylum, a safe haven protection for aliens
7 abroad who cannot return home, has been perverted
8 by some aliens who use asylum claims to circumvent
9 our immigration and refugee laws and procedures;

10 (5) a comprehensive revision of our asylum law
11 and procedures is required to address these problems.

12 (b) *POLICY.*—It is the sense of the Congress that—

13 (1) asylum is a process intended to protect cer-
14 tain aliens in the United States who, because of
15 events occurring after their arrival here, cannot safely
16 return home;

17 (2) persons outside their country of nationality
18 who have a well-founded fear of persecution if they re-
19 turn should apply for refugee status with the local
20 UNHCR, or other relevant international organiza-
21 tion, office or at one of our refugee processing centers
22 abroad, if possible;

23 (3) the immigration, refugee and asylum laws of
24 the United States should be reformed to provide—

1 (A) a procedure for the expeditious exclu-
2 sion of asylum applicants who arrive at a port-
3 of-entry with fraudulent documents, or no docu-
4 ments, and make a non-credible claim of asylum;
5 and

6 (B) the immigration, refugee, and asylum
7 laws of the United States should be reformed to
8 provide for a streamlined affirmative asylum
9 processing system for asylum applicants who
10 make their application after they have entered
11 the United States.

12 **SEC. 728. AMENDMENTS TO THE PLO COMMITMENTS COM-**
13 **PLIANCE ACT.**

14 The PLO Commitments Compliance Act of 1989 (title
15 VIII of Public Law 101-246) is amended—

16 (1) in section 804(b), by striking “Beginning 30
17 days after the date of enactment of this Act, and every
18 120 days thereafter in which the dialogue between the
19 United States and the PLO has not been discon-
20 tinued”, and inserting in lieu thereof “In conjunction
21 with each written policy justification required under
22 section (3)(b)(1) of the Middle East Peace Facilita-
23 tion Act of 1994 or every 180 days,”;

24 (2) in section 804(b)(1), by striking “regarding
25 the cessation of terrorism and recognition of Israel’s

1 *right to exist” and inserting in lieu thereof “and each*
2 *of the commitments described in section (4)(A) of the*
3 *Middle East Peace Facilitation Act of 1994 (Oslo*
4 *commitments)”;*

5 *(3) in section 804(b)(2), by inserting “and Oslo”*
6 *after “Geneva”;*

7 *(4) by striking paragraphs (3) and (8) of section*
8 *804(b);*

9 *(5) by redesignating paragraphs (4), (5), (6),*
10 *(7), (9), and (10) of section 804(b) as paragraphs (3),*
11 *(4), (5), (6), (7), and (8), respectively of that section;*

12 *(6) in section 802(8), by inserting “and on Sep-*
13 *tember 9, 1993” after “1998”;*

14 *(7) in section 802, by redesignating paragraph*
15 *(8) as paragraph (10);*

16 *(8) by striking “and” at the end of section*
17 *802(7); and*

18 *(9) by inserting after section 802(7) the follow-*
19 *ing:*

20 *“(8) the President, following an attempted ter-*
21 *rorist attack upon a Tel Aviv beach on May 30, 1990,*
22 *suspended the United States dialogue with the PLO;*

23 *“(9) the President resumed the United States*
24 *dialogue with the PLO in response to the commit-*
25 *ments made by the PLO in letters to the Prime Min-*

1 *ister of Israel and the Foreign Minister of Norway of*
2 *September 9, 1993; and”.*

3 **SEC. 729. SAFETY OF UNITED STATES PERSONNEL IN SARA-**
4 **JEVO.**

5 *(a) FINDINGS.—The Congress finds that—*

6 *(1) the United States has recognized and estab-*
7 *lished diplomatic relations with the Government of*
8 *Bosnia-Hercegovina;*

9 *(2) the United States Ambassador to Bosnia-*
10 *Hercegovina does not have any secure permanent or*
11 *semipermanent facilities to conduct United States*
12 *diplomatic activities in Sarajevo;*

13 *(3) the protracted conflict in Bosnia-Hercegovina*
14 *creates serious physical risks to United States diplo-*
15 *matic personnel serving there;*

16 *(4) the United States Ambassador to Bosnia-*
17 *Hercegovina resides and carries out his duties from*
18 *Vienna, Austria; and*

19 *(5) an increased and more secure United States*
20 *diplomatic presence in Sarajevo would enhance Unit-*
21 *ed States interests in Bosnia-Hercegovina.*

22 *(b) POLICY.—(1) It is, therefore, the sense of the Senate*
23 *that the Secretary of State should immediately take steps*
24 *to increase the presence of United States diplomatic person-*

1 *nel in Sarajevo, Bosnia-Herzegovina consistent with the ob-*
2 *jectives of ensuring their physical safety.*

3 *(2) Such steps should include secure facilities, commu-*
4 *nication capability, ground transportation and other capa-*
5 *bilities, as appropriate, to enable United States diplomatic*
6 *personnel to conduct regular official United States diplo-*
7 *matic activities in Sarajevo.*

8 *(c) REPORT.—The Secretary of State shall report to*
9 *the Speaker of the House of Representatives and the Chair-*
10 *man of the Senate Committee on Foreign Relations on the*
11 *steps taken to enhance the security and safety of United*
12 *States diplomatic personnel not later than 30 days after*
13 *the date of enactment of this Act.*

14 **SEC. 730. NOTIFICATION OF CONGRESS ON CERTAIN**
15 **EVENTS INVOLVING THE MTCR.**

16 *(a) EXPORT IN SUPPORT OF SPACE LAUNCH VEHICLE*
17 *(SLV) PROGRAMS.—At least 30 days before the export of*
18 *any item controlled pursuant to United States obligations*
19 *under the Missile Technology Control Regime and intended*
20 *to support the design, development, or production of a Cat-*
21 *egory I system, as defined in the MTCR Annex, to be uti-*
22 *lized for the launch of satellites into space, the President*
23 *shall transmit to Congress a report describing the proposed*
24 *export and the rationale for approving such export, includ-*
25 *ing the consistency of such export with United States mis-*

1 *sile nonproliferation policy. The President may waive the*
2 *30-day waiting period in any case in which the President*
3 *certifies in the report that the national security interests*
4 *of the United States necessitate immediate approval of the*
5 *export or that the export represents the continuation of a*
6 *long-standing relationship with an MTCR partner.*

7 **(b) UNITED STATES POSITION REGARDING ADMISSION**
8 *OF NEW MTCR MEMBERS.—At least 30 days before the*
9 *United States takes the position to favor the admission of*
10 *a particular country into the Missile Technology Control*
11 *Regime, the President shall transmit to Congress a report*
12 *describing the rationale for such position together with all*
13 *relevant information concerning that country’s non-*
14 *proliferation policies, practices, and commitments. The*
15 *President may waive the 30-day waiting period in any case*
16 *in which the President certifies in the report that the na-*
17 *tional security interests of the United States necessitate im-*
18 *mediate approval of the new member.*

19 **(c) DEFINITIONS.—For purposes of this section—**

20 **(1)** *the terms “Missile Technology Control Re-*
21 *gime” and “MTCR” mean the policy statement, be-*
22 *tween the United States, the United Kingdom, the*
23 *Federal Republic of Germany, France, Italy, Canada,*
24 *and Japan, announced on April 16, 1987, to restrict*

1 *sensitive missile-relevant transfers based on the*
2 *MTCR Annex, and any amendments thereto; and*

3 *(2) the term “MTCR Annex” means the Guide-*
4 *lines and Equipment and Technology Annex of the*
5 *MTCR, and any amendments thereto.*

6 **SEC. 731. EXTENSION OF THE FAIR TRADE IN AUTO PARTS**

7 **ACT OF 1988.**

8 *(a) IN GENERAL.—Section 2125 of the Fair Trade in*
9 *Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by*
10 *striking “1993” and inserting “1998”.*

11 *(b) EFFECTIVE DATE.—The amendment made by this*
12 *section shall take effect on December 30, 1993.*

13 **SEC. 732. REPORT ON THE ACTIVITIES OF THE PEOPLE'S**

14 **MUJAHEDDIN OF IRAN.**

15 *(a) Congress makes the following findings:*

16 *(1) The People's Mujaheddin of Iran receives ma-*
17 *terial, logistic, and financial support from the Iraq*
18 *Government.*

19 *(2) The People's Mujaheddin of Iran has been in-*
20 *volved in terrorist activities since the inception of the*
21 *organization in 1963.*

22 *(3) During the past 30 years, terrorist activities*
23 *of the People's Mujaheddin of Iran have resulted in*
24 *the deaths of more than 10,000 Iranians.*

1 (4) *The People's Mujaheddin of Iran is respon-*
2 *sible for the deaths of several United States military*
3 *advisers in 1972 and 1973, for the deaths of two Air*
4 *Force officers in 1975, and for the deaths of three*
5 *United States employees of the Rockwell International*
6 *Corporation in 1976.*

7 (5) *The People's Mujaheddin of Iran actively*
8 *and vigorously supported the seizure of the United*
9 *States Embassy in Tehran, Iran, in 1979.*

10 (6) *The Department of State informally recog-*
11 *nizes the involvement of the People's Mujaheddin of*
12 *Iran in international terrorist activities and has re-*
13 *fused contact with representatives of the organization.*

14 (7) *The annual report of the Secretary of State*
15 *on terrorist activities does not provide adequate infor-*
16 *mation on the terrorist activities of the People's*
17 *Mujaheddin of Iran.*

18 (8) *The past activities of the People's*
19 *Mujaheddin of Iran, and the current policy of the De-*
20 *partment of State with respect to the organization,*
21 *create a presumption that the organization is cur-*
22 *rently engaged in international terrorist activities.*

23 (b) *Except as provided in subsection (d), the annual*
24 *report of the Secretary of State that is submitted to Con-*
25 *gress on April 30, 1994, under section 140 of the Foreign*

1 *Relations Authorization Act, Fiscal Years 1988 and 1989*
2 *(Public Law 100–204; 22 U.S.C. 2656f) shall include infor-*
3 *mation referred to in subsection (c) on the People’s*
4 *Mujaheddin of Iran.*

5 *(c) The report referred to in subsection (b) shall in-*
6 *clude—*

7 *(1) an assessment of the activities of the People’s*
8 *Mujaheddin of Iran in accordance with subsection*
9 *(a)(1) of such section 140; and*

10 *(2) any other relevant information on the Peo-*
11 *ple’s Mujaheddin of Iran referred to in subsection*
12 *(a)(2) of such section 140, including a detailed dis-*
13 *cussion of each of the matters referred to in subpara-*
14 *graphs (A) through (D) of subsection (b)(2) of such*
15 *section.*

16 *(d) The Secretary may elect not to include the infor-*
17 *mation referred to in subsection (c) in the report referred*
18 *to in subsection (b). In the event of such an election, the*
19 *Secretary shall transmit to the Speaker of the House of Rep-*
20 *resentatives and the Committee on Foreign Relations of the*
21 *Senate a justification for such election.*

22 *(e) In the event of an election under subsection (d),*
23 *not less than sixty days from the submittal of the report*
24 *referred to in subsection (b), the Secretary shall submit an*
25 *unclassified report to Congress detailing the structure, cur-*

1 *rent activities, external support and history of the People's*
2 *Mujaheddin of Iran. Such report shall include any connec-*
3 *tion to organizations operating in the United States.*

4 *(f) In this section, the term "People's Mujaheddin of*
5 *Iran" means the organization also known as the*
6 *Mujaheddin-e Khalq that is based in Iraq and led by Ira-*
7 *nian expatriots Massoud Rajavi or Maryam Rajavi and in-*
8 *cludes any group or organization associated with such orga-*
9 *nization, including the Iraqi-based National Liberation*
10 *Army and the National Council of Resistance of Iran.*

11 **SEC. 733. REIMBURSEMENT OF STATE AND LOCAL GOVERN-**
12 **MENTS.**

13 *Section 208 of title 3, United States Code, is amended*
14 *by inserting at the end the following new subsection:*

15 *"(c) Out of funds otherwise available for fiscal year*
16 *1994 and fiscal year 1995 for 'Protection of Foreign Mis-*
17 *sions and Officials', the Secretary of State is authorized to*
18 *reimburse the City of Seattle and State of Washington up*
19 *to a total of \$440,000 for fiscal year 1994 and \$500,000*
20 *for fiscal year 1995 for unexpected extraordinary security*
21 *costs associated with the change in the level of the participa-*
22 *tion in the Asian Pacific Cooperation conference held in*
23 *Seattle in November 1993 from Ministerial to Heads-of-*
24 *State."*

1 **SEC. 734. RESTORATION OF WITHHELD BENEFITS.**

2 (a) *ELIGIBILITY.*—With respect to any person for
3 which the Secretary of State and the Secretary concerned
4 within the Department of Defense has approved the employ-
5 ment or the holding of a position pursuant to the provisions
6 of section 1058, title 10, United States Code, before the date
7 of enactment of this Act, the consents, approvals and deter-
8 minations under that section shall be deemed to be effective
9 as of January 1, 1993.

10 (b) *TECHNICAL CORRECTION.*—Subsection (d) of sec-
11 tion 1433 of Public Law 103–160 is repealed.

12 **SEC. 735. REPORT ON THE USE OF FOREIGN FROZEN OR**
13 **BLOCKED ASSETS.**

14 *Not later than 30 days after enactment of this Act,*
15 *the President shall submit to the Committee on Foreign Re-*
16 *lations of the Senate and the Committee on Foreign Affairs*
17 *of the House of Representatives a report containing a de-*
18 *tailed accounting analysis and justification for all expendi-*
19 *tures made from foreign governments' assets that have been*
20 *frozen or blocked by the United States Government, includ-*
21 *ing but not limited to those expenditures made from Hai-*
22 *tian frozen or blocked assets by the Government of President*
23 *Jean Bertrand Aristide, and those made from Iranian and*
24 *Iraqi frozen or blocked assets.*

1 **SEC. 736. FOREIGN POLICY.**

2 (a) *It is the sense of the Senate that the President has*
3 *determined that sustainable development is one of the goals*
4 *of United States foreign policy and, therefore, the United*
5 *States, in conducting bilateral and multilateral negotia-*
6 *tions, should, to the maximum extent feasible, take into con-*
7 *sideration the principles of sustainable development that*
8 *encourage broad based economic growth, protect the envi-*
9 *ronment, build human capital and knowledge, and promote*
10 *democratic participation and development.*

11 (b) *It is the further sense of the Senate that domestic*
12 *producers of environmental goods and services should, to the*
13 *maximum extent practicable, be notified of any potential*
14 *business opportunities which result from United States bi-*
15 *lateral and multilateral assistance programs and negotia-*
16 *tions.*

17 **SEC. 737. PASSPORT SECURITY.**

18 (a) *It is the sense of the Congress that the Department*
19 *of State is strongly urged to assure that any new passport*
20 *issuances should, to the maximum extent practicable—*

21 (1) *be secure against counterfeiting, alteration,*
22 *duplication or simulation;*

23 (2) *be easily verifiable with appropriate inspec-*
24 *tion by public officials and private and commercial*
25 *personnel; and*

1 (3) contain only American-sourced materials
2 and technology.

3 (b) The Secretary of State shall provide a report to
4 the Senate Committee on Foreign Relations and the House
5 Committee on Foreign Affairs within 30 days of enactment
6 detailing actions taken by the Department to accomplish
7 the goals set forth in subsection (a).

8 **SEC. 738. PUBLISHING INTERNATIONAL AGREEMENTS.**

9 Section 112a of title I of the United States Code is
10 amended—

11 (1) by inserting “(a)” immediately before “The
12 Secretary of State”; and

13 (2) by adding at the end thereof the following
14 new subsections:

15 “(b) The Secretary of State may determine that publi-
16 cation of certain categories of agreements is not required,
17 provided that the following criteria are met:

18 “(1) Such agreements are not treaties which have
19 been brought into force for the United States after
20 having received Senate advice and consent pursuant
21 to section 2(2) of Article II of the Constitution of the
22 United States;

23 “(2) The public interest in such agreements is
24 insufficient to justify their publication, in that (i) as
25 of the date of enactment of this legislation, the agree-

1 *ments are no longer in force, (ii) the agreements do*
2 *not create private rights or duties, nor establish*
3 *standards intended to govern government action in*
4 *the treatment of private individuals, (iii) in view of*
5 *the limited or specialized nature of the public interest*
6 *in such agreements, such interest can adequately be*
7 *satisfied by an alternative means, or (iv) the public*
8 *disclosure of the text of the agreement would, in the*
9 *opinion of the President, be prejudicial to the na-*
10 *tional security of the United States; and*

11 *“(3) Copies of such agreements (other than those*
12 *in subsection (2)(b)(iv)), including certified copies*
13 *where necessary for litigation or similar purposes,*
14 *can be made available by the Department of State*
15 *upon reasonable request.*

16 *“(c) Any determination pursuant to subsection (b)*
17 *shall be published in the Federal Register.”.*

18 **SEC. 739. CONFERENCE ON SECURITY AND COOPERATION**

19 **IN EUROPE.**

20 *The President is authorized to implement, for the*
21 *United States, the provisions of Annex 1 of the Decision*
22 *concerning Legal Capacity and Privileges and Immunities,*
23 *issued by the Council of Ministers of the Conference on Se-*
24 *curity and Cooperation in Europe on December 1, 1993,*
25 *in accordance with the terms of that Annex.*

1 **SEC. 740. AGREEMENT ON STATE AND LOCAL TAXATION.**

2 *The President is authorized to bring into force for the*
3 *United States the Agreement on State and Local Taxation*
4 *of Foreign Employees of Public International Organiza-*
5 *tions, which was signed by the United States on April 21,*
6 *1992: Provided, That, notwithstanding the provisions of Ar-*
7 *ticle 1.B of such Agreement, such Agreement shall not re-*
8 *quire any refunds of monies paid with respect to tax years*
9 *ending on or before December 31, 1993.*

10 **SEC. 741. FEES FOR COMMERCIAL SERVICES.**

11 *Title I of the State Department Basic Authorities Act*
12 *of 1956 (22 U.S.C. 2669 et seq.) is amended by adding the*
13 *following new section at the end:*

14 **“SEC. 52. FEES FOR COMMERCIAL SERVICES.**

15 *“(a) AUTHORITY TO CHARGE FEE.—(1) Subject to*
16 *paragraph (2), the Secretary of State is authorized to*
17 *charge a fee to cover the actual or estimated cost of provid-*
18 *ing any person, firm or organization (other than agencies*
19 *of the United States Government) with commercial services*
20 *at posts abroad on matters within the authority of the De-*
21 *partment of State.*

22 *“(2) The authority of this section may be exercised*
23 *only in countries where the Department of Commerce does*
24 *not perform commercial services for which it collects fees.*

25 *“(b) USE OF FEES.—Funds collected under the author-*
26 *ity of subsection (a) shall be deposited as an offsetting col-*

1 *lection to any Department of State appropriation to recover*
2 *the costs of providing commercial services.”.*

3 **SEC. 742. PERSONAL SERVICES CONTRACTS ABROAD.**

4 *Section 2(c) of the State Department Basic Authorities*
5 *Act of 1956 (22 U.S.C. 2669(c)) is amended by inserting*
6 *the following before the period: “; and such contracts are*
7 *authorized to be negotiated, the terms of the contracts to*
8 *be prescribed, and the work to be performed, where nec-*
9 *essary, without regard to such statutory provisions as relate*
10 *to the negotiation, making, and performance of contracts*
11 *and performance of work in the United States”.*

12 **SEC. 743. UNITED STATES MEMBERSHIP IN THE INTER-**
13 **NATIONAL COPPER STUDY GROUP.**

14 *(a) UNITED STATES MEMBERSHIP.—The President is*
15 *authorized to accept the Terms of Reference of and main-*
16 *tain membership of the United States in the International*
17 *Copper Study Group (ICSG).*

18 *(b) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For*
19 *fiscal year 1995 and thereafter the United States assessed*
20 *contributions to the ICSG may be paid from funds appro-*
21 *priated for “Contributions to International Organizations”.*

22 **SEC. 744. PROHIBITION ON ASSISTANCE TO COUNTRIES EX-**
23 **PROPRIATING UNITED STATES PROPERTY.**

24 *(a) PROHIBITION.—None of the funds made available*
25 *to carry out the Foreign Assistance Act of 1961 as amended,*

1 *the Arms Export Control Act, or the Support for East Euro-*
2 *pean Democracy Act may be provided to a country (other*
3 *than a country described in subsection (c)) whose govern-*
4 *ment (or any agency or instrument thereof)—*

5 *(2) has before, on, or after the date of enactment*
6 *of this Act—*

7 *(A) nationalized or expropriated the prop-*
8 *erty of any United States person,*

9 *(B) repudiated or nullified any contract or*
10 *agreement with any United States person, or*

11 *(C) taken any other action (such as the im-*
12 *position of discriminatory taxes or other exac-*
13 *tions) which has the effect of seizing ownership*
14 *or control of the property of any United States*
15 *person, and*

16 *(2) has not, within a period of 3 years (or where*
17 *applicable, the period described in subsection (b)), re-*
18 *turned the property or provided adequate and effec-*
19 *tive compensation for such property in convertible*
20 *foreign exchange equivalent to the full value thereof,*
21 *as required by international law.*

22 *(3) the President may waive the prohibition in*
23 *subsection (a) if he determines and so notifies Con-*
24 *gress that it is in the national interest to do so. Such*

1 *determination must be made on a country by country*
2 *basis every 180 days.*

3 *(b) EXTENDED PERIOD FOR COMPENSATION IN THE*
4 *CASE OF NEWLY ELECTED DEMOCRATIC GOVERNMENTS.—*
5 *In the case of a democratically elected foreign government*
6 *that had been a totalitarian or authoritarian government*
7 *at the time of the action described in subsection (a)(1), the*
8 *3-year period described in subsection (a)(2) shall be deemed*
9 *to have begun as of the date of the installation of the demo-*
10 *cratically elected government.*

11 *(c) EXCEPTED COUNTRIES AND TERRITORIES.—This*
12 *section shall not apply to any country established by inter-*
13 *national mandate through the United Nations or to any*
14 *territory recognized by the United States Government to be*
15 *in dispute.*

16 *(d) REPORTING REQUIREMENT.—Not later than 90*
17 *days after enactment of this Act, and every 180 days there-*
18 *after, the Secretary of State shall transmit to the Speaker*
19 *of the House of Representatives and to the Committee on*
20 *Foreign Relations of the Senate, a report containing the*
21 *following:*

22 *(1) A list of all countries in which a United*
23 *States person has an outstanding expropriations*
24 *claim.*

1 (2) *The total number of outstanding expropria-*
2 *tion claims made by United States persons against*
3 *any foreign country.*

4 (3) *The period of time in which each claim has*
5 *been outstanding.*

6 (4) *All efforts made on a case by case basis by*
7 *the United States Government, any international or-*
8 *ganization, and the country in which the expropria-*
9 *tion claim has been made, to return the property or*
10 *provide adequate and effective compensation for such*
11 *property.*

12 (e) *DEFINITION.—For purposes of this section, the*
13 *term “United States person” means a United States citizen*
14 *or corporation, partnership, or association at least 50 per-*
15 *cent beneficially owned by United States citizens.*

16 **SEC. 745. ISRAEL'S DIPLOMATIC STATUS.**

17 (a) *The Congress finds that—*

18 (1) *Israel continues to be a leader in the Middle*
19 *East peace process and the only democracy in the re-*
20 *gion;*

21 (2) *on May 14, 1948, the United States was the*
22 *first country to accord de facto recognition to Israel;*

23 (3) *after over forty-six years of independence Is-*
24 *rael is recognized only by 132 countries around the*
25 *world;*

1 (4) *forty-nine countries have no diplomatic rela-*
2 *tions with Israel, including 32 that collectively receive*
3 *in fiscal year 1994 over \$523,000,000 in United*
4 *States foreign assistance;*

5 (5) *China and India recognized the state of Is-*
6 *rael in 1992;*

7 (6) *Israel is a legitimate state and sovereign en-*
8 *tity that deserves to be accorded full diplomatic rec-*
9 *ognition by members of the international community;*
10 *and*

11 (7) *the following states will receive direct and in-*
12 *direct United States foreign assistance this year and*
13 *have failed to recognize Israel: Afghanistan; Algeria;*
14 *Bahrain; Bangladesh; Botswana; Burundi; Cape*
15 *Verde; Chad; Djibouti; Ghana; Guinea; Guinea-*
16 *Bissau; Indonesia; Jordan; Laos; Lebanon; Madagas-*
17 *car; Maldives; Mauritania; Morocco; Namibia; Niger;*
18 *Oman; Pakistan; Rwanda; Senegal; Somalia; Sri*
19 *Lanka; Tanzania; Tunisia; Uganda; and Yemen,*
20 *therefore*

21 (b) *It is the sense of the Senate that the Secretary of*
22 *State should make the issue of Israel's diplomatic status a*
23 *priority and urge countries that receive American aid to*
24 *immediately establish full diplomatic relations with the*
25 *state of Israel.*

1 **SEC. 746. POLICY REGARDING GERMAN PARTICIPATION IN**
2 **INTERNATIONAL PEACEKEEPING OPER-**
3 **ATIONS.**

4 (a) *FINDINGS.*—*The Congress finds that—*

5 (1) *for more than four decades following the Sec-*
6 *ond World War, Germany was a divided nation;*

7 (2) *notwithstanding the creation of the Federal*
8 *Republic of Germany on September 7, 1949, and the*
9 *German Democratic Republic on October 7, 1949, the*
10 *Four Allied Powers retained rights and responsibil-*
11 *ities for Germany as a whole;*

12 (3) *the Federal Republic of Germany acceded to*
13 *the United Nations Charter without reservation,*
14 *“accept[ing] the obligations contained in the Charter*
15 *. . . and solemnly undertak[ing] to carry them out”,*
16 *and was admitted as a member of the United Nations*
17 *on September 26, 1973;*

18 (4) *the Federal Republic of Germany’s admission*
19 *to the United Nations did not alter Germany’s divi-*
20 *sion nor infringe upon the rights and responsibilities*
21 *of the Four Allied Powers for Germany as a whole;*

22 (5) *these circumstances created impediments to*
23 *the Federal Republic of Germany fulfilling all obliga-*
24 *tions undertaken upon its accession to the United Na-*
25 *tions Charter;*

1 (6) *Germany was unified within the Federal Re-*
2 *public of Germany on October 3, 1990;*

3 (7) *with the entry into force of the Final Settle-*
4 *ment With Respect to Germany on March 4, 1991, the*
5 *unified Germany assumed its place in the community*
6 *of nations as a fully sovereign national state;*

7 (8) *German unification and attainment of full*
8 *sovereignty and the Federal Republic's history of*
9 *more than four decades of democracy have removed*
10 *impediments that have prevented its full participa-*
11 *tion in international efforts to maintain or restore*
12 *international peace and security;*

13 (9) *international peacekeeping, peacemaking,*
14 *and peace-enforcing operations are becoming increas-*
15 *ingly important for the maintenance and restoration*
16 *of international peace and security;*

17 (10) *United Nations Secretary General Boutros*
18 *Boutros-Ghali has called for the "full participation of*
19 *Germany in peacekeeping, peacemaking, and peace-*
20 *enforcing measures";*

21 (11) *the North Atlantic Council, meeting in min-*
22 *isterial session on June 4, 1992, and December 17,*
23 *1992, stated the preparedness of the North Atlantic*
24 *Alliance to "support, on a case-by-case basis in ac-*
25 *cordance with our own procedures, peacekeeping ac-*

1 *tivities under the responsibility of the Conference on*
2 *Security and Cooperation in Europe” and “peace-*
3 *keeping operations under the authority of the United*
4 *Nations Security Council”;*

5 *(12) the Federal Republic of Germany partici-*
6 *ipated in these North Atlantic Council meetings and*
7 *fully associated itself with the resulting communiques;*

8 *(13) the Western European Union (WEU) Min-*
9 *isterial Council, in the Petersberg Declaration adopt-*
10 *ed June 19, 1992, declared that “As the WEU devel-*
11 *ops its operational capabilities in accordance with the*
12 *Maastricht Declaration, we are prepared to support,*
13 *on a case-by-case basis and in accordance with our*
14 *own procedures, the effective implementation of con-*
15 *flict-prevention and crisis-management measures, in-*
16 *cluding peacekeeping activities of the CSCE or the*
17 *United Nations Security Council”;*

18 *(14) the Federal Republic of Germany presided*
19 *over this Western European Union Ministerial Coun-*
20 *cil meeting and fully associated itself with the*
21 *Petersberg Declaration;*

22 *(15) the Federal Republic of Germany, by virtue*
23 *of its political, economic, and military status and po-*
24 *tential, will play an important role in determining*

1 *the success or failure of future international efforts to*
2 *maintain or restore international peace and security;*

3 *(16) Germany is currently engaged in a debate*
4 *on the proper role for the German military in the*
5 *international community and, in this regard, on how*
6 *to amend the provisions of the Federal Republic's*
7 *Basic Law that govern German military activities;*

8 *(17) one important element in the German de-*
9 *bate is the attitude of the international community*
10 *toward full German participation in international*
11 *peacekeeping, peacemaking, and peace-enforcing oper-*
12 *ations;*

13 *(18) it is, therefore, appropriate for the United*
14 *States, as a member of the international community*
15 *and as a permanent member of the United Nations*
16 *Security Council, to express its position on the ques-*
17 *tion of such German participation; and*

18 *(19) distinctions between peacekeeping, peace-*
19 *making, and peace-enforcing measures are becoming*
20 *blurred, making absolute separation of such measures*
21 *difficult, if not impossible.*

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

24 *(1) an appropriate response under current cir-*
25 *cumstances to Germany's past would be for Germany*

1 *to participate fully in international efforts to main-*
2 *tain or restore international peace and security; and*
3 *(2) the President should strongly encourage Ger-*
4 *many, in light of its increasing political and eco-*
5 *nomical influence, its successful integration into inter-*
6 *national institutions, and its commitment to peace*
7 *and democratic ideals, to assume full and active par-*
8 *ticipation in international peacekeeping, peace-*
9 *making, and peace-enforcing operations and to take*
10 *the necessary measures with regard to its constitu-*
11 *tional law and policy and its military capabilities so*
12 *as to enable the full and active participation of Ger-*
13 *many in such operations.*

14 **SEC. 747. UNITED STATES CITIZENS HIRED ABROAD.**

15 *(a) In order to facilitate the hiring of United States*
16 *citizens abroad, the Foreign Service Act of 1980 (22 U.S.C.*
17 *3901 et seq.) (“the Act”), the State Department Basic Au-*
18 *thorities Act (22 U.S.C. 2669 et seq.), and other provisions*
19 *are amended as follows:*

20 *(1) In section 309(b) of the Act by deleting*
21 *“and” at the end of subsection (b)(3); and by deleting*
22 *the period at the end of subsection (b)(4) and insert-*
23 *ing in lieu thereof “; and (5) as a foreign national*
24 *employee.”.*

1 (2) *In section 311 of the Act by striking the sec-*
2 *tion and inserting the following:*

3 “(a) *The Secretary, under section 303, may appoint*
4 *United States citizens, who are family members of govern-*
5 *ment employees assigned abroad or are hired for service at*
6 *their post of residence, for employment in positions cus-*
7 *tomarily filled by Foreign Service officers, Foreign Service*
8 *personnel, and foreign national employees.*

9 “(b) *The fact that an applicant for employment in a*
10 *position referred to in subsection (a) is a family member*
11 *of a Government employee assigned abroad shall be consid-*
12 *ered an affirmative factor in employing such person.*

13 “(c)(1) *Non-family members employed under this sec-*
14 *tion for service at their post of residence shall be paid in*
15 *accordance with local compensation plans established under*
16 *section 408.*

17 “(2) *Family members employed under this section*
18 *shall be paid in accordance with the Foreign Service Sched-*
19 *ule or the salary rates established under section 407.*

20 “(3) *In exceptional circumstances, non-family mem-*
21 *bers may be paid in accordance with the Foreign Service*
22 *Schedule or the salary rates established under section 407,*
23 *if the Secretary determines that the national interest would*
24 *be served by such payments.*

1 “(d) Citizens employed under this section shall not be
2 eligible for benefits under chapter 8 of the Foreign Service
3 Act of 1980, as amended, or under chapters 83 and 84 of
4 title 5, unless the Secretary states in writing or by regula-
5 tion that specific individuals shall remain eligible for bene-
6 fits under chapter 83 or 84 of title 5, as appropriate. Each
7 agency should make efforts to find additional funding for
8 retirement coverage for family members.”.

9 (3) In section 404(a) of the Act by deleting the
10 phrase “who are family members of Government em-
11 ployees paid in accordance with a local compensation
12 plan established under”.

13 (4) In section 408 of the Act—

14 (A) by rewriting the first sentence of sub-
15 section 408(a)(1) to read as follows: “The Sec-
16 retary shall establish compensation (including
17 position classification) plans for foreign national
18 employees of the Service and United States citi-
19 zens employed under section 311(c)(1).”;

20 (B) in the second sentence of subsection
21 408(a)(1), by deleting the phrase “employed in
22 the Service abroad who were hired while residing
23 abroad and to those family members of Govern-
24 ment employees who are paid in accordance with
25 such plans”;

1 (C) in the third sentence of subsection
2 408(a)(1), by deleting the phrase “foreign na-
3 tional” each place it appears; and

4 (D) by adding a fourth sentence as follows:
5 “For United States citizens under a compensa-
6 tion plan, the Secretary shall also (A) provide
7 these citizens with a total compensation package
8 (including wages, allowances, benefits, and other
9 employer payments, such as for social security)
10 that has the equivalent cost to that received by
11 foreign national employees occupying a similar
12 position at that post and (B) define those allow-
13 ances and benefits provided under United States
14 law which shall be included as part of this total
15 compensation package, notwithstanding any
16 other provision of law, except that this section
17 shall not be used to override United States mini-
18 mum wage requirements, or any provision of the
19 Social Security Act or the Internal Revenue
20 Code.

21 (5) In section 504(b) of the Act by inserting
22 “(other than those employed in accordance with sec-
23 tion 311)” immediately after “citizen of the United
24 States”.

1 (6) In section 601(b)(2) of the Act by deleting
2 “and” the last time it appears and by inserting “and
3 other members of the Service” immediately after “cat-
4 egories of career candidates.”.

5 (7) In section 611 of the Act by striking all that
6 follows “Foreign Service Schedule” and inserting in
7 lieu thereof “or who is paid in accordance with sec-
8 tion 407 or is a United States citizen paid under a
9 compensation plan under section 408.”.

10 (8) In section 903(a) of the Act by inserting
11 “(other than a member employed under section 311)”
12 immediately after “member of the Service” each place
13 it appears.

14 (9) In section 1002(8)(A) of the Act by inserting
15 “a member of the Service who is a United States citi-
16 zen (other than a family member) employed under
17 section 311,” immediately after “a consular agent.”.

18 (10) In section 1101(a)(1) of the Act by inserting
19 “(other than a United States citizen employed under
20 section 311 who is not a family member)” imme-
21 diately after “citizen of the United States”.

22 (11) In section 2(c) of the State Department
23 Basic Authorities Act of 1956 (22 U.S.C. 2669(c)), by
24 inserting the following before the period: “; and such
25 contracts are authorized to be negotiated, the terms of

1 (1) On February 10, 1993, North Korea refused
2 to permit the International Atomic Energy Agency
3 (IAEA) to conduct special inspections, as permitted
4 under the terms of the Treaty on the Non-Prolifera-
5 tion of Nuclear Weapons (NPT), of two undeclared
6 nuclear-related sites to clarify discrepancies related to
7 North Korea's nuclear program, and on March 12,
8 1993, North Korea announced its intention to with-
9 draw from the NPT effective on June 12, 1993, due
10 to the insistence of the IAEA on exercising inspection
11 rights under the NPT.

12 (2) On April 1, 1993, the IAEA declared North
13 Korea to be in noncompliance with the NPT; on April
14 2, 1993, the IAEA voted to refer North Korean viola-
15 tions of the Treaty to the United Nations Security
16 Council; and on April 7, 1993, the IAEA issued a for-
17 mal censure on North Korea for its noncompliance
18 with the NPT, the first censure in the history of the
19 IAEA.

20 (3) On May 11, 1993, the United Nations Secu-
21 rity Council passed a resolution asking North Korea
22 to allow IAEA inspections under the NPT, and on
23 May 12, 1993, North Korea rejected the request of the
24 United Nations Security Council and has since im-

1 *peded or refused access to any of its sites by IAEA*
2 *inspectors.*

3 *(4) On June 2, 1993, the United States and*
4 *North Korea initiated a series of meetings in New*
5 *York to discuss the impasse in nuclear site inspec-*
6 *tions, which continued until January 4, 1994, when*
7 *Under Secretary of State Lynn Davis announced that*
8 *North Korea had agreed to inspections of seven de-*
9 *clared nuclear-related sites.*

10 *(5) Discussions between the IAEA and North*
11 *Korea to implement the announced agreement to per-*
12 *mit inspections in North Korea have reached an ap-*
13 *parent impasse, and the issue is anticipated to be dis-*
14 *cussed at the IAEA Board of Governors meeting on*
15 *February 21, 1994.*

16 *(6) The People's Republic of China (PRC) has*
17 *repeatedly stated it would not support any action of*
18 *the United Nations Security Council to impose sanc-*
19 *tions on North Korea, and the PRC may not be co-*
20 *operating fully and effectively in seeking a resolution*
21 *of this issue.*

22 *(7) The United States must clearly communicate*
23 *its firm resolve to compel North Korea to comply with*
24 *the inspections required under the NPT and has in-*
25 *stead offered to cancel 1994 Team Spirit joint mili-*

1 *tary exercises with South Korea; indications are that*
2 *numerous other concessions, such as diplomatic rec-*
3 *ognition and economic assistance, are also being con-*
4 *sidered.*

5 *(8) The development of nuclear weapons by*
6 *North Korea would significantly increase the already*
7 *serious threat to the safety and security of South*
8 *Korea and the stability of the Pacific region posed by*
9 *North Korea's military forces, which include—*

10 *(A) an army of 1,200,000 men, much of*
11 *which is positioned near the border with South*
12 *Korea;*

13 *(B) an estimated 250 tons of biological and*
14 *chemical weapons; and*

15 *(C) extended range SCUD-C missiles re-*
16 *portedly armed with chemical warheads, No*
17 *Dong missiles, and possibly a much longer range*
18 *intermediate-range ballistic missile in develop-*
19 *ment.*

20 *(b) POLICY.—It is the sense of the Congress that—*

21 *(1) North Korea must halt its nuclear weapons*
22 *program and fully comply with the terms of the NPT*
23 *and the January 30, 1992, full-scope safeguards*
24 *agreement agreed to by North Korea and the IAEA;*

1 (2) *the President should seek international con-*
2 *sensus to isolate North Korea economically until*
3 *North Korea halts its nuclear weapons program and*
4 *reaches acceptable agreement with the IAEA on in-*
5 *spections of its nuclear facilities and those inspections*
6 *have begun;*

7 (3) *the President should support United States-*
8 *South Korea joint military exercises as an expression*
9 *of commitment to the United States-Republic of*
10 *Korea Mutual Defense Treaty of 1954;*

11 (4) *the President should ensure that sufficient*
12 *United States military forces are deployed in the Pa-*
13 *cific region, including the deployment of Patriot bat-*
14 *teries in South Korea, in order to be prepared to ef-*
15 *fectively defend South Korea against any offensive ac-*
16 *tion by North Korea;*

17 (5) *the President should make resolution of this*
18 *issue a matter of urgent national security priority;*
19 *and*

20 (6) *an “acceptable agreement” between the IAEA*
21 *and North Korea should include regular inspection of*
22 *all declared nuclear sites as well as special inspec-*
23 *tions of any suspected nuclear-related site, as agreed*
24 *to by North Korea in the January 30, 1992, full-scope*
25 *safeguards agreement with the IAEA.*

1 (c) *DEFINITIONS.*—For purposes of this section—

2 (1) the term “IAEA” means the International
3 Atomic Energy Agency;

4 (2) the term “NPT” means the Treaty on the
5 Non-Proliferation of Nuclear Weapons, done on July
6 1, 1968 at London, Moscow, and Washington; and

7 (3) the term “safeguards” means the safeguards
8 set forth in an agreement between a country and the
9 IAEA, as authorized by Article III(A)(5) of the Stat-
10 ute of the International Atomic Energy Agency.

11 **SEC. 750. REPORT ON RUSSIAN MILITARY OPERATIONS IN**
12 **THE INDEPENDENT STATES OF THE FORMER**
13 **SOVIET UNION.**

14 (a) *IN GENERAL.*—Not later than July 1, 1994, the
15 President shall submit to Congress a report on the oper-
16 ations and activities of the armed forces of the Russian Fed-
17 eration, including elements purportedly operating outside
18 the chain of command of the armed forces of the Russian
19 Federation, outside the borders of the Russian Federation
20 and, specifically, in the other independent states that were
21 a part of the former Soviet Union and the Baltic States.

22 (b) *CONTENT OF REPORT.*—The report required by
23 subsection (a) shall include, but not be limited to—

24 (1) an assessment of the numbers and types of
25 Russian armed forces deployed in each of the other

1 *independent states of the former Soviet Union and the*
2 *Baltic States and a summary of their operations and*
3 *activities since the demise of the Soviet Union in De-*
4 *cember 1991;*

5 (2) *a detailed assessment of the involvement of*
6 *Russian armed forces in conflicts in or involving Ar-*
7 *menia, Azerbaijan, Georgia, Moldova, and Tajikistan,*
8 *including support provided directly or indirectly to*
9 *one or more parties to these conflicts;*

10 (3) *an assessment of the political and military*
11 *objectives of the operations and activities discussed in*
12 *paragraphs (1) and (2) and of the strategic objectives*
13 *of the Russian Federation in its relations with the*
14 *other independent states of the former Soviet Union*
15 *and the Baltic States;*

16 (4) *an assessment of other significant actions,*
17 *including political and economic, taken by the Rus-*
18 *sian Federation to influence the other independent*
19 *states of the former Soviet Union and the Baltic*
20 *States in pursuit of its strategic objectives; and*

21 (5) *an analysis of the new Russian military doc-*
22 *trine adopted by President Yeltsin on November 2,*
23 *1993, with particular regard to its implications for*
24 *Russian policy toward the other independent states of*
25 *the former Soviet Union and the Baltic States.*

1 (c) *DEFINITIONS.*—*For the purposes of this section—*

2 (1) *“the other independent states of the former*
3 *Soviet Union” means Armenia, Azerbaijan, Belarus,*
4 *Georgia, Kazakhstan, Kyrgyzstan, Moldova,*
5 *Tajikistan, Turkmenistan, Ukraine, and Uzbekistan;*
6 *and*

7 (2) *“the Baltic States” means Latvia, Lithuania,*
8 *and Estonia.*

9 **SEC. 751. REPORT ON BOSNIAN REFUGEES.**

10 (a) *The Senate finds that:*

11 (1) *In Bosnia-Herzegovina the civilian popu-*
12 *lation has been subject to egregious violations of basic*
13 *human rights, including wide-spread willful killing,*
14 *the torture of prisoners, deliberate attacks on non-*
15 *combatants, the intentional impeding of the delivery*
16 *of food and medical supplies to the civilian popu-*
17 *lation, mass forcible expulsion and deportation of ci-*
18 *vilians, the abuse of civilians in detention centers,*
19 *and the wanton devastation and destruction of prop-*
20 *erty.*

21 (2) *Ethnic cleansing, the systematic persecution*
22 *of minorities, indiscriminate attacks on civilians, vio-*
23 *lations of internationally-held humanitarian prin-*
24 *ciples, and the deliberate targeting of aid workers has*

1 *been and continues to be common events in the con-*
2 *flict in Bosnia-Herzegovina.*

3 *(b) The Department of State shall within 60 days after*
4 *the enactment of this law brief the Committees of Judiciary*
5 *of the House of Representatives and the Senate on the steps*
6 *being taken by the United States to assure that all appro-*
7 *priate efforts are being made to expeditiously identify and*
8 *assist all cases of Bosnian individuals and families who*
9 *are requesting third country resettlement and who are eligi-*
10 *ble to seek refugee status in the United States and who are*
11 *seeking such refugee status.*

12 **SEC. 752. POLICY REGARDING THE CONDITIONS WHICH**
13 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
14 **LIC OF CHINA SHOULD MEET TO CONTINUE**
15 **TO RECEIVE NONDISCRIMINATORY MOST-FA-**
16 **VORED-NATION TREATMENT.**

17 *(a) The Congress finds that:*

18 *(1) In an Executive Order of May 28, 1993, the*
19 *President established conditions for renewal of most-*
20 *favored-nation (MFN) status for the People's Republic*
21 *of China in 1994.*

22 *(2) This Executive Order requires that in mak-*
23 *ing a recommendation about the further extension of*
24 *MFN status to China, the Secretary of State shall not*
25 *recommend extension unless he determines that—*

1 (A) extension will substantially promote the
2 freedom of emigration objectives of section 402 of
3 the Trade Act of 1974; and

4 (B) China is complying with the 1992 bi-
5 lateral agreement between the United States and
6 China concerning prison labor.

7 (3) The Executive Order further requires that in
8 making his recommendation, the Secretary of State
9 shall determine whether China has made overall, sig-
10 nificant progress with respect to—

11 (A) taking steps to begin adhering to the
12 Universal Declaration of Human Rights;

13 (B) releasing and providing an acceptable
14 accounting for Chinese citizens imprisoned or de-
15 tained for the non-violent expression of their po-
16 litical and religious beliefs, including such ex-
17 pression of religious beliefs in connection with
18 the Democracy Wall and Tiananmen Square
19 movements;

20 (C) ensuring humane treatment of pris-
21 oners, such as by allowing access to prisons by
22 international humanitarian and human rights
23 organizations;

24 (D) protecting Tibet's distinctive religious
25 and cultural heritage; and

1 (E) *permitting international radio and tele-*
2 *vision broadcasts into China.*

3 (4) *The Executive Order further requires the Ex-*
4 *ecutive Branch to resolutely pursue all legislative and*
5 *executive actions to ensure that China abides by its*
6 *commitments to follow fair, nondiscriminatory trade*
7 *practices in dealing with United States businesses,*
8 *and adheres to the Nuclear Nonproliferation Treaty,*
9 *the Missile Technology Control Regime guidelines and*
10 *parameters, and other nonproliferation commitments.*

11 (5) *The Chinese government should cooperate*
12 *with international efforts to obtain North Korea's full,*
13 *unconditional compliance with the Nuclear Non-Pro-*
14 *liferation Treaty.*

15 (6) *The President has initiated an intensive*
16 *high-level dialogue with the Chinese government*
17 *which began last year with a meeting between the*
18 *Secretary of State and the Chinese Foreign Minister,*
19 *including a meeting in Seattle between the President*
20 *and the President of China, meetings in Beijing with*
21 *the Secretary of the Treasury, the Assistant Secretary*
22 *for Human Rights and others, a recent meeting in*
23 *Paris between the Secretary of State and the Chinese*
24 *Foreign Minister, and recent meetings in Washington*

1 with several Under Secretaries and their Chinese
2 counterparts.

3 (7) The President's efforts have led to some re-
4 cent progress on some issues of concern to the United
5 States.

6 (8) Notwithstanding this, substantially more
7 progress is needed to meet the standards in the Presi-
8 dent's Executive Order.

9 (9) The Chinese government's overall human
10 rights record in 1993 fell far short of internationally
11 accepted norms as it continued to repress critics and
12 failed to control abuses by its own security forces,
13 therefore

14 (b) It is the sense of the Senate that the President of
15 the United States should use all appropriate opportunities,
16 in particular more high-level exchanges with the Chinese
17 government, to press for further concrete progress towards
18 meeting the standards for continuation of MFN status as
19 contained in the Executive Order.

20 **SEC. 753. IMPLEMENTATION OF PARTNERSHIP FOR PEACE.**

21 REPORT.—The President shall submit every six
22 months, beginning six months after the date of enactment
23 of this Act, a detailed report to the Senate Foreign Rela-
24 tions Committee, the House Foreign Affairs Committee, and
25 the House and the Senate Armed Services Committees on

1 *the implementation of the “Partnership for Peace” initia-*
2 *tive, including an assessment of the progress made by*
3 *former members of the Warsaw Treaty Organization in*
4 *meeting the criteria for full membership articulated in Arti-*
5 *cle 10 of the North Atlantic Treaty, wherein any other Eu-*
6 *ropean state may, by unanimous agreement, be invited to*
7 *accede to the North Atlantic Treaty if it is in a position*
8 *to further the principles of the Treaty and to contribute to*
9 *the security of the North Atlantic area.*

10 **SEC. 754. FUNDING FOR DEMOCRACY PROMOTION PRO-**
11 **GRAMS.**

12 *In addition to the other matters to be reviewed by the*
13 *commission established by this Act to study the effectiveness*
14 *of democracy programs funded by the United States, the*
15 *commission shall also undertake a review of the feasibility*
16 *and desirability of mandating non-United States Govern-*
17 *ment funding, including matching funds and in-kind sup-*
18 *port, for democracy promotion programs. If the commission*
19 *determines that mandating such non-government funding*
20 *is feasible and desirable it shall make recommendations re-*
21 *garding goals and procedures for implementation.*

22 **SEC. 755. HUMANITARIAN ACTIVITIES.**

23 *It is the sense of the Senate that the President should*
24 *not restrict informational, educational, religious, or hu-*
25 *manitarian exchanges, or exchanges for public performances*

1 *or exhibitions, or travel for any such informational, edu-*
2 *cational, religious, performance, or exhibition exchanges, or*
3 *travel for furtherance of humanitarian activities, between*
4 *the United States and any other country.*

5 **SEC. 756. LIMITATION ON AUTHORITY TO TRANSFER EX-**
6 **CESS DEFENSE ARTICLES.**

7 (a) *TRANSFERS TO COUNTRIES ON THE SOUTHERN*
8 *AND SOUTHEASTERN FLANK OF NATO.*—Section 516(b) of
9 *the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)) is*
10 *amended—*

11 (1) *by striking out “and” at the end of para-*
12 *graph (2);*

13 (2) *by striking out the period at the end of para-*
14 *graph (3) and inserting in lieu thereof “; and”; and*

15 (3) *by adding at the end the following new para-*
16 *graph:*

17 “(4) *the President first considers the effects of the*
18 *transfer of the excess defense articles on the national*
19 *technology and industrial base, particularly the ex-*
20 *tent, if any, to which the transfer reduces the oppor-*
21 *tunities of entities in the national technology and in-*
22 *dustrial base to sell new equipment to the country or*
23 *countries to which the excess defense articles are*
24 *transferred.”.*

1 (b) *TRANSFERS TO COUNTRIES PARTICIPATING IN A*
2 *COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.*—
3 *Section 517(f) of the Foreign Assistance Act of 1961 (22*
4 *U.S.C. 2321k(f)) is amended—*

5 (1) *by striking out “and” at the end of para-*
6 *graph (2);*

7 (2) *by striking out the period at the end of para-*
8 *graph (3) and inserting in lieu thereof “; and”; and*

9 (3) *by adding at the end the following new para-*
10 *graph:*

11 “(4) *the President first considers the effects of the*
12 *transfer of the excess defense articles on the national*
13 *technology and industrial base, particularly the ex-*
14 *tent, if any, to which the transfer reduces the oppor-*
15 *tunities of entities in the national technology and in-*
16 *dustrial base to sell new equipment to the country or*
17 *countries to which the excess defense articles are*
18 *transferred.”.*

19 (c) *TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICI-*
20 *PATE IN A FOREIGN MILITARY FINANCING PROGRAM.*—*Sec-*
21 *tion 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C.*
22 *2321m(b)) is amended—*

23 (1) *by striking out “and” at the end of para-*
24 *graph (3);*

1 (2) by striking out the period at the end of para-
2 graph (4) and inserting in lieu thereof “; and”; and

3 (3) by adding at the end the following new para-
4 graph:

5 “(5) the President first considers the effects of the
6 transfer of the excess defense articles on the national
7 technology and industrial base, particularly the ex-
8 tent, if any, to which the transfer reduces the oppor-
9 tunities of entities in the national technology and in-
10 dustrial base to sell new equipment to the country or
11 countries to which the excess defense articles are
12 transferred.”.

13 (d) SALES FROM STOCK UNDER ARMS EXPORT CON-
14 TROL ACT.—Section 21 of the Arms Export Control Act (22
15 U.S.C. 2761) is amended by adding at the end the following
16 new subsection:

17 “(k) Before entering into the sale under this Act of de-
18 fense articles that are excess to the stocks of the Department
19 of Defense, the President shall first consider the effects of
20 the sale of the articles on the national technology and indus-
21 trial base, particularly the extent, if any, to which the sale
22 reduces the opportunities of entities in the national tech-
23 nology and industrial base to sell new equipment to the
24 country or countries to which the excess defense articles are
25 sold.”.

1 (e) *LEASES UNDER ARMS EXPORT CONTROL ACT.*—
2 Section 61(a) of the Arms Export Control Act (22 U.S.C.
3 2796(a)) is amended—

4 (1) by striking out “and” at the end of para-
5 graph (2);

6 (2) by redesignating paragraph (3) as para-
7 graph (4);

8 (3) by inserting after paragraph (2) the follow-
9 ing new paragraph (3):

10 “(3) the President first considers the effects of the
11 lease of the articles on the national technology and in-
12 dustrial base, particularly the extent, if any, to which
13 the lease reduces the opportunities of entities in the
14 national technology and industrial base to sell new
15 equipment to the country or countries to which the
16 articles are leased; and”;

17 (4) in the matter following paragraph (4), as re-
18 designated by paragraph (2) of this subsection, by
19 striking out “paragraph (3)” each place it appears
20 and inserting in lieu thereof “paragraph (4)”.

21 **SEC. 757. MISSILE TECHNOLOGY EXPORTS TO CERTAIN**
22 **MIDDLE EASTERN AND ASIAN COUNTRIES.**

23 (a) *EXPORTS BY UNITED STATES PERSONS.*—Section
24 72 of the Arms Export Control Act (22 U.S.C. 2797a) is
25 amended—

1 (1) by redesignating subsection (c) as subsection
2 (d); and

3 (2) by inserting after subsection (b) the follow-
4 ing:

5 “(c) *PRESUMPTION.*—In determining whether to apply
6 sanctions under subsection (a) to a United States person
7 involved in the export, transfer, or trade of an item on the
8 MTCR Annex, it shall be a rebuttable presumption that
9 such item is designed for use in a missile listed under the
10 MTCR Annex if the President determines that the final des-
11 tination of the item is a country the government of which
12 the Secretary of State determines, for purposes of 6(j)(1)(A)
13 of the Export Administration Act of 1979, has repeatedly
14 provided support for acts of international terrorism.”.

15 (b) *EXPORTS BY FOREIGN PERSONS.*—Section 73 of
16 the Arms Export Control Act (22 U.S.C. 2797b) is amend-
17 ed—

18 (1) by redesignating subsections (f) and (g) as
19 subsections (g) and (h), respectively; and

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

21 “(f) *PRESUMPTION.*—In determining whether to apply
22 sanctions under subsection (a) to a foreign person involved
23 in the export, transfer, or trade of an item on the MTCR
24 Annex, it shall be a rebuttable presumption that such item
25 is designed for use in a missile listed under the MTCR

1 *Annex if the President determines that the final destination*
2 *of the item is a country the government of which the Sec-*
3 *retary of State determines, for purposes of 6(j)(1)(A) of the*
4 *Export Administration Act of 1979, has repeatedly pro-*
5 *vided support for acts of international terrorism.”.*

6 **SEC. 758. CHINESE FLEEING COERCIVE POPULATION CON-**
7 **TROL POLICIES.**

8 (a) *In numbers not to exceed those specified in sub-*
9 *section (e), the Attorney General shall protect from*
10 *deportation or exclusion to the People’s Republic of China na-*
11 *tionals of the People’s Republic of China who demonstrate*
12 *a reasonable likelihood that they will be forced to abort a*
13 *pregnancy or will be subjected to forced sterilization under*
14 *Chinese Communist Party directives and/or government di-*
15 *rectives of the People’s Republic of China on population or*
16 *will suffer other severe harm for refusal to comply with such*
17 *directives, or who demonstrate that they have experienced*
18 *severe harm on account of their refusal to comply with such*
19 *directives.*

20 (b) *Nothing in this section shall be construed to pre-*
21 *clude the Attorney General from deporting or excluding any*
22 *national of the People’s Republic of China to the People’s*
23 *Republic of China if the Attorney General determines that*
24 *such national is inadmissible to the United States under*
25 *section 212(a) (2), (3), (6)(E) (if such action were taken*

1 *knowingly and for gain), or (9) of the Immigration and*
2 *Nationality Act.*

3 *(c) The Attorney General shall, within 90 days of en-*
4 *actment of this section, promulgate regulations and guide-*
5 *lines to carry out the provisions of this section.*

6 *(d) Nothing in this section shall be construed as—*

7 *(1) Shifting the burden of providing, in each in-*
8 *dividual case, facts sufficient to establish a claim*
9 *within the scope of subsection (a) of this section from*
10 *any person making such claim to the Attorney Gen-*
11 *eral; or*

12 *(2) Requiring the Attorney General to dis-*
13 *approve such claim in the absence of proof of facts*
14 *sufficient to establish a claim described in subsection*
15 *(a) of this section by any person making such claim.*

16 *(e) The number of persons receiving the benefit of this*
17 *section shall not exceed 2,000 applicants in any fiscal year.*

18 *(f) The provisions of this section shall take effect on*
19 *the date of enactment of this Act, and relief under this sec-*
20 *tion shall be available, in numbers not to exceed those speci-*
21 *fied in subsection (e), to any national of the People's Repub-*
22 *lic of China who is entitled to such relief under the provi-*
23 *sions of this section notwithstanding the pendency of ad-*
24 *ministrative or judicial proceedings or appeals on the date*

1 *of enactment of this Act, and to any such national whose*
2 *claim arises on or after the date of enactment.*

3 *(g) A person who is not deported or excluded to the*
4 *People's Republic of China pursuant to subsection (a) of*
5 *this section shall be entitled to the same associated benefits*
6 *as a person granted asylum under section 208 of the Immi-*
7 *gration and Nationality Act.*

8 *(h) This section does not apply to an alien who has*
9 *received a final conviction of an aggravated felony or who*
10 *has claimed the benefit of subsection (a) solely for the pur-*
11 *pose of evading the immigration laws of the United States.*

12 *(i) This section shall remain in effect for a period of*
13 *three years from its date of enactment.*

14 **SEC. 759. OPPOSITION TO FINANCING BY INTERNATIONAL**
15 **FINANCIAL INSTITUTIONS FOR COUNTRIES**
16 **EXPROPRIATING UNITED STATES PROPERTY.**

17 *(a) PROHIBITION.—The President shall instruct the*
18 *United States Executive Director of the International Bank*
19 *for Reconstruction and Development, the International De-*
20 *velopment Association, the International Finance Corpora-*
21 *tion, the Inter-American Development Bank, the African*
22 *Development Fund, the Asian Development Bank, the Afri-*
23 *can Development Bank, the European Bank for Reconstruc-*
24 *tion and Development, and the International Monetary*

1 *Fund to vote against any loan or other utilization of the*
2 *funds of the bank for benefit of any country which—*

3 *(1) has before, on, or after the date of enactment*
4 *of this Act—*

5 *(A) nationalized or expropriated the prop-*
6 *erty of any United States person,*

7 *(B) repudiated or nullified any contract or*
8 *agreement with any United States person, or*

9 *(C) taken any other action (such as the im-*
10 *position of discriminatory taxes or other exac-*
11 *tions) which has the effect of seizing ownership*
12 *or control of the property of any United States*
13 *person, and*

14 *(2) has not, within a period of 3 years (or where*
15 *applicable, the period described in subsection (b)), re-*
16 *turned the property or provided adequate and effec-*
17 *tive compensation for such property in convertible*
18 *foreign exchange equivalent to the full value thereof,*
19 *as required by international law.*

20 *(b) EXTENDED PERIOD FOR COMPENSATION IN THE*
21 *CASE OF NEWLY DEMOCRATIC GOVERNMENTS.—In the case*
22 *of a democratically elected foreign government that had*
23 *been a totalitarian or authoritarian government at the time*
24 *of the action described in subsection (a)(1), the 3-year pe-*
25 *riod described in subsection (a)(2) shall be deemed to have*

1 *begun as of the date of the installation of the democratically*
2 *elected government.*

3 (c) *EXCEPTED COUNTRIES AND TERRITORIES.*—*This*
4 *section shall not apply to any country established by inter-*
5 *national mandate through the United Nations or to any*
6 *territory recognized by the United States Government to be*
7 *in dispute.*

8 (d) *REPORTING REQUIREMENT.*—*Not later than 90*
9 *days after the date of enactment of this Act, and every 180*
10 *days thereafter, the President shall transmit to the Speaker*
11 *of the House of Representatives and to the Committee on*
12 *Foreign Relations of the Senate, a report containing the*
13 *following:*

14 (1) *A list of all countries against which United*
15 *States persons have outstanding expropriation claims.*

16 (2) *The total number of outstanding expropria-*
17 *tion claims made by United States persons against*
18 *any foreign country.*

19 (3) *The period of time in which each claim has*
20 *been outstanding.*

21 (4) *A description on a case-by-case basis of each*
22 *effort made by the United States Government, or the*
23 *country in which the expropriation claim has been*
24 *made, to return the property or provide adequate and*
25 *effective compensation for such property.*

1 (1) *The anticipated timetable for dismantlement*
2 *of former Soviet Union nuclear and chemical weapons*
3 *and the status of stocks and production capacity in*
4 *the Russian Federation, Ukraine, Kazakhstan and*
5 *Belarus and how appropriated funds are being used*
6 *to effect this purpose;*

7 (2) *The cost of each activity carried out to date,*
8 *as well as each projected activity;*

9 (3) *The United States agency or host country*
10 *agency responsible for each element of the project;*

11 (4) *Obstacles that might hinder the effective use*
12 *of United States funds in dismantling nuclear and*
13 *chemical weapons in each of the four nuclear repub-*
14 *lics of the former Soviet Union and recommendations*
15 *for overcoming these obstacles;*

16 (5) *The specific impact of United States funds*
17 *on the pace and quality of nuclear and chemical*
18 *weapons dismantlement in each of the four republics;*

19 (6) *A classified appendix detailing actual reduc-*
20 *tion in weapons and capabilities as a result of the*
21 *expenditure of United States funds.*

22 **SEC. 761. REPORT ON SANCTIONS ON VIETNAM.**

23 *Not later than 30 days after any action to modify or*
24 *terminate any prohibition, restriction, condition or limita-*
25 *tion on transaction involving commercial sale of any good*

1 *or technology to the Socialist Republic of Vietnam, or in-*
2 *volving the importation into the United States of goods or*
3 *services of Vietnamese origin, in effect as of January 27,*
4 *1994 under the Act of October 6, 1917 (40 Stat. 411 et seq.)*
5 *as amended, the President shall submit a report, taking into*
6 *account information available to the United States Govern-*
7 *ment, to the Senate and the House of Representatives on*
8 *achieving the fullest possible accounting of United States*
9 *personnel unaccounted for from the Vietnam War, includ-*
10 *ing—*

11 (1) *Progress on recovering and repatriating*
12 *American remains from Vietnam;*

13 (2) *Progress on resolution of discrepancy cases;*

14 (3) *the status of Vietnamese cooperation in im-*
15 *plementing trilateral investigations with Laos; and*

16 (4) *Progress on accelerated efforts to obtain all*
17 *POW/MIA related documents from Vietnam.*

18 **SEC. 762. COORDINATOR FOR COUNTER-TERRORISM.**

19 (a) *ESTABLISHMENT.*—*There shall be within the De-*
20 *partment of State a Coordinator for Counter-Terrorism*
21 *(hereafter in this section referred to as the “Coordinator”)*
22 *who shall be appointed by the President.*

23 (b) *RESPONSIBILITIES.*—(1) *The Coordinator shall*
24 *perform such duties and exercise such power as the Sec-*
25 *retary of State shall prescribe.*

1 (2) *The Coordinator shall have as his principal duty*
2 *the overall supervision (including oversight of policy and*
3 *resources) of counter-terrorism activities of the Department*
4 *of State. The Coordinator shall be the principal advisor to*
5 *the Secretary of State on counter-terrorism matters and*
6 *(after the Secretary, Deputy Secretary, and the appropriate*
7 *Under Secretary) shall be the principal counter-terrorism*
8 *official within the senior management of the Department*
9 *of State.*

10 (c) *RANK AND STATUS.*—*The Coordinator shall have*
11 *the rank and status of an Assistant Secretary. The Coordi-*
12 *nator shall be compensated at the annual rate of basic pay*
13 *in effect for a position at level IV of the Executive Schedule*
14 *under section 5314 of title 5, United States Code.*

15 (d) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
16 *ate that there shall be in the Department of State a Deputy*
17 *Assistant Secretary of State with the rank of ambassador*
18 *whose sole responsibility shall be the day-to-day manage-*
19 *ment of counter-terrorism activities in the Department of*
20 *State.*

21 **SEC. 763. POLICY REGARDING THE RELATIONSHIP OF THAI-**
22 **LAND WITH ITS NEIGHBORS STRUGGLING**
23 **FOR DEMOCRACY, CAMBODIA AND BURMA.**

24 (a) *FINDINGS.*—*Congress finds that—*

1 (1) *the Government of Thailand is to be com-*
2 *mended for its return to democracy and its commit-*
3 *ment to representative government;*

4 (2) *the United States-Thai security relationship*
5 *is a cornerstone of the Association of Southeast Asian*
6 *Nations (ASEAN) and a key to stability in Southeast*
7 *Asia;*

8 (3) *Cambodia, Thailand's neighbor to the East,*
9 *is struggling to prevent violence from disrupting the*
10 *creation of a democratic state;*

11 (4) *the cooperation of Thailand in implementing*
12 *the Paris Peace Accords was instrumental in assist-*
13 *ing Cambodians to achieve their goal of political rec-*
14 *onciliation;*

15 (5) *Peace in Cambodia promotes stability in*
16 *Southeast Asia and the continued cooperation of*
17 *Thailand in bringing lasting peace to that nation is*
18 *vital. That peace is threatened by the Khmer Rouge,*
19 *which has attempted to violently disrupt the Cam-*
20 *bodian effort to institute an elected government.*

21 (6) *The Government of Thailand is commended*
22 *for the steps it has taken to discontinue the Thai rela-*
23 *tionship with the Khmer Rouge, and in particular its*
24 *adherence to United Nations sanctions on timber and*

1 *petroleum trade between Thailand and Khmer con-*
2 *trolled areas of Cambodia.*

3 *(7) Prime Minister Chuan Leekpai and the Com-*
4 *mander-in-Chief of the Thai military, Wimol*
5 *Wongawanich, have publicly enunciated a policy of*
6 *non-support for the Khmer Rouge. Furthermore,*
7 *Prime Minister Chuan has demonstrated considerable*
8 *support for the freely elected Government of Cam-*
9 *bodia.*

10 *(8) The extent to which the Government of Thai-*
11 *land permits trade and particularly military contact*
12 *with the armed opposition to the newly elected Cam-*
13 *bodian government, directly impact the prospects for*
14 *peace and political reconciliation in Cambodia.*

15 *(9) Congress is concerned that elements of the*
16 *Thai military and companies with close links to the*
17 *Thai military, continue to operate against the will*
18 *and policy of the government to support the Khmer*
19 *Rouge.*

20 *(10) Congress is concerned that the Clinton Ad-*
21 *ministration has not articulated its position regard-*
22 *ing United States policy toward Burma.*

23 *(11) The Senate unanimously declared in S. Res.*
24 *112 that it does not recognize the military junta in*
25 *Burma known as the State Law and Order Restora-*

1 *tion Council (referred to as the "SLORC"), since the*
2 *people of Burma gave the National League for Democ-*
3 *racy a clear victory in the election of May 27, 1990.*

4 *(12) Nobel Peace Prize winner Daw Aung San*
5 *Suu Kyi, a leader of the National League for Democ-*
6 *racy, has been under house arrest since July 1989.*
7 *Many of her colleagues who were able to escape im-*
8 *prisonment or death have taken refuge in Thailand,*
9 *where they have organized to work peacefully to bring*
10 *democracy to Burma.*

11 *(13) The Government of Thailand should be*
12 *praised for providing safe haven to the many Bur-*
13 *mese forced to flee the brutal repression of the SLORC*
14 *regime. Despite pressure from the SLORC, Thailand*
15 *has allowed those groups to operate within its borders,*
16 *and has granted visas for international travel.*

17 *(14) Congress is concerned by reports that the*
18 *Government of Thailand may adopt more restrictive*
19 *policies towards the Burmese have raised considerable*
20 *concern. In particular, Congress is concerned by re-*
21 *ports that Dr. Sein Win and other Burmese dissidents*
22 *may not be allowed to return from their trip to the*
23 *United States and to the United Nations to secure*
24 *support for their democratic aspirations.*

1 (15) Congress is deeply interested in seeing the
2 peaceful transition of power to those elected in 1990.
3 Aung San Suu Kyi and other senior National League
4 for Democracy leaders imprisoned in Burmese jails,
5 are unable to conduct political activity inside Burma
6 and have never been allowed to take their elected posi-
7 tions. Those who were able to escape must rely on
8 Thailand's continued hospitality.

9 (16) in recent years there has been an increase
10 in the number of Burmese women and girls con-
11 scripted into Thai brothels. Human Rights Watch has
12 recently issued a report documenting the problems
13 faced by these women. Many of these Burmese become
14 virtual slaves, with no way to escape the brothels
15 where they are kept. When these prostitution rings
16 have been broken up by Thai authorities, often those
17 forced into prostitution are detained in jails, or de-
18 ported to Burma where they are arrested for prostitu-
19 tion, further victimizing them, and

20 (17) in 1992, Thai Prime Minister Chuan
21 Leekpai pledged to crack down on official involvement
22 in forced and child prostitution. Congress welcomes
23 the Government of Thailand's efforts to eliminate
24 forced prostitution. However, Thai border officials
25 and police are reportedly involved in the transport of

1 *these women from Burma, and at times, directly in*
2 *the brothel operations.*

3 *(b) SENSE OF THE CONGRESS.—It is the Sense of the*
4 *Congress that—*

5 *(1) the Government of Thailand should continue*
6 *and must intensify its efforts to end the relationship*
7 *between the Khmer Rouge and the Thai military;*

8 *(2) the President of the United States should*
9 *convey to the Government of Thailand American con-*
10 *cern over renegade Thai military support for the*
11 *Khmer Rouge;*

12 *(3) the President should adopt the policies called*
13 *for in S. Res. 112 and to clearly enunciate policy*
14 *with respect to Burma;*

15 *(4) the Government of Thailand should continue*
16 *to allow the democratic leaders of Burma to operate*
17 *freely within Thailand and to grant them free pas-*
18 *sage to allow them to present their case to the world*
19 *at the United Nations and other international gather-*
20 *ings; and*

21 *(5) the Government of Thailand is further urged*
22 *to prosecute those responsible for the trafficking,*
23 *forced labor and physical and sexual abuse of women.*
24 *If Thai officials are found to be involved, they should*
25 *be prosecuted to the fullest extent of the law. In addi-*

1 *tion, the Government of Thailand should protect the*
2 *civil and human rights of Burmese women and re-*
3 *frain from their further victimization.*

4 **SEC. 764. SEWAGE TREATMENT ALONG THE UNITED**
5 **STATES-MEXICO BORDER.**

6 (a) *DEFINITIONS.—As used in this section:*

7 (1) *COMMISSIONER.—The term “Commissioner”*
8 *means the United States Commissioner of the Inter-*
9 *national Boundary and Water Commission.*

10 (2) *CONSTRUCTION.—The term “construction”*
11 *has the meaning provided the term under section*
12 *212(1) of the Federal Water Pollution Control Act (33*
13 *U.S.C. 1292(1)).*

14 (3) *TREATMENT WORKS.—The term “treatment*
15 *works” has the meaning provided the term under sec-*
16 *tion 212(2) of the Federal Water Pollution Control*
17 *Act (33 U.S.C. 1292(2)).*

18 (b) *AGREEMENTS TO CORRECT POLLUTION.—*

19 (1) *IN GENERAL.—The Secretary of State, acting*
20 *through the Commissioner, may enter into an agree-*
21 *ment with the appropriate representative of the Min-*
22 *istry of Foreign Relations of Mexico to address the*
23 *international problems related to pollution caused by*
24 *the discharge of raw and inadequately treated sewage*
25 *originating in the Republic of Mexico to waters which*

1 *form or cross the boundary between the United States*
2 *and Mexico.*

3 (2) *CONTENTS OF AGREEMENTS.*—*An agreement*
4 *entered into under paragraph (1) shall consist of rec-*
5 *ommendations to the appropriate officials of the Fed-*
6 *eral Government and the Government of Mexico con-*
7 *cerning measures to protect the health and welfare of*
8 *individuals from adverse effects of the pollution re-*
9 *ferred to in paragraph (1), including recommenda-*
10 *tions concerning—*

11 (A) *whether treatment works should be con-*
12 *structed, operated, and maintained in Mexico or*
13 *the United States;*

14 (B) *estimates of the cost of the planning,*
15 *construction, operation, and maintenance of the*
16 *treatment works referred to in subparagraph (A);*

17 (C) *formulas for the initial allocation of*
18 *costs between the United States and Mexico with*
19 *respect to the planning, construction, operation,*
20 *and maintenance of the treatment works referred*
21 *to in subparagraph (A);*

22 (D) *a method for the review and adjustment*
23 *of the formulas recommended under subpara-*
24 *graph (C), not later than 5 years after the date*
25 *of issuance of the formulas, and every 5 years*

1 *thereafter, that recognizes that the initial for-*
2 *mulas should not be used as a precedent with re-*
3 *spect to a subsequent review and adjustment car-*
4 *ried out pursuant to this subparagraph; and*

5 *(E) an estimated time period for the con-*
6 *struction of a treatment works referred to in sub-*
7 *paragraph (A).*

8 *(c) AUTHORITY OF SECRETARY OF STATE TO PLAN,*
9 *CONSTRUCT, OPERATE, AND MAINTAIN FACILITIES.—The*
10 *Secretary of State, acting through the Commissioner, may*
11 *act jointly with the appropriate representative of the Gov-*
12 *ernment of Mexico to supervise—*

13 *(1) the planning of; and*

14 *(2) the construction, operation, and maintenance*
15 *of,*

16 *the treatment works recommended in an agreement entered*
17 *into pursuant to subsection (b)(1).*

18 *(d) CONSULTATION WITH THE ADMINISTRATOR AND*
19 *OTHER OFFICIALS.—In carrying out subsection (b), the*
20 *Secretary shall consult with the Administrator and other*
21 *appropriate officials of the Federal Government, and appro-*
22 *priate officials of the governments of States and political*
23 *subdivisions of States.*

24 *(e) ANNUAL REPORT.—*

1 (1) *IN GENERAL.*—Not later than 90 days after the
2 date of termination of each fiscal year, the Secretary of
3 State, acting through the Commissioner, shall prepare and
4 submit to the President, the Speaker of the House of Rep-
5 resentatives, and the Majority Leader of the Senate an an-
6 nual report concerning the activities of the International
7 Boundary and Water Commission in carrying out the re-
8 sponsibilities of the Secretary of State pursuant to this sec-
9 tion.

10 (2) *CONTENTS.*—The report required under paragraph
11 (1) shall include—

12 (A) a summary of the activities of the Commis-
13 sion during the fiscal year;

14 (B) a review of the problems related to pollution
15 caused by the discharge of raw and inadequately
16 treated sewage from the Republic of Mexico to the wa-
17 ters which form or cross the boundary between the
18 United States and Mexico;

19 (C) a summary of the progress made by the
20 Commissioner during the fiscal year in entering into
21 agreement pursuant to subsection (b)(1);

22 (D) a summary of the progress made toward ful-
23 filling the recommendations included in an agreement
24 referred to in subparagraph (C);

1 (E) a summary of any actions taken by the
2 Commissioner to plan, construct, operate, and main-
3 tain treatment works pursuant to this section;

4 (F) a summary of the consultations made by the
5 Commissioner pursuant to subsection (e);

6 (G) recommendations that the Commissioner de-
7 termines will be beneficial in correcting pollution
8 caused by the discharge of raw and inadequately
9 treated sewage from the Republic of Mexico to waters
10 which form or cross the boundary between the United
11 States and Mexico; and

12 (H) such other information as the Commissioner
13 determines is necessary or appropriate.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) there is authorized to be appropriated to the
16 Secretary of State such sums as may be necessary to
17 support agreements concluded pursuant to subsection
18 (b).

19 (2) nothing in this section authorizes funds ap-
20 propriated pursuant to the fiscal year 1994 appro-
21 priations bill for the Departments of Veterans Affairs,
22 Housing and Urban Development, and Independent
23 Agencies (Public Law 103–124).

1 **TITLE VIII—ARMS CONTROL AND**
2 **NONPROLIFERATION ACT OF**
3 **1994—**

4 **SEC. 801. SHORT TITLE; REFERENCES IN ACT; TABLE OF**
5 **CONTENTS.**

6 (a) *SHORT TITLE.*—This title may be cited as the
7 “Arms Control and Nonproliferation Act of 1994”.

8 (b) *REFERENCES IN TITLE.*—Except as specifically
9 provided in this title, whenever in this title an amendment
10 or repeal is expressed as an amendment to or repeal of a
11 provision, the reference shall be deemed to be made to the
12 Arms Control and Disarmament Act.

13 **SEC. 802. CONGRESSIONAL DECLARATIONS; PURPOSE.**

14 (a) *CONGRESSIONAL DECLARATIONS.*—The Congress
15 declares that—

16 (1) *a fundamental goal of the United States,*
17 *particularly in the wake of the highly turbulent and*
18 *uncertain international situation fostered by the end*
19 *of the Cold War, the disintegration of the Soviet*
20 *Union and the resulting emergence of fifteen new*
21 *independent states, and the revolutionary changes in*
22 *Eastern Europe, is to eliminate chemical and biologi-*
23 *cal weapons and to reduce and limit the large num-*
24 *bers of nuclear weapons in the former Soviet Union*
25 *and, more generally, to prevent the proliferation of*

1 *weapons of mass destruction and their means of deliv-*
2 *ery, and of high-technology conventional armaments*
3 *as well as to prevent regional conflicts and conven-*
4 *tional arms races; and*

5 *(2) an ultimate goal of the United States contin-*
6 *ues to be a world in which the use of force is subordi-*
7 *nated to the rule of law and international change is*
8 *achieved peacefully without the danger and burden of*
9 *destabilizing and costly armaments.*

10 *(b) PURPOSE.—The purpose of this title is—*

11 *(1) to strengthen the United States Arms Control*
12 *and Disarmament Agency; and*

13 *(2) to improve congressional oversight of the*
14 *arms control, nonproliferation, and disarmament ac-*
15 *tivities of the United States Arms Control and Disar-*
16 *mament Agency.*

17 **SEC. 803. PURPOSES.**

18 *Section 2 (22 U.S.C. 2551) is amended in the text fol-*
19 *lowing the third undesignated paragraph by striking para-*
20 *graphs (a), (b), (c), and (d) and by inserting the following*
21 *new paragraphs:*

22 *“(1) The preparation for and management of*
23 *United States participation in international negotia-*
24 *tions and implementation fora in the arms control*
25 *and disarmament field.*

1 “(2) When directed by the President, the prepara-
2 tion for, and management of, United States partici-
3 pation in international negotiations and implementa-
4 tion fora in the nonproliferation field.

5 “(3) The conduct, support, and coordination of
6 research for arms control, nonproliferation, and dis-
7 armament policy formulation.

8 “(4) The preparation for, operation of, or, as ap-
9 propriate, direction of, United States participation in
10 such control systems as may become part of United
11 States arms control, nonproliferation, and disar-
12 mament activities.

13 “(5) The dissemination and coordination of pub-
14 lic information concerning arms control, non-
15 proliferation, and disarmament.”.

16 **SEC. 804. REPEALS.**

17 *The following provisions of law are hereby repealed:*

18 (1) Section 26 (22 U.S.C. 2566), relating to the
19 General Advisory Committee.

20 (2) Section 36 (22 U.S.C. 2578), relating to
21 arms control impact information and analysis.

22 (3) Section 38 (22 U.S.C. 2578), relating to re-
23 ports on Standing Consultative Commission activi-
24 ties.

1 (4) *Section 1002 of the Department of Defense*
2 *Authorization Act, 1986 (22 U.S.C. 2592a), relating*
3 *to an annual report on Soviet compliance with arms*
4 *control commitments.*

5 **SEC. 805. DIRECTOR.**

6 *Section 22 (22 U.S.C. 2562) is amended to read as*
7 *follows:*

8 “DIRECTOR

9 “SEC. 22. (a) *APPOINTMENT.*—*The Agency shall be*
10 *headed by a Director appointed by the President, by and*
11 *with the advice and consent of the Senate. No person serving*
12 *on active duty as a commissioned officer of the Armed*
13 *Forces of the United States may be appointed Director.*

14 “(b) *DUTIES.*—(1) *The Director shall serve as the*
15 *principal adviser to the Secretary of State, the National*
16 *Security Council, and the President and other executive*
17 *branch Government officials on matters relating to arms*
18 *control, nonproliferation, and disarmament matters. In*
19 *carrying out his duties under this Act, the Director, under*
20 *the direction of the President and the Secretary of State,*
21 *shall have primary responsibility within the Government*
22 *for matters relating to arms control and disarmament, and,*
23 *whenever directed by the President, primary responsibility*
24 *within the Government for matters relating to nonprolifera-*
25 *tion.*

1 “(2) *The Director shall attend all meetings of the Na-*
2 *tional Security Council involving weapons procurement,*
3 *arms sales, consideration of the defense budget, and all arms*
4 *control, nonproliferation, and disarmament matters.”.*

5 **SEC. 806. BUREAUS, OFFICES, AND DIVISIONS.**

6 *Section 25 (22 U.S.C. 2565) is amended to read as*
7 *follows:*

8 **“SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.**

9 *“The Director, under the direction of the Secretary of*
10 *State, may establish within the Agency such bureaus, of-*
11 *fices, and divisions as he may determine to be necessary*
12 *to discharge his responsibilities pursuant to this Act, in-*
13 *cluding a bureau of intelligence and information support*
14 *and an office to perform legal services for the Agency.”.*

15 **SEC. 807. PRESIDENTIAL SPECIAL REPRESENTATIVES.**

16 *(a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are*
17 *redesignated as sections 26 and 27, respectively.*

18 *(b) Section 26 (as redesignated by subsection (a)) is*
19 *amended to read as follows:*

20 **“PRESIDENTIAL SPECIAL REPRESENTATIVES**

21 **“SEC. 26.** *The President may appoint, by and with*
22 *the advice and consent of the Senate, Special Representa-*
23 *tives of the President for Arms Control, Nonproliferation,*
24 *and Disarmament. Each Presidential Special Representa-*
25 *tive shall hold the personal rank of ambassador. Presi-*
26 *dential Special Representatives appointed under this sec-*

1 *tion shall perform their duties and exercise their powers*
2 *under direction of the President and the Secretary of State,*
3 *acting through the Director. The Agency shall be the Gov-*
4 *ernment agency responsible for providing administrative*
5 *support, including funding, staff, and office space, to all*
6 *Presidential Special Representatives.”.*

7 **SEC. 808. POLICY FORMULATION.**

8 *Section 33 (22 U.S.C. 2573) is amended to read as*
9 *follows:*

10 *“POLICY FORMULATION*

11 *“SEC. 33. (a) FORMULATION.—The Director shall pre-*
12 *pare for the President, the Secretary of State, and the heads*
13 *of such other Government agencies as the President may*
14 *determine, recommendations and advice concerning United*
15 *States arms control, nonproliferation, and disarmament*
16 *policy.*

17 *“(b) PROHIBITION.—No action shall be taken pursuant*
18 *to this or any other Act that would obligate the United*
19 *States to reduce or limit the Armed Forces or armaments*
20 *of the United States in a militarily significant manner,*
21 *except pursuant to the treaty-making power of the President*
22 *set forth in Article II, Section 2, Clause 2 of the Constitu-*
23 *tion or unless authorized by the enactment of further af-*
24 *firmative legislation by the Congress of the United States.”.*

1 **SEC. 809. NEGOTIATION MANAGEMENT.**

2 *Section 34 (22 U.S.C. 2574) is amended to read as*
3 *follows:*

4 *“NEGOTIATION MANAGEMENT*

5 *“SEC. 34. (a) RESPONSIBILITIES.—The Director,*
6 *under the direction of the President and the Secretary of*
7 *State, shall have primary responsibility for the prepara-*
8 *tion, conduct, and management of United States participa-*
9 *tion in all international negotiations and implementation*
10 *fora in the field of arms control and disarmament and shall*
11 *have primary responsibility, whenever directed by the*
12 *President, for the preparation, conduct, and management*
13 *of United States participation in international negotia-*
14 *tions and implementation fora in the field of nonprolifera-*
15 *tion. In furtherance of these responsibilities Special Rep-*
16 *resentatives of the President for Nonproliferation, estab-*
17 *lished pursuant to section 26, shall, as directed by the Presi-*
18 *dent, serve as the United States Government representatives*
19 *to international organizations, conferences, and activities*
20 *relating to the field of nonproliferation, such as the prep-*
21 *arations for and conduct of the review relating to the Treaty*
22 *on the Non-Proliferation of Nuclear Weapons.*

23 *“(b) FUNCTIONS WITH RESPECT TO THE UNITED*
24 *STATES INFORMATION AGENCY.—The Director shall per-*
25 *form functions pursuant to section 2(c) of the Reorganiza-*
26 *tion Plan 8 of 1953 with respect to providing to the United*

1 *States Information Agency official United States positions*
2 *and policy on arms control, nonproliferation, and disar-*
3 *mament matters for dissemination abroad.*

4 “(c) *AUTHORITY.*—*The Director is authorized—*

5 “(1) *to formulate plans and make preparations*
6 *for the establishment, operation, and funding of in-*
7 *spections and control systems which may become part*
8 *of the United States arms control, nonproliferation,*
9 *and disarmament activities; and*

10 “(2) *as authorized by law, to put into effect, di-*
11 *rect, or otherwise assume United States responsibility*
12 *for such systems.”.*

13 ***SEC. 810. REPORT ON MEASURES TO COORDINATE RE-***
14 ***SEARCH AND DEVELOPMENT.***

15 *Not later than March 31, 1995, the President shall sub-*
16 *mit to the Congress a report prepared by the Director of*
17 *the United States Arms Control and Disarmament Agency,*
18 *in coordination with the Secretary of State, the Secretary*
19 *of Defense, the Secretary of Energy, the Chairman of the*
20 *Joint Chiefs of Staff, and the Director of Central Intel-*
21 *ligence, with respect to the procedures established pursuant*
22 *to section 35 of the Arms Control and Disarmament Act*
23 *(22 U.S.C. 2575) for the effective coordination of research*
24 *and development on arms control, nonproliferation, and*

1 *disarmament among all departments and agencies of the*
2 *executive branch of Government.*

3 **SEC. 811. NEGOTIATING RECORDS.**

4 (a) *IN GENERAL.*—*The Arms Control and Disar-*
5 *mament Act is amended by inserting after section 35 the*
6 *following:*

7 “NEGOTIATING RECORDS

8 “SEC. 36. (a) *PREPARATION OF RECORDS.*—*The Di-*
9 *rector shall establish and maintain records for each arms*
10 *control, nonproliferation, and disarmament agreement to*
11 *which the United States is a party and which was under*
12 *negotiation or in force on or after January 1, 1990, which*
13 *shall include classified and unclassified materials such as*
14 *instructions and guidance, position papers, reporting cables*
15 *and memoranda of conversation, working papers, draft*
16 *texts of the agreement, diplomatic notes, notes verbal, and*
17 *other internal and external correspondence.*

18 “(b) *NEGOTIATING AND IMPLEMENTATION*
19 *RECORDS.*—*In particular, the Director shall establish and*
20 *maintain a negotiating and implementation record for each*
21 *such agreement, which shall be comprehensive and detailed,*
22 *and shall document all communications between the parties*
23 *with respect to such agreement. Such records shall be main-*
24 *tained both in hard copy and magnetic media.*

25 “(c) *PARTICIPATION OF AGENCY PERSONNEL.*—*In*
26 *order to implement effectively this section, the Director shall*

1 *ensure that Agency personnel participate throughout the ne-*
2 *gotiation and implementation phases of all arms control,*
3 *nonproliferation, and disarmament agreements.”.*

4 (b) *REPORT REQUIRED.*—Not later than January 31,
5 1995, the Director of the United States Arms Control and
6 Disarmament Agency shall submit to the Speaker of the
7 House of Representatives and to the chairman of the Com-
8 mittee on Foreign Relations of the Senate a detailed report
9 describing the actions he has undertaken to implement sec-
10 tion 36 of the Arms Control and Disarmament Act.

11 **SEC. 812. VERIFICATION OF COMPLIANCE.**

12 Section 37 (22 U.S.C. 2577) is amended to read as
13 follows:

14 “VERIFICATION OF COMPLIANCE

15 “SEC. 37. (a) *IN GENERAL.*—In order to ensure that
16 arms control, nonproliferation, and disarmament agree-
17 ments can be adequately verified, the Director shall report
18 to Congress, on a timely basis, or upon request by an appro-
19 priate committee of the Congress—

20 “(1) *in the case of any arms control, non-*
21 *proliferation, or disarmament agreement that has*
22 *been concluded by the United States, the determina-*
23 *tion of the Director as to the degree to which the com-*
24 *ponents of such agreement can be verified;*

25 “(2) *in the case of any arms control, non-*
26 *proliferation, or disarmament agreement that has en-*

1 *tered into force, any significant degradation or alter-*
2 *ation in the capacity of the United States to verify*
3 *compliance of the components of such agreement; and*

4 *“(3) the amount and percentage of research*
5 *funds expended by the Agency for the purpose of ana-*
6 *lyzing issues relating to arms control, nonprolifera-*
7 *tion, and disarmament verification.*

8 *“(b) STANDARD FOR VERIFICATION OF COMPLIANCE.—*
9 *In making determinations under paragraphs (1) and (2)*
10 *of subsection (a), the Director shall assume all measures of*
11 *concealment not expressly prohibited could be employed and*
12 *that standard practices could be altered so as to impede*
13 *verification.*

14 *“(c) RULE OF CONSTRUCTION.—Except as otherwise*
15 *provided for by law, nothing in this section may be con-*
16 *strued as requiring the disclosure of sensitive information*
17 *relating to intelligence sources or methods or persons em-*
18 *ployed in the verification of compliance with arms control,*
19 *nonproliferation, and disarmament agreements.*

20 *“(d) PARTICIPATION OF THE AGENCY.—In order to en-*
21 *sure adherence of the United States to obligations or com-*
22 *mitments undertaken in arms control, nonproliferation,*
23 *and disarmament agreements, and in order for the Director*
24 *to make the assessment required by section 51(a)(5), the Di-*
25 *rector, or the Director’s designee, shall participate in all*

1 *interagency groups or organizations within the executive*
2 *branch of Government that assess, analyze, or review*
3 *United States planned or ongoing policies, programs, or ac-*
4 *tions that have a direct bearing on United States adherence*
5 *to obligations undertaken in arms control, nonproliferation,*
6 *or disarmament agreements.”.*

7 **SEC. 813. AUTHORITIES WITH RESPECT TO NONPROLIFERA-**
8 **TION MATTERS.**

9 (a) *AMENDMENTS TO THE ARMS EXPORT CONTROL*
10 *ACT.—(1) Section 38(a)(2) of the Arms Export Control Act*
11 *(22 U.S.C. 2778(a)(2)) is amended to read as follows:*

12 “(2) *Decisions on issuing export licenses under this*
13 *section shall be made in coordination with the Director of*
14 *the United States Arms Control and Disarmament Agency,*
15 *taking into account the Director’s assessment as to whether*
16 *the export of an article would contribute to an arms race,*
17 *support international terrorism, increase the possibility of*
18 *outbreak or escalation of conflict, or prejudice the develop-*
19 *ment of bilateral or multilateral arms control or non-*
20 *proliferation agreements or other arrangements. The Direc-*
21 *tor of the Arms Control and Disarmament Agency is au-*
22 *thorized, whenever the Director determines that the issuance*
23 *of an export license under this section would be detrimental*
24 *to the national security of the United States, to recommend*
25 *to the President that such export license be disapproved.”.*

1 (2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is
2 amended—

3 (A) by redesignating clauses (1), (2), and (3) as
4 clauses (A), (B), and (C), respectively;

5 (B) by inserting “(1)” immediately after “(a)”;

6 (C) by amending clause (C) (as redesignated) to
7 read as follows:

8 “(C) the assessment of the Director of the United
9 States Arms Control and Disarmament Agency as to
10 whether, and the extent to which, such sale might con-
11 tribute to an arms race, support international terror-
12 ism, increase the possibility of outbreak or escalation
13 of conflict, or prejudice the development of bilateral or
14 multilateral arms control or nonproliferation agree-
15 ments or other arrangements;”; and

16 (D) by adding at the end the following:

17 “(2) Any proposed sale made pursuant to this Act shall
18 be approved only after consultation with the Director of the
19 United States Arms Control and Disarmament Agency. The
20 Director of the Arms Control and Disarmament Agency is
21 authorized, whenever the Director determines that a sale
22 under this section would be detrimental to the national se-
23 curity of the United States, to recommend to the President
24 that such sale be disapproved.”.

1 (3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is
2 amended by inserting “and the Director of the Arms Con-
3 trol and Disarmament Agency” after “The Secretary of De-
4 fense”.

5 (4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1))
6 is amended by inserting “and the Director of the United
7 States Arms Control and Disarmament Agency” after “Sec-
8 retary of Defense”.

9 (5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2))
10 is amended by inserting “and the Director of the United
11 States Arms Control and Disarmament Agency” after “The
12 Secretary of Commerce”.

13 (6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is
14 amended by inserting “to include the Director of the Arms
15 Control and Disarmament Agency” after “other appro-
16 priate Government agencies”.

17 (7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is
18 amended by inserting “and the Director of the United
19 States Arms Control and Disarmament Agency” after “The
20 Secretary of Commerce”.

21 (b) AMENDMENT TO THE NUCLEAR NON-PROLIFERA-
22 TION ACT.—Section 309(c) of the Nuclear Non-Proliferation
23 Act of 1978 (42 U.S.C. 2139(a)) is amended in the second
24 sentence by striking out “, as required,”.

1 **SEC. 814. APPOINTMENT AND COMPENSATION OF PERSON-**
2 **NEL.**

3 *Section 41(b) (22 U.S.C. 2581(b)) is amended by strik-*
4 *ing all that follows “General Schedule pay rates,” and in-*
5 *serting in lieu thereof “except that—*

6 *“(1) the Director may, to the extent the Director*
7 *determines necessary, appoint in the excepted service,*
8 *and fix the compensation of, employees possessing spe-*
9 *cialized technical expertise without regard to provi-*
10 *sions of title 5, United States Code, governing ap-*
11 *pointment or compensation of employees of the United*
12 *States,*

13 *“(2) an employee who is appointed under this*
14 *provision may not be paid a salary in excess of the*
15 *rate payable for positions of equivalent difficulty or*
16 *responsibility, and in no event, may be paid at a rate*
17 *exceeding the maximum rate in effect for level 15 of*
18 *the General Schedule, and*

19 *“(3) the number of employees appointed under*
20 *this paragraph shall not exceed ten percent of the*
21 *number of positions allowed under the Agency’s full-*
22 *time equivalent limitation.”.*

23 **SEC. 815. SECURITY REQUIREMENTS.**

24 *Section 45(a) (22 U.S.C. 2585) is amended in the*
25 *third sentence—*

1 (1) by inserting “or employed directly from other
2 Government agencies” after “persons detailed from
3 other Government agencies”; and

4 (2) by striking “by the Department of Defense or
5 the Department of State” and inserting “by such
6 agencies”.

7 **SEC. 816. ANNUAL REPORT TO CONGRESS; AUTHORIZATION**
8 **OF APPROPRIATIONS.**

9 (a) *IN GENERAL.*—Title IV of the Arms Control and
10 Disarmament Act is amended—

11 (1) by striking sections 49 and 50;

12 (2) by redesignating sections 51 and 53 as sec-
13 tions 49 and 50, respectively; and

14 (3) by inserting after section 50 (as redesignated
15 by paragraph (2)) the following new sections:

16 “ANNUAL REPORT TO CONGRESS

17 “SEC. 51. (a) *IN GENERAL.*—Not later than January
18 31 of each year, the President shall submit to the Speaker
19 of the House of Representatives and to the chairman of the
20 Committee on Foreign Relations of the Senate a report pre-
21 pared by the Director, in consultation with the Secretary
22 of State, the Secretary of Defense, the Secretary of Energy,
23 the Chairman of the Joint Chiefs of Staff, and Director of
24 Central Intelligence, on the status of United States policy
25 and actions with respect to arms control, nonproliferation,
26 and disarmament. Such report shall include—

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

4 “(2) a detailed statement concerning the non-
5 proliferation objectives of the executive branch of Gov-
6 ernment for the forthcoming year;

7 “(3) a detailed assessment of the status of any
8 ongoing arms control or disarmament negotiations,
9 including a comprehensive description of negotiations
10 or other activities during the preceding year and an
11 appraisal of the status and prospects for the forthcom-
12 ing year;

13 “(4) a detailed assessment of the status of any
14 ongoing nonproliferation negotiations or other activi-
15 ties, including a comprehensive description of the ne-
16 gotiations or other activities during the preceding
17 year and an appraisal of the status and prospects for
18 the forthcoming year;

19 “(5) a detailed assessment of adherence of the
20 United States to obligations undertaken in arms con-
21 trol, nonproliferation, and disarmament agreements,
22 including information on the policies and organiza-
23 tion of each relevant agency or department of the
24 United States to ensure adherence to such obligations,
25 a description of national security programs with a

1 *direct bearing on questions of adherence to such obli-*
2 *gations and of steps being taken to ensure adherence,*
3 *and a compilation of any substantive questions raised*
4 *during the preceding year and any corrective action*
5 *taken; and*

6 *“(6) a detailed assessment of the adherence of*
7 *other nations to obligations undertaken in all arms*
8 *control, nonproliferation, and disarmament agree-*
9 *ments to which the United States is a participating*
10 *state, including information on actions taken by each*
11 *nation with regard to the size, structure, and disposi-*
12 *tion of its military forces in order to comply with*
13 *arms control, nonproliferation, or disarmament agree-*
14 *ments, and shall include, in the case of each agree-*
15 *ment about which compliance questions exist—*

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

20 *“(B) an assessment of damage, if any, to*
21 *the United States security and other interests;*
22 *and*

23 *“(C) recommendations as to any steps that*
24 *should be considered to redress any damage to*

1 *United States national security and to reduce*
2 *compliance problems.*

3 “(b) *CLASSIFICATION OF THE REPORT.*—*The report*
4 *required by this section shall be submitted in unclassified*
5 *form, with classified annexes, as appropriate.*

6 “*AUTHORIZATION OF APPROPRIATIONS*

7 “*SEC. 52. (a) AUTHORIZATION OF APPROPRIATIONS.*—
8 *To carry out the purposes of this Act, there are authorized*
9 *to be appropriated—*

10 “(1) *\$57,500,000 for fiscal year 1994 and*
11 *\$59,375,000 for fiscal year 1995; and*

12 “(2) *such additional amounts as may be nec-*
13 *essary for each fiscal year for which an authorization*
14 *of appropriations is provided for in paragraph (1) of*
15 *this subsection for increases in salary, pay, retire-*
16 *ment, other employee benefits authorized by law, and*
17 *other nondiscretionary costs, and to offset adverse*
18 *fluctuations in foreign currency exchange rates.*

19 “(b) *TRANSFER OF FUNDS.*—*Funds appropriated pur-*
20 *suant to this section may be allocated or transferred to any*
21 *agency for carrying out the purposes of this Act. Such funds*
22 *shall be available for obligation and expenditure in accord-*
23 *ance with the authorities of this Act or in accordance with*
24 *the authorities governing the activities of the agencies to*
25 *which such funds are allocated or transferred.*

1 “(c) *LIMITATION.*—Not more than 12 percent of any
2 appropriation made pursuant to this Act shall be obligated
3 or reserved during the last month of the fiscal year.”.

4 (b) *EFFECTIVE DATE.*—So much of the amendment
5 made by subsection (a) as inserts section 52 of the Arms
6 Control and Disarmament Act shall be deemed to have be-
7 come effective as of October 1, 1993.

8 **SEC. 817. CONFORMING AMENDMENTS.**

9 (a) Section 2 (22 U.S.C. 2551) is amended—

10 (1) in the second undesignated paragraph, by in-
11 scribing “, nonproliferation,” after “Arms control”;
12 and

13 (2) in the second and third undesignated para-
14 graphs, by inserting “, nonproliferation,” after “arms
15 control” each place it appears.

16 (b) Section 28 (22 U.S.C. 2568) is amended—

17 (1) in the first sentence, by striking “field of
18 arms control and disarmament” and inserting “fields
19 of arms control, nonproliferation, and disarmament”;
20 and

21 (2) in the second sentence, by inserting “, non-
22 proliferation,” after “arms control”.

23 (c) Section 31 (22 U.S.C. 2571) is amended—

24 (1) in the text above paragraph (a), by striking
25 “field of arms control and disarmament” each of the

1 *three places it appears and inserting “fields of arms*
2 *control, nonproliferation, and disarmament”;*

3 *(2) in the first sentence, by inserting “and non-*
4 *proliferation” after disarmament; and*

5 *(3) in the fourth sentence, by inserting “, non-*
6 *proliferation,” after arms control each of the eight*
7 *places it appears.*

8 *(d) Section 35 (22 U.S.C. 2575) is amended by insert-*
9 *ing “, nonproliferation,” after “arms control”.*

10 *(e) Section 39 (22 U.S.C. 2579) is amended by insert-*
11 *ing “, nonproliferation,” after “arms control” each of the*
12 *two places it appears.*

13 ***TITLE IX—ANTI-ECONOMIC***
14 ***DISCRIMINATION ACT OF 1994***

15 ***SEC. 901. SHORT TITLE.***

16 *This title may be cited as the “Anti-Economic Dis-*
17 *crimination Act of 1994”.*

18 ***SEC. 902. CONGRESSIONAL FINDINGS.***

19 *The Congress finds that—*

20 *(1) certain countries maintain an economic boy-*
21 *cott of Israel, including a secondary boycott of compa-*
22 *nies that have investments in or trade with Israel;*

23 *(2) the secondary boycott has caused economic*
24 *damage to the countries that maintain the boycott as*
25 *well as to Israel;*

1 (3) *the secondary boycott causes great difficulties*
2 *for United States firms that trade with Israel, depriv-*
3 *ing them of trade opportunities and violating inter-*
4 *nationally accepted principles of free trade;*

5 (4) *the United States has a longstanding policy*
6 *opposing the Arab League boycott and United States*
7 *law prohibits American firms from providing infor-*
8 *mation to Arab countries to demonstrate compliance*
9 *with the boycott;*

10 (5) *many American companies may be denied*
11 *contracts in the West Bank and Gaza for infrastruc-*
12 *ture development because they conduct business with*
13 *Israel;*

14 (6) *many American companies may be denied*
15 *contracts by the Kuwaiti Government for the recon-*
16 *struction of Kuwait because they conduct business*
17 *with Israel;*

18 (7) *under the Administration's leadership the*
19 *United States has sent a clear, consistent and unam-*
20 *biguous message that the Arab League boycott of com-*
21 *panies that do business with Israel is an obstacle to*
22 *peace and should be terminated;*

23 (8) *the United States has laws prohibiting Unit-*
24 *ed States firms from providing Arab states with the*

1 *requested information about compliance with boycott*
2 *regulations;*

3 *(9) the United States Trade Representative, in*
4 *August 1993, commissioned the International Trade*
5 *Commission to undertake a study of the boycott's im-*
6 *act on United States businesses which will provide,*
7 *for the first time, a carefully researched estimate of*
8 *the impact of the boycott on the United States;*

9 *(10) the Administration has conducted an active*
10 *diplomatic campaign to convince Arab League coun-*
11 *tries that the time to end the boycott and economic*
12 *discrimination against United States businesses is*
13 *now;*

14 *(11) the Administration's efforts have produced*
15 *encouraging developments, as for example, with state-*
16 *ments by officials of the Arab League that at its next*
17 *meeting in March, the Arab League states will con-*
18 *sider ending their discrimination against firms that*
19 *do business with Israel and the decision to postpone*
20 *the October 1993 meeting of the Central Boycott Com-*
21 *mittee;*

22 *(12) under United States leadership, the G-7*
23 *countries have unconditionally called for an end to*
24 *the Arab boycott;*

1 (13) *the President, the Vice President, the Sec-*
2 *retary of State and other senior Administration offi-*
3 *cial*s have assured the Congress that they will speak
4 *forcefully and candidly, in every forum which touches*
5 *upon the search for peace in the Middle East, about*
6 *the need to end the boycott;*

7 (14) *the Congress wishes to support the efforts of*
8 *the Administration and to help see the promises made*
9 *to date translated into tangible results;*

10 (15) *the statements made by Arab leaders must*
11 *be translated into action, as measured by quarterly*
12 *reports from the Office of Anti-Boycott Compliance.*

13 **SEC. 903. PROHIBITION ON CERTAIN SALES AND LEASES.**

14 (a) *PROHIBITION.*—No defense article or defense serv-
15 *ice may be sold or leased by the United States Government*
16 *to any country or international organization that, as a*
17 *matter of policy or practice, is known to have sent letters*
18 *to United States firms requesting compliance with, or solici-*
19 *ting information regarding compliance with, the secondary*
20 *or tertiary Arab boycott, unless the President determines,*
21 *and so certifies to the appropriate congressional committees,*
22 *that that country or organization does not currently main-*
23 *tain a policy or practice of making such requests or sollicita-*
24 *tions.*

25 (b) *WAIVER.*—

1 (1) *1-YEAR WAIVER.*—*On or after the effective*
2 *date of this section, the President may waive, for a*
3 *period of 1 year, the application of subsection (a)*
4 *with respect to any country or organization if the*
5 *President determines, and reports to the appropriate*
6 *congressional committees, that—*

7 (A) *such waiver is in the national interest*
8 *of the United States, and such waiver will pro-*
9 *mote the objectives of this section to eliminate the*
10 *Arab boycott; or*

11 (B) *such waiver is in the national security*
12 *interest of the United States.*

13 (2) *EXTENSION OF WAIVER.*—*If the President de-*
14 *termines that the further extension of a waiver will*
15 *promote the objectives of this section, the President,*
16 *upon notification of the appropriate congressional*
17 *committees, may grant further extensions of such*
18 *waiver for successive 12-month periods.*

19 (3) *TERMINATION OF WAIVER.*—*The President*
20 *may, at any time, terminate any waiver granted*
21 *under this subsection.*

22 (c) *DEFINITIONS.*—*As used in this section—*

23 (1) *the term “appropriate congressional commit-*
24 *tees” means the Committee on Foreign Relations of*

1 *the Senate and the Committee on Foreign Affairs of*
2 *the House of Representatives; and*

3 *(2) the terms “defense article” and “defense serv-*
4 *ice” have the meanings given to such terms by para-*
5 *graphs (3) and (4), respectively, of section 47 of the*
6 *Arms Export Control Act.*

7 *(d) EFFECTIVE DATE.—This section shall take effect*
8 *1 year after the date of enactment of this Act.*

9 ***TITLE X—MIDDLE EAST PEACE***
10 ***FACILITATION***

11 ***SEC. 1001. SHORT TITLE.***

12 *This title may be cited as the “Middle East Peace Fa-*
13 *ilitation Act of 1994”.*

14 ***SEC. 1002. FINDINGS.***

15 *The Congress finds that—*

16 *(1) the Palestine Liberation Organization has*
17 *recognized the State of Israel’s right to exist in peace*
18 *and security and to amend its covenant to recognize*
19 *that fact; accepted United Nations Security Council*
20 *Resolutions 242 and 338; committed itself to the peace*
21 *process and peaceful coexistence with Israel, free from*
22 *violence and all other acts which endanger peace and*
23 *stability; and assumed responsibility over all Pal-*
24 *estine Liberation Organization elements and person-*

1 *nel in order to assure their compliance, prevent viola-*
2 *tions, and discipline violators;*

3 *(2) Israel has recognized the Palestine Liberation*
4 *Organization as the representative of the Palestinian*
5 *people;*

6 *(3) Israel and the Palestine Liberation Organi-*
7 *zation signed a Declaration of Principles on Interim*
8 *Self-Government Arrangements on September 13,*
9 *1993, at the White House;*

10 *(4) the United States has resumed a bilateral*
11 *dialogue with the Palestine Liberation Organization;*
12 *and*

13 *(5) in order to implement the Declaration of*
14 *Principles on Interim Self-Government Arrangements*
15 *and facilitate the Middle East peace process, the*
16 *President has requested flexibility to suspend certain*
17 *provisions of law pertaining to the Palestine Libera-*
18 *tion Organization.*

19 **SEC. 1003. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.**

20 *(a) IN GENERAL.—Subject to subsection (b), beginning*
21 *July 1, 1994, the President may suspend for a period of*
22 *not more than 180 days any provision of law specified in*
23 *subsection (c). The President may continue the suspension*
24 *for a period or periods of not more than 180 days if, before*
25 *each such period, the President satisfies the requirements*

1 *of subsection (b). Any suspension shall cease to be effective*
2 *after 180 days, or at such earlier date as the President may*
3 *specify.*

4 *(b) CONDITIONS.—*

5 *(1) CONSULTATION.—Prior to each exercise of*
6 *the authority provided in subsection (a), the President*
7 *shall consult with the relevant congressional commit-*
8 *tees. The President may not exercise that authority*
9 *until 30 days after a written policy justification is*
10 *submitted to the relevant Congressional Committees.*

11 *(2) PRESIDENTIAL CERTIFICATION.—The Presi-*
12 *dent may exercise the authority provided in sub-*
13 *section (a) only if the President certifies to the rel-*
14 *evant congressional committees each time he exercises*
15 *such authority that—*

16 *(A) it is in the national interest of the*
17 *United States to exercise such authority; and*

18 *(B) the Palestine Liberation Organization*
19 *continues to abide in good faith by all the com-*
20 *mitments described in paragraph (4).*

21 *(3) REQUIREMENT FOR CONTINUING PLO COM-*
22 *PLIANCE.—Any suspension under subsection (a) of a*
23 *provision of law specified in subsection (c) shall cease*
24 *to be effective if the President certifies to the relevant*
25 *congressional committees, or if the Congress deter-*

1 *mines by Joint Resolution, that the Palestine Libera-*
2 *tion Organization has not continued to abide in good*
3 *faith by all the commitments described in paragraph*
4 *(4).*

5 *(A) Any joint resolution under this sub-*
6 *section shall be considered in the Senate in ac-*
7 *cordance with the provisions of section 601(b) of*
8 *the International Security Assistance and Arms*
9 *Export Control Act of 1976.*

10 *(B) For the purpose of expediting the con-*
11 *sideration and enactment of joint resolutions*
12 *under this subsection, a motion to proceed to the*
13 *consideration of any such joint resolution after it*
14 *has been reported by the appropriate committee*
15 *shall be treated as highly privileged in the House*
16 *of Representatives.*

17 *(4) PLO COMMITMENTS DESCRIBED.—The com-*
18 *mitments referred to in paragraphs (2) and (3) are*
19 *the commitments made by the Palestine Liberation*
20 *Organization—*

21 *(A) in its letter of September 9, 1993, to the*
22 *Prime Minister of Israel; in its letter of Septem-*
23 *ber 9, 1993, to the Foreign Minister of Norway*
24 *to—*

- 1 (i) recognize the right of the State of
2 Israel to exist in peace and security;
- 3 (ii) accept United Nations Security
4 Council Resolutions 242 and 338;
- 5 (iii) renounce the use of terrorism and
6 other acts of violence;
- 7 (iv) assume responsibility over all PLO
8 elements and personnel in order to assure
9 their compliance, prevent violations and
10 discipline violators;
- 11 (v) call upon the Palestinian people in
12 the West Bank and Gaza Strip to take part
13 in the steps leading to the normalization of
14 life, rejecting violence and terrorism, and
15 contributing to peace and stability; and
- 16 (vi) submit to the Palestine National
17 Council for formal approval the necessary
18 changes to the Palestinian Covenant regard-
19 ing recognizing Israel's right to exist in
20 peace and security, and
- 21 (B) in, and resulting from the implementa-
22 tion of, the Declaration of Principles on Interim
23 Self-Government Arrangements signed on Sep-
24 tember 13, 1993.

1 (c) *PROVISIONS THAT MAY BE SUSPENDED.*—The
2 *provisions that may be suspended under the authority of*
3 *subsection (a) are the following:*

4 (1) *Section 307 of the Foreign Assistance Act of*
5 *1961 (22 U.S.C. 2227) as it applies with respect to*
6 *the Palestine Liberation Organization or entities as-*
7 *sociated with it.*

8 (2) *Section 114 of the Department of State Au-*
9 *thorization Act, Fiscal years 1984 and 1985 (22*
10 *U.S.C. 287e note) as it applies with respect to the*
11 *Palestine Liberation Organization or entities associ-*
12 *ated with it.*

13 (3) *Section 1003 of the Foreign Relations Au-*
14 *thorization Act, Fiscal years 1988 and 1989 (22*
15 *U.S.C. 5202).*

16 (4) *Section 37 of the Bretton Woods Agreement*
17 *Act (22 U.S.C. 286w) as it applies to the granting to*
18 *the Palestine Liberation Organization of observer sta-*
19 *tus or other official status at any meeting sponsored*
20 *by or associated with the International Monetary*
21 *Fund. As used in this paragraph, the term “other of-*
22 *ficial status” does not include membership in the*
23 *International Monetary Fund.*

1 (d) *RELEVANT CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—As used in this section, the term “relevant congres-
3 sional committees” means—

4 (1) *the Committee on Foreign Affairs, the Com-*
5 *mittee on Banking, Finance and Urban Affairs, and*
6 *the Committee on Appropriations of the House of*
7 *Representatives; and*

8 (2) *the Committee on Foreign Relations and the*
9 *Committee on Appropriations of the Senate.*

10 ***TITLE XI—IRAN-IRAQ ARMS NON-***
11 ***PROLIFERATION AMEND-***
12 ***MENTS OF 1994***

13 ***SEC. 1101. SHORT TITLE, REFERENCES IN TITLE.***

14 (a) *SHORT TITLE.*—This title may be cited as the
15 “Iran-Iraq Arms Non-Proliferation Amendments of 1994”.

16 (b) *REFERENCE IN TITLE.*—Except as specifically pro-
17 vided in this title, whenever in this title an amendment or
18 repeal is expressed as an amendment to or repeal of a provi-
19 sion, the reference shall be deemed to be made to the Na-
20 tional Defense Authorization Act for Fiscal Year 1993.

21 ***SEC. 1102. STATEMENT OF POLICY.***

22 *It is the policy of the United States to halt the pro-*
23 *liferation of advanced conventional weapons within Iran*
24 *and Iraq.*

1 **SEC. 1103. STATEMENT OF PURPOSE.**

2 *It is the purpose of this title to impose additional sanc-*
3 *tions against those foreign countries and persons that trans-*
4 *fer destabilizing numbers and types of advanced conven-*
5 *tional weapons, or goods and technology that assist in en-*
6 *hancing the capabilities of Iran and Iraq to manufacture*
7 *and deliver such weapons.*

8 **SEC. 1104. SANCTIONS AGAINST PERSONS.**

9 *Section 1604 is amended to read as follows:*

10 *“(a) PROHIBITION.—If the President determines that*
11 *any person has transferred or retransferred goods or tech-*
12 *nology so as to contribute knowingly and materially to the*
13 *efforts by Iran or Iraq (or any agency or instrumentality*
14 *of either such country) to acquire destabilizing numbers and*
15 *types of advanced conventional weapons, then—*

16 *“(1) the sanctions described in subsection (b)*
17 *shall be imposed; and*

18 *“(2) the President may apply, in the discretion*
19 *of the President, the sanctions described in subsection*
20 *(c).*

21 *“(b) MANDATORY SANCTIONS.—The sanctions to be*
22 *imposed pursuant to subsection (a)(1) are as follows:*

23 *“(1) PROCUREMENT SANCTION.—Except as pro-*
24 *vided in subsection (d), the United States Government*
25 *shall not procure directly or indirectly, or enter into*

1 *any contract for the procurement of, any goods or*
2 *services from the sanctioned person.*

3 “(2) *EXPORT SANCTION.*—*The United States*
4 *Government shall not issue any license for any export*
5 *by or to the sanctioned person.*

6 “(c) *DISCRETIONARY SANCTIONS.*—*The sanctions re-*
7 *ferred to in subsection (a)(2) are as follows:*

8 “(1) *TRANSITING UNITED STATES TERRITORY.*—

9 “(A) *Notwithstanding any other provision*
10 *of law (other than a treaty or other international*
11 *agreement), no employee or official of a sanc-*
12 *tioned person and no good or technology that is*
13 *manufactured, produced, sold, or shipped by the*
14 *sanctioned person may transit by vessel or air-*
15 *craft any territory subject to the jurisdiction of*
16 *the United States. The Secretary of Transpor-*
17 *tation may promulgate regulations, as necessary,*
18 *to provide for the implementation of this sanc-*
19 *tion in the most effective manner.*

20 “(B) *The Secretary of Transportation may*
21 *provide for such exceptions from this paragraph*
22 *as the Secretary considers in the interest of the*
23 *United States.*

24 “(2) *FINANCIAL INSTITUTIONS.*—(A) *The Presi-*
25 *dent may by order prohibit any depositary institu-*

1 *tion that is chartered by, or that has its principal*
2 *place of business within, a State or the United States*
3 *from making any loan or providing any credit to the*
4 *sanctioned person, except for loans or credits for the*
5 *purpose of purchasing food or other agricultural com-*
6 *modities.*

7 *“(B) As used in this paragraph, the term ‘depos-*
8 *itory institution’ means a bank or savings associa-*
9 *tion, as defined in section 3 of the Federal Deposit*
10 *Insurance Act.*

11 *“(3) USE OF AUTHORITIES OF THE INTER-*
12 *NATIONAL EMERGENCY ECONOMIC POWERS ACT.—The*
13 *President may exercise the authorities of the Inter-*
14 *national Emergency Economic Powers Act to prohibit*
15 *any transaction involving any property in which the*
16 *sanctioned person has any interest whatsoever except*
17 *for transactions involving the provision of humani-*
18 *tarian assistance.*

19 *“(4) PROHIBITION ON VESSELS THAT ENTER*
20 *PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN*
21 *TRADE.—*

22 *“(A) IN GENERAL.—Beginning on the 10th*
23 *day after a sanction is imposed under this Act*
24 *against a country, a vessel which enters a port*
25 *or place in the sanctioned country to engage in*

1 *the trade of goods or services may not if the*
2 *President so requires within 180 days after de-*
3 *parture from such port or place in the sanc-*
4 *tioned country, load or unload any freight at*
5 *any place in the United States.*

6 “(B) *DEFINITIONS.*—*As used in this para-*
7 *graph, the term ‘vessel’ includes every description*
8 *of water craft or other contrivance used, or capa-*
9 *ble of being used, as a means of transportation*
10 *in water, but does not include aircraft.*

11 “(d) *EXCEPTIONS.*—*The sanction described in sub-*
12 *section (b)(1) shall not apply—*

13 “(1) *in the case of procurement of defense articles*
14 *or defense services—*

15 “(A) *under existing contracts or sub-*
16 *contracts, including the exercise of options for*
17 *production quantities to satisfy operational mili-*
18 *tary requirements essential to the national secu-*
19 *rity of the United States;*

20 “(B) *if the President determines that the*
21 *person or other entity to which the sanctions*
22 *would otherwise be applied is a sole source sup-*
23 *plier of the defense articles or services, that the*
24 *defense articles or services are essential, and that*

1 *alternative sources are not readily or reasonably*
2 *available; or*

3 “(C) *if the President determines that such*
4 *articles or services are essential to the national*
5 *security under defense coproduction agreements;*

6 “(2) *to products or services provided under con-*
7 *tracts entered into before the date on which the Presi-*
8 *dent makes a determination under subsection (a);*

9 “(3) *in the case of contracts entered into before*
10 *the date on which the President makes a determina-*
11 *tion under subsection (a), with respect to—*

12 “(A) *spare parts which are essential to*
13 *United States products or production; or*

14 “(B) *component parts, but not finished*
15 *products, essential to United States products or*
16 *production; or*

17 “(C) *routine servicing and maintenance of*
18 *products, to the extent that alternative sources*
19 *are not readily or reasonably available;*

20 “(4) *to information and technology essential to*
21 *United States products or production; or*

22 “(5) *to medical or other humanitarian items.*

23 “(e) *CONSULTATION WITH AND ACTIONS BY FOREIGN*
24 *GOVERNMENT OF JURISDICTION.—*

1 “(1) *CONSULTATIONS.*—Whenever the President
2 *makes a determination under subsection (a) with re-*
3 *spect to a foreign person, the Congress urges the*
4 *President—*

5 “(A) *to initiate consultations immediately*
6 *with the government with primary jurisdiction*
7 *over that foreign person with respect to the im-*
8 *position of sanctions pursuant to this section;*
9 *and, as appropriate,*

10 “(B) *to take steps in the United Nations*
11 *and other multilateral groups to negotiate com-*
12 *prehensive multilateral sanctions pursuant to the*
13 *provisions of chapter 7 of the United Nations*
14 *Charter, including a partial or complete embar-*
15 *go, against the government of the foreign country*
16 *of primary jurisdiction over that sanctioned per-*
17 *son, as long as that government has not taken*
18 *specific and effective actions, including appro-*
19 *priate penalties, to terminate the involvement of*
20 *the sanctioned person or firm in the activities*
21 *described in section 1604(a).*

22 “(2) *ACTIONS BY GOVERNMENT OF JURISDIC-*
23 *TION.*—*In order to pursue such consultations with the*
24 *government, the President may delay imposition of*
25 *sanctions pursuant to subsections (b) and (c) for up*

1 to 90 days. Following these consultations, the Presi-
2 dent shall impose sanctions immediately unless the
3 President determines and certifies to the Congress
4 that that government has taken specific and effective
5 actions, including appropriate penalties, to terminate
6 the involvement of the foreign person in the activities
7 described in subsection (a). The President may delay
8 the imposition of sanctions for up to an additional 90
9 days if the President determines and certifies to the
10 Congress that that government is in the process of
11 taking the actions described in the preceding sentence.

12 “(3) *REPORT TO CONGRESS.*—Not later than 90
13 days after the application of sanctions under this sec-
14 tion, the President shall submit to the Committee on
15 Foreign Relations and the Committee on Govern-
16 mental Affairs of the Senate and the Committee on
17 Foreign Affairs of the House of Representatives a re-
18 port on the status of consultations with the appro-
19 priate government under this subsection, and the
20 basis for any determination under paragraph (2) of
21 this subsection that such government has taken spe-
22 cific corrective actions.”.

23 **SEC. 1105. SANCTIONS AGAINST CERTAIN FOREIGN COUN-**
24 **TRIES.**

25 Section 1605 is amended—

1 (1) in subsection (a)(2), by striking “sanction”
2 and inserting “sanctions”;

3 (2) in subsection (c)—

4 (A) by striking “SANCTION.—The sanction
5 referred to in subsection (a)(2) is” and inserting
6 “SANCTIONS.—The sanctions referred to in sub-
7 section (a)(2) are”; and

8 (B) by adding at the end the following new
9 paragraphs:

10 “(3) *DIPLOMATIC RELATIONS.*—The President is
11 urged to downgrade or suspend diplomatic relations
12 between the United States and the government of the
13 sanctioned country.

14 “(4) *SUSPENSION OF TRADE AGREEMENTS.*—The
15 President may exercise the authorities of the Inter-
16 national Emergency Economic Powers Act to suspend
17 any trade agreement with the sanctioned country, ex-
18 cept those affecting imports into the United States for
19 the sanctioned country.

20 “(5) *REVOCATIONS OF LICENSES FOR EXPORT OF*
21 *NUCLEAR MATERIAL.*—The Nuclear Regulatory Com-
22 mission is authorized to revoke any license for the ex-
23 port of nuclear material pursuant to a nuclear co-
24 operation agreement with the sanctioned country.

1 “(6) *PRESIDENTIAL ACTION REGARDING AVIA-*
2 *TION.—*

3 “(A)(i) *The President is authorized to no-*
4 *tify the government of a sanctioned country of*
5 *his intention to suspend the authority of foreign*
6 *air carriers owned or controlled by the govern-*
7 *ment of that country to engage in foreign air*
8 *transportation to or from the United States.*

9 “(ii) *The President is authorized to direct*
10 *the Secretary of Transportation to suspend at*
11 *the earliest possible date the authority of any*
12 *foreign air carrier owned or controlled, directly*
13 *or indirectly, by that government to engage in*
14 *foreign air transportation to or from the United*
15 *States, notwithstanding any agreement relating*
16 *to air services.*

17 “(B)(i) *The President may direct the Sec-*
18 *retary of State to terminate any air service*
19 *agreement between the United States and a sanc-*
20 *tioned country in accordance with the provisions*
21 *of that agreement.*

22 “(ii) *Upon termination of an agreement*
23 *under this subparagraph, the Secretary of Trans-*
24 *portation is authorized to take such steps as may*
25 *be necessary to revoke at the earliest possible date*

1 *the right of any foreign air carrier owned, or*
2 *controlled, directly or indirectly, by the govern-*
3 *ment of that country to engage in foreign air*
4 *transportation to or from the United States.*

5 “(C) *The President may direct the Sec-*
6 *retary of Transportation to provide for such ex-*
7 *ceptions from this subsection as the President*
8 *considers necessary to provide for emergencies in*
9 *which the safety of an aircraft or its crew or*
10 *passengers is threatened.*

11 “(D) *For purposes of this paragraph, the*
12 *terms ‘aircraft’, ‘air carrier’, ‘air transpor-*
13 *tation’, and ‘foreign air carrier’ have the mean-*
14 *ings given those terms in section 101 of the Fed-*
15 *eral Aviation Act of 1958 (49 U.S.C. 1301).*

16 “(7) *OTHER SANCTIONS.—The President may*
17 *apply the sanctions described in section 1605(c) with*
18 *respect to actions of a foreign government.”.*

19 **SEC. 1106. WAIVER.**

20 *Section 1606 is amended—*

21 *(1) by striking “waiver” each place it appears*
22 *and inserting “modification, and waiver”; and*

23 *(2) by striking “waive” each place it appears*
24 *and inserting “modify or waive”.*

1 **SEC. 1107. TERMINATION OF SANCTIONS.**

2 *The Act is amended by inserting after section 1606 the*
3 *following new section:*

4 **“SEC. 1606A. TERMINATION OF SANCTIONS.**

5 *“Except as otherwise provided in this title, the sanc-*
6 *tions imposed pursuant to the Act shall apply for a period*
7 *of at least 24 months following the imposition of sanctions*
8 *and shall cease to apply thereafter only if the President de-*
9 *termines and certifies to the Congress that—*

10 *“(1) reliable information indicates that the gov-*
11 *ernment of jurisdiction has taken specific and effec-*
12 *tive action, including appropriate penalties, to termi-*
13 *nate the involvement of the sanctioned person in the*
14 *sanctionable activity;*

15 *“(2) the President has received reliable assur-*
16 *ances from the sanctioned government that such gov-*
17 *ernment will not, in the future, violate this Act.”.*

18 **SEC. 1108. STAY OF SANCTIONS.**

19 *The Act is amended by inserting after section 1607 the*
20 *following new section:*

21 *“(a) CRITERION FOR STAY.—The President may stay*
22 *the imposition of any sanction on any entity in order to*
23 *protect—*

24 *“(1) ongoing criminal investigations, or*

25 *“(2) sensitive intelligence sources and methods*
26 *which are being used to acquire further information*

1 *on the proliferation of advanced conventional weap-*
2 *ons, weapons of mass destruction, or missiles that*
3 *would be comprised by the publication of the sanc-*
4 *tioned entity's name.*

5 *“(b) DETERMINATION.—The President shall exercise*
6 *the authority described in paragraph (1) only when the*
7 *President determines that the non-proliferation goals of the*
8 *Act are better served by delaying the imposition of sanctions*
9 *rather than by compromising the criminal investigation or*
10 *intelligence sources and methods at issue.*

11 *“(c) LIFTING OF STAY.—The President shall lift any*
12 *stay imposed pursuant to this subsection as soon as the*
13 *basis for the determination made pursuant to paragraph*
14 *(2) no longer exists.*

15 *“(d) NOTIFICATION AND REPORT TO CONGRESS.—*
16 *Whenever the duration of any stay imposed pursuant to this*
17 *subsection exceeds 120 days, the President shall promptly*
18 *report to the Select Committee on Intelligence of the Senate*
19 *and the Permanent Select Committee on Intelligence of the*
20 *House of Representatives the rationale and circumstances*
21 *that led the President to exercise the stay authority.”.*

22 **SEC. 1109. RULES AND REGULATIONS.**

23 *The Act is amended by inserting after section 1607 the*
24 *following new section:*

1 **“SEC. 1607A. RULES AND REGULATIONS.**

2 *“The President is authorized to prescribe such rules*
3 *and regulations as the President may require to carry out*
4 *this Act.”.*

5 **SEC. 1110. DEFINITIONS.**

6 *Section 1608 is amended by adding at the end the fol-*
7 *lowing new paragraph:*

8 *“(8) The term ‘goods or technology’ includes any item*
9 *of the type that is listed on the Nuclear Referral List under*
10 *section 309(c) of the Nuclear Non-Proliferation Act of 1978,*
11 *the United States Munitions List (established in section 38*
12 *of the Arms Export Control Act), or the MTCR Annex (as*
13 *defined in section 74(4) of the Arms Export Control Act)*
14 *or any item that is subject to licensing by the Nuclear Regu-*
15 *latory Commission.*

16 *“(9) The term ‘United States’ includes territories and*
17 *possessions of the United States and the customs waters of*
18 *the United States, as defined in section 401 of the Tariff*
19 *Act of 1930 (19 U.S.C. 1401).”.*

20 **SEC. 1111. SENSE OF THE SENATE.**

21 *Whereas both Iran and Iraq have re-emerged as con-*
22 *tinuing threats to the peace and stability of the Middle East*
23 *and thus pose a threat to the stability of the post-Cold War*
24 *world, it is the sense of the Senate that the conference agree-*
25 *ment on H.R. 2333 should include as additional discre-*
26 *tionary sanctions under section 1105 of this title denial of*

1 *Most-Favored-Nation status to a sanctioned country and*
2 *suspension of special trade privileges for a sanctioned coun-*
3 *try which were extended pursuant to the Generalized Sys-*
4 *tem of Preferences or the Caribbean Basin Initiative.*

5 ***TITLE XII—IMMIGRATION AND***
6 ***NATIONALITY ACT***

7 ***SEC. 1201. ALIEN PHYSICALLY PRESENT IN UNITED STATES.***

8 *Section 245 of the Immigration and Nationality Act,*
9 *as amended (8 U.S.C. 1255), is amended by adding at the*
10 *end thereof the following new subsection:*

11 *“(i)(1) Notwithstanding the provisions of subsections*
12 *(a) and (c) of this section, an alien physically present in*
13 *the United States who (A) entered the United States with-*
14 *out inspection; or (B) is within one of the classes enumer-*
15 *ated in subsection (c) of this section may apply to the Attor-*
16 *ney General for the adjustment of his or her status to that*
17 *of an alien lawfully admitted for permanent residence. The*
18 *Attorney General may accept such application only if the*
19 *alien remits with such application a sum equalling five*
20 *times the fee required for the processing of applications*
21 *under this section as of the date of receipt of the applica-*
22 *tion. The sum specified herein shall be in addition to the*
23 *fee normally required for the processing of an application*
24 *under this section.*

1 “(2) Upon receipt of such an application and the sum
2 hereby required, the Attorney General may adjust the status
3 of the alien to that of an alien lawfully admitted for perma-
4 nent residence if (A) the alien is eligible to receive an immi-
5 grant visa and is admissible to the United States for perma-
6 nent residence; and (B) an immigrant visa is immediately
7 available to the alien at the time the application is filed.

8 “(3) Sums remitted to the Attorney General pursuant
9 to paragraphs (1) and (2) of this subsection shall be dis-
10 posed of by the Attorney General as provided in sections
11 286 (m), (n), and (o) of this title.”.

12 **SEC. 1202. ALIEN VISA.**

13 Section 212(a)(9) of the Immigration and Nationality
14 Act, as amended (8 U.S.C. 1182(a)(9)), is amended by add-
15 ing at the end thereof the following:

16 “(D) An alien applying for an immigrant
17 visa who has been physically present in the
18 United States within the ninety day period im-
19 mediately preceding the date of such application
20 is excludable.”.

1 **TITLE XIII—NUCLEAR PROLIF-**
2 **ERATION PREVENTION ACT**
3 **OF 1994**

4 **SEC. 1301. SHORT TITLE.**

5 *This title may be cited as the “Nuclear Proliferation*
6 *Prevention Act of 1994”.*

7 **Subtitle A—Reporting on Nuclear**
8 **Exports**

9 **SEC. 1311. REPORTS TO CONGRESS.**

10 *Section 601(a) of the Nuclear Non-Proliferation Act of*
11 *1978 (22 U.S.C. 3281(a)) is amended—*

12 *(1) in paragraph (4), by striking “and” after the*
13 *semicolon;*

14 *(2) in paragraph (5), by striking the period and*
15 *inserting a semicolon; and*

16 *(3) by adding after paragraph (5) the following:*

17 *“(6) a description of the implementation of nu-*
18 *clear and nuclear-related dual-use export controls in*
19 *the preceding calendar year, including a summary by*
20 *type of commodity and destination of—*

21 *“(A) all transactions for which—*

22 *“(i) an export license was issued for*
23 *any good controlled under section 309(c) of*
24 *the Nuclear Non-Proliferation Act of 1978;*

1 “(ii) an export license was issued
2 under section 109 b. of the 1954 Act;

3 “(iii) approvals were issued under the
4 Export Administration Act of 1979, or sec-
5 tion 109 b.(3) of the 1954 Act, for the
6 retransfer of any item, technical data, com-
7 ponent, or substance; or

8 “(iv) authorizations were made as re-
9 quired by section 57 b.(2) of the 1954 Act
10 to engage, directly or indirectly, in the pro-
11 duction of special nuclear material;

12 “(B) each instance in which—

13 “(i) a sanction has been imposed under
14 section 1321(a) of the Nuclear Proliferation
15 Prevention Act of 1994, section 1002(b)(1)
16 of the Arms Export Control Act, or section
17 601 or 602 of the Federal Deposit Insurance
18 Corporation Improvement Act of 1991;

19 “(ii) sales or leases have been denied
20 under section 3(f) of the Arms Export Con-
21 trol Act or transactions prohibited by rea-
22 son of acts relating to proliferation of nu-
23 clear explosive devices as described in sec-
24 tion 40(d) of that Act;

1 “(iii) a sanction has not been imposed
2 by reason of section 1321(c)(2) of the Nu-
3 clear Proliferation Prevention Act of 1994
4 or the imposition of a sanction has been de-
5 layed under section 1002(b)(4) of the Arms
6 Export Control Act; or

7 “(iv) a waiver of a sanction has been
8 made under—

9 “(I) section 1321(f) of the Nuclear
10 Proliferation Prevention Act of 1994,

11 “(II) section 620E(d) of the For-
12 eign Assistance Act of 1961, or para-
13 graph (5) or (6)(B) of section 1002(b)
14 of the Arms Export Control Act,

15 “(III) section 605 of the Federal
16 Deposit Insurance Corporation Im-
17 provement Act of 1991;

18 “(IV) section 40(g) of the Arms
19 Export Control Act with respect to the
20 last sentence of section 40(d) of that
21 Act, or

22 “(V) section 614 of the Foreign
23 Assistance Act of 1961 with respect to
24 section 620E of that Act or section 3(f),
25 the last sentence of section 40(d), or

1 *1002(b)(1) of the Arms Export Control*
2 *Act; and*

3 *“(C) the progress of those independent states*
4 *of the former Soviet Union that are non-nuclear-*
5 *weapon states and of the Baltic states towards*
6 *achieving the objective of applying full scope*
7 *safeguards to all their peaceful nuclear activities.*

8 *Portions of the information required by paragraph (6) may*
9 *be submitted in classified form, as necessary. Any such in-*
10 *formation that may not be published or disclosed under sec-*
11 *tion 12(c)(1) of the Export Administration Act of 1979*
12 *shall be submitted as confidential.”.*

13 ***Subtitle B—Sanction for Nuclear***
14 ***Proliferation***

15 ***SEC. 1321. IMPOSITION OF SANCTION.***

16 *(a) DETERMINATION BY THE PRESIDENT.—*

17 *(1) IN GENERAL.—Except as provided in sub-*
18 *section (b)(2), the President shall impose the sanction*
19 *described in subsection (c) if the President determines*
20 *in writing that a foreign person or a United States*
21 *person, on or after the effective date of this subtitle,*
22 *has materially and with requisite knowledge contrib-*
23 *uted—*

1 (A) through the export from the United
2 States of any goods or technology that are subject
3 to the jurisdiction of the United States, or

4 (B) through the export from any other coun-
5 try of any goods or technology that would be, if
6 they were exported from the United States, sub-
7 ject to the jurisdiction of the United States,
8 to the efforts by any individual, group, or non-nu-
9 clear-weapon state to acquire unsafeguarded special
10 nuclear material or to use, develop, produce, stockpile,
11 or otherwise acquire any nuclear explosive device.

12 (2) PERSONS AGAINST WHICH THE SANCTION IS
13 TO BE IMPOSED.—The sanction shall be imposed pur-
14 suant to paragraph (1) on—

15 (A) the foreign person or United States per-
16 son with respect to which the President makes
17 the determination described in that paragraph;

18 (B) any successor entity to that foreign per-
19 son or United States person;

20 (C) any foreign person or United States
21 person that is a parent or subsidiary of that per-
22 son if that parent or subsidiary materially and
23 with requisite knowledge assisted in the activities
24 which were the basis of that determination; and

1 (D) any foreign person or United States
2 person that is an affiliate of that person if that
3 affiliate materially and with requisite knowledge
4 assisted in the activities which were the basis of
5 that determination and if that affiliate is con-
6 trolled in fact by that foreign person.

7 (3) OTHER SANCTIONS AVAILABLE.—The sanc-
8 tions which are required to be imposed for activities
9 described in this subsection are in addition to any
10 other sanction which may be imposed for the same ac-
11 tivities under any other provision of law.

12 (4) DEFINITION.—For purposes of this sub-
13 section, the term “requisite knowledge” means situa-
14 tions in which a person “knows”, as “knowing” is de-
15 fined in section 104 of the Foreign Corrupt Practices
16 Act of 1977 (15 U.S.C. 78dd-2).

17 (b) CONSULTATION WITH AND ACTIONS BY FOREIGN
18 GOVERNMENT OF JURISDICTION.—

19 (1) CONSULTATIONS.—If the President makes a
20 determination described in subsection (a)(1) with re-
21 spect to a foreign person, the Congress urges the
22 President to initiate consultations immediately with
23 the government with primary jurisdiction over that
24 foreign person with respect to the imposition of the
25 sanction pursuant to this section.

1 (2) *ACTIONS BY GOVERNMENT OF JURISDIC-*
2 *TION.—In order to pursue such consultations with*
3 *that government, the President may delay imposition*
4 *of the sanction pursuant to this section for up to 90*
5 *days. Following these consultations, the President*
6 *shall impose the sanction unless the President deter-*
7 *mines and certifies in writing to the Congress that*
8 *that government has taken specific and effective ac-*
9 *tions, including appropriate penalties, to terminate*
10 *the involvement of the foreign person in the activities*
11 *described in subsection (a)(1). The President may*
12 *delay the imposition of the sanction for up to an ad-*
13 *ditional 90 days if the President determines and cer-*
14 *tifies in writing to the Congress that that government*
15 *is in the process of taking the actions described in the*
16 *preceding sentence.*

17 (3) *REPORT TO CONGRESS.—Not later than 90*
18 *days after making a determination under subsection*
19 *(a)(1), the President shall submit to the Committee on*
20 *Foreign Relations and the Committee on Govern-*
21 *mental Affairs of the Senate and the Committee on*
22 *Foreign Affairs of the House of Representatives a re-*
23 *port on the status of consultations with the appro-*
24 *priate government under this subsection, and the*
25 *basis for any determination under paragraph (2) of*

1 *this subsection that such government has taken spe-*
2 *cific corrective actions.*

3 *(c) SANCTION.—*

4 *(1) DESCRIPTION OF SANCTION.—The sanction*
5 *to be imposed pursuant to subsection (a)(1) are, ex-*
6 *cept as provided in paragraph (2) of this subsection,*
7 *that the United States Government shall not procure,*
8 *or enter into any contract for the procurement of, any*
9 *goods or services from any person described in sub-*
10 *section (a)(2).*

11 *(2) EXCEPTIONS.—The President shall not be re-*
12 *quired to apply or maintain the sanction under this*
13 *section—*

14 *(A) in the case of procurement of defense ar-*
15 *ticles or defense services—*

16 *(i) under existing contracts or sub-*
17 *contracts, including the exercise of options*
18 *for production quantities to satisfy require-*
19 *ments essential to the national security of*
20 *the United States;*

21 *(ii) if the President determines in*
22 *writing that the person or other entity to*
23 *which the sanction would otherwise be ap-*
24 *plied is a sole source supplier of the defense*
25 *articles or services, that the defense articles*

1 *or services are essential, and that alter-*
2 *native sources are not readily or reasonably*
3 *available; or*

4 *(iii) if the President determines in*
5 *writing that such articles or services are es-*
6 *sential to the national security under de-*
7 *fense coproduction agreements;*

8 *(B) to products or services provided under*
9 *contracts entered into before the date on which*
10 *the President publishes his intention to impose*
11 *the sanction;*

12 *(C) to—*

13 *(i) spare parts which are essential to*
14 *United States products or production;*

15 *(ii) component parts, but not finished*
16 *products, essential to United States prod-*
17 *ucts or production; or*

18 *(iii) routine servicing and mainte-*
19 *nance of products, to the extent that alter-*
20 *native sources are not readily or reasonably*
21 *available;*

22 *(D) to information and technology essential*
23 *to United States products or production; or*

24 *(E) to medical or other humanitarian*
25 *items.*

1 (d) *ADVISORY OPINIONS.*—Upon the request of any
2 person, the Secretary of State may, in consultation with
3 the Secretary of Defense, issue in writing an advisory opin-
4 ion to that person as to whether a proposed activity by that
5 person would subject that person to the sanction under this
6 section. Any person who relies in good faith on such an
7 advisory opinion which states that the proposed activity
8 would not subject a person to such sanction, and any person
9 who thereafter engages in such activity, may not be made
10 subject to such sanction on account of such activity.

11 (e) *TERMINATION OF THE SANCTION.*—The sanction
12 imposed pursuant to this section shall apply for a period
13 of at least 12 months following the imposition of the sanc-
14 tion and shall cease to apply thereafter only if the President
15 determines and certifies in writing to the Congress that—

16 (1) reliable information indicates that the for-
17 eign person or United States person with respect to
18 which the determination was made under subsection
19 (a)(1) has ceased to aid or abet any individual,
20 group, or non-nuclear-weapon state in its efforts to
21 acquire unsafeguarded special nuclear material or
22 any nuclear explosive device, as described in that sub-
23 section; and

24 (2) the President has received reliable assurances
25 from the foreign person or United States person, as

1 *the case may be, that such person will not, in the fu-*
2 *ture, aid or abet any individual, group, or non-nu-*
3 *clear-weapon state in its efforts to acquire*
4 *unsafeguarded special nuclear material or any nu-*
5 *clear explosive device, as described in subsection*
6 *(a)(1).*

7 *(f) WAIVER.—*

8 *(1) CRITERION FOR WAIVER.—The President*
9 *may waive the application of the sanction imposed on*
10 *any person pursuant to this section, after the end of*
11 *the 12-month period beginning on the date on which*
12 *that sanction was imposed on that person, if the*
13 *President determines and certifies in writing to the*
14 *Congress that the continued imposition of the sanc-*
15 *tion would have a serious adverse effect on vital Unit-*
16 *ed States interests.*

17 *(2) NOTIFICATION OF AND REPORT TO CON-*
18 *GRESS.—If the President decides to exercise the waiv-*
19 *er authority provided in paragraph (1), the President*
20 *shall so notify the Congress not less than 20 days be-*
21 *fore the waiver takes effect. Such notification shall in-*
22 *clude a report fully articulating the rationale and*
23 *circumstances which led the President to exercise the*
24 *waiver authority.*

25 *(g) DEFINITIONS.—For purposes of this section—*

1 (1) *the term “foreign person” means—*

2 (A) *an individual who is not a citizen of*
3 *the United States or an alien admitted for per-*
4 *manent residence to the United States; or*

5 (B) *a corporation, partnership, or other*
6 *nongovernment entity which is created or orga-*
7 *nized under the laws of a foreign country or*
8 *which has its principal place of business outside*
9 *the United States; and*

10 (2) *the term “United States person” means—*

11 (A) *an individual who is a citizen of the*
12 *United States or an alien admitted for perma-*
13 *nent residence to the United States; or*

14 (B) *a corporation, partnership, or other en-*
15 *tity which is not a foreign person.*

16 **SEC. 1322. ELIGIBILITY FOR ASSISTANCE.**

17 (a) *AMENDMENTS TO THE ARMS EXPORT CONTROL*
18 *ACT.—(1) Section 3 of the Arms Export Control Act (22*
19 *U.S.C. 2753) is amended by adding at the end the following*
20 *new subsection:*

21 “(f) *No sales or leases shall be made to any country*
22 *that the President has determined is in material breach of*
23 *its binding commitments to the United States under inter-*
24 *national treaties or agreements concerning the nonprolifera-*
25 *tion of nuclear explosive devices (as defined in section*

1 1330(3) of the Nuclear Proliferation Prevention Act of
2 1994) and unsafeguarded special nuclear material (as de-
3 fined in section 1330(6) of that Act).”.

4 (2) Section 40 of such Act (22 U.S.C. 2780) is amend-
5 ed—

6 (A) in subsection (d), by adding at the end the
7 following new sentence: “For purposes of this sub-
8 section, such acts shall include all activities that the
9 Secretary determines willfully aid or abet the inter-
10 national proliferation of nuclear explosive devices to
11 individuals or groups or willfully aid or abet an in-
12 dividual or groups in acquiring unsafeguarded spe-
13 cial nuclear material.”; and

14 (B) in subsection (l)—

15 (i) in paragraph (2), by striking “and”
16 after the semicolon;

17 (ii) in paragraph (3), by striking the period
18 at the end and inserting a semicolon; and

19 (iii) by adding at the end the following:

20 “(4) the term ‘nuclear explosive device’ has the
21 meaning given that term in section 1330(3) of the
22 Nuclear Proliferation Prevention Act of 1994; and

23 “(5) the term ‘unsafeguarded special nuclear ma-
24 terial’ has the meaning given that term in section

1 *1330(6) of the Nuclear Proliferation Prevention Act of*
2 *1994.”.*

3 *(b) AMENDMENT TO THE FOREIGN ASSISTANCE ACT*
4 *OF 1961.—*

5 *(1) Notwithstanding any other provision of law,*
6 *Presidential Determination No. 82–7 of February 10,*
7 *1982, made pursuant to section 670(a)(2) of the For-*
8 *oreign Assistance Act of 1961, shall have no force or ef-*
9 *fect with respect to any grounds for the prohibition*
10 *of assistance under section 1002(a)(1) of the Arms*
11 *Export Act arising on or after the effective date of this*
12 *subtitle.*

13 *(2) Section 620E(d) of the Foreign Assistance*
14 *Act of 1961 (22 U.S.C. 2375(d)) is amended to read*
15 *as follows:*

16 *“(d) The President may waive the prohibitions of sec-*
17 *tion 1001 of the Arms Export Control Act with respect to*
18 *any grounds for the prohibition of assistance under that*
19 *section arising before the effective date of subtitle B of the*
20 *Nuclear Proliferation Prevention Act of 1994 to provide as-*
21 *sistance to Pakistan if he determines that to do so is in*
22 *the national interest of the United States.”.*

1 **SEC. 1323. ROLE OF INTERNATIONAL FINANCIAL INSTITU-**
2 **TIONS.**

3 (a) *IN GENERAL.*—*The Secretary of the Treasury shall*
4 *instruct the United States executive director to each of the*
5 *international financial institutions described in section*
6 *701(a) of the International Financial Institutions Act (22*
7 *U.S.C. 262d(a)) to use the voice and vote of the United*
8 *States to oppose any direct or indirect use of the institu-*
9 *tion’s funds to promote the acquisition of unsafeguarded*
10 *special nuclear material or the development, stockpiling, or*
11 *use of any nuclear explosive device by any non-nuclear-*
12 *weapon state.*

13 (b) *DUTIES OF UNITED STATES EXECUTIVE DIREC-*
14 *TORS.*—*Section 701(b)(3) of the International Financial*
15 *Institutions Act (22 U.S.C. 262d(b)(3)) is amended to read*
16 *as follows:*

17 “(3) *whether the recipient country—*

18 “(A) *is seeking to acquire unsafeguarded*
19 *special nuclear material (as defined in section*
20 *1330(6) of the Nuclear Proliferation Prevention*
21 *Act of 1994) or a nuclear explosive device (as de-*
22 *defined in section 1330(3) of that Act);*

23 “(B) *is not a State Party to the Treaty on*
24 *Non-Proliferation of Nuclear Weapons; or*

25 “(C) *has detonated a nuclear explosive de-*
26 *vice; and”.*

1 **SEC. 1324. AMENDMENTS TO THE FEDERAL DEPOSIT INSUR-**
2 **ANCE CORPORATION IMPROVEMENT ACT OF**
3 **1991.**

4 *The Federal Deposit Insurance Corporation Improve-*
5 *ment Act of 1991 is amended by adding at the end the fol-*
6 *lowing new title:*

7 **“TITLE VI—SANCTIONS ON**
8 **FINANCIAL INSTITUTIONS**

9 **“SEC. 601. PRESIDENTIAL DETERMINATION.**

10 *“(a) IN GENERAL.—The prohibitions in section 603*
11 *shall be imposed on a financial institution if the President*
12 *determines in writing that such financial institution, on*
13 *or after the date which is 60 days after the date of enact-*
14 *ment of this section, has materially and with requisite*
15 *knowledge contributed, through provision of financing or*
16 *other services, to the efforts by any individual, group, or*
17 *non-nuclear-weapon state to acquire unsafeguarded special*
18 *nuclear material or to use, develop, produce, stockpile, or*
19 *otherwise acquire any nuclear explosive device, as these*
20 *standards and terms would be applied under section*
21 *1321(a) of the Nuclear Proliferation Prevention Act of 1994.*

22 *“(b) PRESIDENTIAL ORDER.—Whenever the President*
23 *makes a determination under subsection (a) with respect*
24 *to a financial institution, the President shall issue an order*
25 *specifying a date within 180 days after such determination*

1 *on which the prohibitions in section 603 shall begin to*
2 *apply to such institution.*

3 ***“SEC. 602. ADDITIONAL ENTITIES AGAINST WHICH SANC-***
4 ***TIONS ARE TO BE IMPOSED.***

5 *“The prohibitions described in section 603 shall also*
6 *be imposed, pursuant to section 601, on—*

7 *“(1) any successor entity to the financial institu-*
8 *tion with respect to which the President makes a de-*
9 *termination under section 601(a);*

10 *“(2) any foreign person or United States person*
11 *that is a parent or subsidiary of that financial insti-*
12 *tution if that parent or subsidiary materially and*
13 *with requisite knowledge assisted in the activities*
14 *which were the basis of that determination; and*

15 *“(3) any foreign person or United States person*
16 *that is an affiliate of that financial institution if that*
17 *affiliate materially and with requisite knowledge as-*
18 *sisted in the activities which were the basis of such*
19 *determination and if that affiliate is controlled in*
20 *fact by that financial institution.*

21 ***“SEC. 603. PROHIBITIONS.***

22 *“The following prohibitions shall apply to a financial*
23 *institution with respect to which a determination is made*
24 *under section 601(a) and to the entities described in section*
25 *602:*

1 “(1) *BAN ON DEALINGS IN GOVERNMENT FI-*
2 *NANCE.*—

3 “(A) *DESIGNATION AS PRIMARY DEALER.*—
4 *Neither the Board of Governors of the Federal*
5 *Reserve System nor the Federal Reserve Bank of*
6 *New York may designate, or permit the continu-*
7 *ation of any prior designation of, such financial*
8 *institution or any such entity as a primary*
9 *dealer in United States Government debt instru-*
10 *ments.*

11 “(B) *GOVERNMENT FUNDS.*—*Such financial*
12 *institution or any such entity shall not serve as*
13 *agent of the United States Government or serve*
14 *as repository for United States Government*
15 *funds.*

16 “(2) *RESTRICTIONS ON OPERATIONS.*—*Such fi-*
17 *ancial institution or any such entity shall not, di-*
18 *rectly or indirectly—*

19 “(A) *commence any line of business in the*
20 *United States in which it was not engaged as of*
21 *the date of the determination; or*

22 “(B) *conduct business from any location in*
23 *the United States at which it did not conduct*
24 *business as of the date of the determination.*

1 **“SEC. 604. CONDITIONS AND TERMINATION OF SANCTIONS.**

2 *“The same requirements for consultation with the for-*
3 *ign government of jurisdiction, where appropriate, and for*
4 *termination of sanctions shall apply under this title as are*
5 *provided in subsections (b) and (e), respectively, of section*
6 *1321 of the Nuclear Proliferation Prevention Act of 1994.*

7 **“SEC. 605. WAIVER.**

8 *“The President may waive the imposition of any pro-*
9 *hibition imposed on any financial institution or other en-*
10 *tity pursuant to section 601 or 602 if the President deter-*
11 *mines and certifies in writing to the Congress that the im-*
12 *position of such prohibition would have a serious adverse*
13 *effect on the safety and soundness of the domestic or inter-*
14 *national financial system or on domestic or international*
15 *payments systems.*

16 **“SEC. 606. DEFINITIONS.**

17 *“As used in this title—*

18 *“(1) the term ‘financial institution’ includes—*

19 *“(A) a depository institution, including a*
20 *branch or agency of a foreign bank;*

21 *“(B) a securities firm, including a broker or*
22 *dealer;*

23 *“(C) an insurance company, including an*
24 *agency or underwriter;*

25 *“(D) any other company that provides pri-*
26 *marily financial services; or*

1 **“CHAPTER 10—NUCLEAR**
2 **NONPROLIFERATION CONTROLS**

3 **“SEC. 1001. NUCLEAR ENRICHMENT TRANSFERS.**

4 “(a) *PROHIBITIONS; SAFEGUARDS AND MANAGE-*
5 *MENT.—Except as provided in subsection (b) of this section,*
6 *no funds authorized to be appropriated by the Foreign As-*
7 *sistance Act of 1961 or this Act may be used for the purpose*
8 *of providing economic assistance (including assistance*
9 *under chapter 4 of part II of the Foreign Assistance Act*
10 *of 1961), providing military assistance or grant military*
11 *education and training, providing assistance under chapter*
12 *6 of part II of that Act, or extending military credits or*
13 *making guarantees, to any country which, on or after Au-*
14 *gust 4, 1977, delivers nuclear enrichment equipment, mate-*
15 *rials, or technology to any other country, or receives such*
16 *equipment, materials, or technology from any other coun-*
17 *try, unless before such delivery—*

18 “(1) *the supplying country and receiving coun-*
19 *try have reached agreement to place all such equip-*
20 *ment, materials, or technology, upon delivery, under*
21 *multilateral auspices and management when avail-*
22 *able; and*

23 “(2) *the recipient country has entered into an*
24 *agreement with the International Atomic Energy*
25 *Agency to place all such equipment, materials, tech-*

1 *nology, and all nuclear fuel and facilities in such*
2 *country under the safeguards system of such Agency.*

3 *“(b) CERTIFICATION BY PRESIDENT OF NECESSITY OF*
4 *CONTINUED ASSISTANCE; CONCURRENT RESOLUTION OF*
5 *DISAPPROVAL BY CONGRESS.—(1) Notwithstanding sub-*
6 *section (a) of this section, the President may furnish assist-*
7 *ance which would otherwise be prohibited under such sub-*
8 *section if he determines and certifies in writing to the*
9 *Speaker of the House of Representatives and the Committee*
10 *on Foreign Relations of the Senate that—*

11 *“(A) the termination of such assistance would*
12 *have a serious adverse effect on vital United States*
13 *interests; and*

14 *“(B) he has received reliable assurances that the*
15 *country in question will not acquire or develop nu-*
16 *clear weapons or assist other nations in doing so.*

17 *Such certification shall set forth the reasons supporting*
18 *such determination in each particular case.*

19 *“(2)(A) A certification under paragraph (1) of this*
20 *subsection shall take effect on the date on which the certifi-*
21 *cation is received by the Congress. However, if, within thir-*
22 *ty calendar days after receiving this certification, the Con-*
23 *gress adopts a concurrent resolution stating in substance*
24 *that the Congress disapproves the furnishing of assistance*
25 *pursuant to the certification, then upon the adoption of that*

1 *resolution the certification shall cease to be effective and all*
2 *deliveries of assistance furnished under the authority of that*
3 *certification shall be suspended immediately.*

4 “(B) Any concurrent resolution under this paragraph
5 shall be considered in the Senate in accordance with the
6 provisions of section 601(b) of the International Security
7 Assistance and Arms Export Control Act of 1976.

8 “(C) For the purpose of expediting the consideration
9 and adoption of concurrent resolutions under this para-
10 graph, a motion to proceed to the consideration of any such
11 resolution after it has been reported by the appropriate
12 committee shall be treated as highly privileged in the House
13 of Representatives.

14 **“SEC. 1002. NUCLEAR REPROCESSING TRANSFERS, ILLEGAL**
15 **EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES,**
16 **TRANSFERS OF NUCLEAR EXPLOSIVE DE-**
17 **VICES, AND NUCLEAR DETONATIONS.**

18 “(a) *PROHIBITIONS ON ASSISTANCE TO COUNTRIES*
19 *INVOLVED IN TRANSFER OF NUCLEAR REPROCESSING*
20 *EQUIPMENT, MATERIALS, OR TECHNOLOGY; EXCEPTIONS;*
21 *PROCEDURES APPLICABLE.—(1) Except as provided in*
22 *paragraph (2) of this subsection, no funds authorized to be*
23 *appropriated by the Foreign Assistance Act of 1961 or this*
24 *Act may be used for the purpose of providing economic as-*
25 *sistance (including assistance under chapter 4 of part II*

1 of the Foreign Assistance Act of 1961), providing military
2 assistance or grant military education and training, pro-
3 viding assistance under chapter 6 of part II of that Act,
4 or extending military credits or making guarantees, to any
5 country which (A) on or after August 4, 1977, delivers nu-
6 clear reprocessing equipment, materials, or technology to
7 any other country or receives such equipment, materials,
8 or technology from any other country (except for the trans-
9 fer of reprocessing technology associated with the investiga-
10 tion, under international evaluation programs in which the
11 United States participates, of technologies which are alter-
12 natives to pure plutonium reprocessing), or (B) is a non-
13 nuclear-weapon state which, on or after August 8, 1985, ex-
14 ports illegally (or attempts to export illegally) from the
15 United States any material, equipment, or technology
16 which would contribute significantly to the ability of such
17 country to manufacture a nuclear explosive device, if the
18 President determines that the material, equipment, or tech-
19 nology was to be used by such country in the manufacture
20 of a nuclear explosive device. For purposes of clause (B),
21 an export (or attempted export) by a person who is an agent
22 of, or is otherwise acting on behalf of or in the interests
23 of, a country shall be considered to be an export (or at-
24 tempted export) by that country.

1 “(2) Notwithstanding paragraph (1) of this subsection,
2 the President in any fiscal year may furnish assistance
3 which would otherwise be prohibited under that paragraph
4 if he determines and certifies in writing during that fiscal
5 year to the Speaker of the House of Representatives and
6 the Committee on Foreign Relations of the Senate that the
7 termination of such assistance would be seriously preju-
8 dicial to the achievement of United States nonproliferation
9 objectives or otherwise jeopardize the common defense and
10 security. The President shall transmit with such certifi-
11 cation a statement setting forth the specific reasons therefor.

12 “(3)(A) A certification under paragraph (2) of this
13 subsection shall take effect on the date on which the certifi-
14 cation is received by the Congress. However, if, within 30
15 calendar days after receiving this certification, the Congress
16 adopts a concurrent resolution stating in substance that the
17 Congress disapproves the furnishing of assistance pursuant
18 to the certification, then upon the adoption of that resolu-
19 tion the certification shall cease to be effective and all deliv-
20 eries of assistance furnished under the authority of that cer-
21 tification shall be suspended immediately.

22 “(B) Any concurrent resolution under this paragraph
23 shall be considered in the Senate in accordance with the
24 provisions of section 601(b) of the International Security
25 Assistance and Arms Export Control Act of 1976.

1 “(C) For the purpose of expediting the consideration
2 and adoption of concurrent resolutions under this para-
3 graph, a motion to proceed to the consideration of any such
4 resolution after it has been reported by the appropriate
5 committee shall be treated as highly privileged in the House
6 of Representatives.

7 “(b) PROHIBITIONS ON ASSISTANCE TO COUNTRIES
8 INVOLVED IN TRANSFER OR USE OF NUCLEAR EXPLOSIVE
9 DEVICES; EXCEPTIONS; PROCEDURES APPLICABLE.—(1)
10 Except as provided in paragraphs (4), (5), and (6), in the
11 event that the President determines that any country, after
12 the effective date of subtitle B of the Nuclear Proliferation
13 Prevention Act of 1994—

14 “(A) transfers to a non-nuclear-weapon state a
15 nuclear explosive device,

16 “(B) is a non-nuclear-weapon state and either—

17 “(i) receives a nuclear explosive device, or

18 “(ii) detonates a nuclear explosive device,

19 “(C) transfers to a non-nuclear-weapon state any
20 design information or component which is determined
21 by the President to be important to, and known by
22 the transferring country to be intended by the recipi-
23 ent state for use in, the development or manufacture
24 of any nuclear explosive device, or

1 “(D) is a non-nuclear-weapon state and has
2 sought and received any design information or com-
3 ponent which is determined by the President to be im-
4 portant to, and intended by the recipient state for use
5 in, the development or manufacture of any nuclear
6 explosive device,

7 then the President shall forthwith report in writing his de-
8 termination to the Congress and shall forthwith impose the
9 sanctions described in paragraph (2) against that country.

10 “(2) The sanctions referred to in paragraph (1) are
11 as follows:

12 “(A) The United States Government shall termi-
13 nate assistance to that country under this Act, except
14 for humanitarian assistance or food or other agricul-
15 tural commodities.

16 “(B) The United States Government shall termi-
17 nate—

18 “(i) sales to that country under the Arms
19 Export Control Act of any defense articles, de-
20 fense services, or design and construction serv-
21 ices, and

22 “(ii) licenses for the export to that country
23 of any item on the United States Munitions List.

1 “(C) *The United States Government shall termi-*
2 *nate all foreign military financing for that country*
3 *under this Act.*

4 “(D) *The United States Government shall deny*
5 *to that country any credit, credit guarantees, or other*
6 *financial assistance by any department, agency, or*
7 *instrumentality of the United States Government, ex-*
8 *cept that the sanction of this subparagraph shall not*
9 *apply—*

10 “(i) *to any transaction subject to the report-*
11 *ing requirements of title V of the National Secu-*
12 *rity Act of 1947 (relating to congressional over-*
13 *sight of intelligence activities), or*

14 “(ii) *to humanitarian assistance.*

15 “(E) *The United States Government shall op-*
16 *pose, in accordance with section 701 of the Inter-*
17 *national Financial Institutions Act (22 U.S.C. 262d),*
18 *the extension of any loan or financial or technical as-*
19 *sistance to that country by any international finan-*
20 *cial institution.*

21 “(F) *The United States Government shall pro-*
22 *hibit any United States bank from making any loan*
23 *or providing any credit to the government of that*
24 *country, except for loans or credits for the purpose of*
25 *purchasing food or other agricultural commodities.*

1 “(G) The authorities of section 6 of the Export
2 Administration Act of 1979 shall be used to prohibit
3 exports to that country of specific goods and tech-
4 nology (excluding food and other agricultural com-
5 modities), except that such prohibition shall not
6 apply to any transaction subject to the reporting re-
7 quirements of title V of the National Security Act of
8 1947 (relating to congressional oversight of intel-
9 ligence activities).

10 “(3) As used in this subsection—

11 “(A) the term ‘design information’ means spe-
12 cific information that relates to the design of a nu-
13 clear explosive device and that is not available to the
14 public; and

15 “(B) the term ‘component’ means a specific com-
16 ponent of a nuclear explosive device.

17 “(4)(A) Notwithstanding paragraph (1) of this sub-
18 section, the President may, for a period of not more than
19 30 days of continuous session, delay the imposition of sanc-
20 tions which would otherwise be required under paragraph
21 (1)(A) or (1)(B) of this subsection if the President first
22 transmits to the Speaker of the House of Representatives,
23 and to the chairman of the Committee on Foreign Relations
24 of the Senate, a certification that he has determined that
25 an immediate imposition of sanctions on that country

1 *would be detrimental to the national security of the United*
2 *States. Not more than one such certification may be trans-*
3 *mitted for a country with respect to the same detonation,*
4 *transfer, or receipt of a nuclear explosive device.*

5 “(B) *If the President transmits a certification to the*
6 *Congress under subparagraph (A), a joint resolution which*
7 *would permit the President to exercise the waiver authority*
8 *of paragraph (5) of this subsection shall, if introduced in*
9 *either House within thirty days of continuous session after*
10 *the Congress receives this certification, be considered in the*
11 *Senate and House of Representatives in accordance with*
12 *subparagraphs (C) and (D) of this paragraph.*

13 “(C) *Any joint resolution under this paragraph shall*
14 *be considered in the Senate in accordance with the provi-*
15 *sions of section 601(b) of the International Security Assist-*
16 *ance and Arms Export Control Act of 1976.*

17 “(D) *For the purpose of expediting the consideration*
18 *and adoption of joint resolutions under this paragraph, a*
19 *motion to proceed to the consideration of such a joint resolu-*
20 *tion after it has been reported by the appropriate committee*
21 *shall be treated as highly privileged in the House of Rep-*
22 *resentatives.*

23 “(E) *For purposes of this paragraph, the term “joint*
24 *resolution” means a joint resolution the matter after the*
25 *resolving clause of which is as follows: “That the Congress*

1 *having received on a certification by the President under*
2 *section 670(b)(4) of the Foreign Assistance Act of 1961 with*
3 *respect to, the Congress hereby authorizes the President to*
4 *exercise the waiver authority contained in section 670(b)(5)*
5 *of that Act.”, with the date of receipt of the certification*
6 *inserted in the first blank and the name of the country in-*
7 *serted in the second blank.*

8 “(5) Notwithstanding paragraph (1) of this subsection,
9 if the Congress enacts a joint resolution under paragraph
10 (4) of this subsection, the President may waive any sanction
11 which would otherwise be required under paragraph (1)(A)
12 or (1)(B) if he determines and certifies in writing to the
13 Speaker of the House of Representatives and the Committee
14 on Foreign Relations of the Senate that the imposition of
15 such sanction would be seriously prejudicial to the achieve-
16 ment of United State nonproliferation objectives or other-
17 wise jeopardize the common defense and security. The Presi-
18 dent shall transmit with such certification a statement set-
19 ting forth the specific reasons therefor.

20 “(6)(A) In the event the President is required to im-
21 pose sanctions against a country under paragraph (1)(C)
22 or (1)(D), the President shall forthwith so inform such
23 country and shall impose the required sanctions beginning
24 30 days after submitting to the Congress the report required
25 by paragraph (1) unless, and to the extent that, there is

1 *enacted during the 30-day period a law prohibiting the im-*
2 *position of such sanctions.*

3 “(B) Notwithstanding any other provision of law, the
4 *sanctions which are required to be imposed against a coun-*
5 *try under paragraph (1)(C) or (1)(D) shall not apply if*
6 *the President determines and certifies in writing to the*
7 *Committee on Foreign Relations and the Committee on*
8 *Governmental Affairs of the Senate and the Committee on*
9 *Foreign Affairs of the House of Representatives that the ap-*
10 *plication of such sanctions against such country would have*
11 *a serious adverse effect on vital United States interests. The*
12 *President shall transmit with such certification a statement*
13 *setting forth the specific reasons therefor.*

14 “(7) For purposes of this subsection, continuity of ses-
15 *sion is broken only by an adjournment of Congress sine die*
16 *and the days on which either House is not in session be-*
17 *cause of an adjournment of more than three days to a day*
18 *certain are excluded in the computation of any period of*
19 *time in which Congress is in continuous session.*

20 “(8) The President may not delegate or transfer his
21 *power, authority, or discretion to make or modify deter-*
22 *minations under this subsection.*

23 “(c) ‘NON-NUCLEAR-WEAPON STATE’ DEFINED.—As
24 *used in this section, the term “non-nuclear-weapon state”*
25 *means any country which is not a nuclear-weapon state,*

1 *as defined in Article IX(3) of the Treaty on the Non-Pro-*
2 *liferation of Nuclear Weapons.*

3 **“SEC. 1003. DEFINITION OF NUCLEAR EXPLOSIVE DEVICE.**

4 *“As used in this chapter, the term ‘nuclear explosive*
5 *device’ has the meaning given that term in section 1330(3)*
6 *of the Nuclear Proliferation Prevention Act of 1994.”.*

7 (b) *REPEALS.—Sections 669 and 670 of the Foreign*
8 *Assistance Act of 1961 are hereby repealed.*

9 (c) *REFERENCES IN LAW.—Any reference in law as*
10 *of the date of enactment of this Act to section 669 or 670*
11 *of the Foreign Assistance Act of 1961 shall, after such date,*
12 *be deemed to be a reference to section 1001 or 1002, as the*
13 *case may be, of the Arms Export Control Act.*

14 **SEC. 1327. REWARD.**

15 *Section 36(a) of the State Department Basic Authori-*
16 *ties Act of 1956 (22 U.S.C. 2708(a)) is amended—*

17 (1) *by redesignating paragraphs (1) through (3)*
18 *as subparagraphs (A) through (C), respectively;*

19 (2) *by inserting “(1)” after “(a)”;* and

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

21 *“(2) For purposes of this subsection, the term ‘act of*
22 *international terrorism’ includes any act substantially con-*
23 *tributing to the acquisition of unsafeguarded special nu-*
24 *clear material (as defined in section 1330(6) of the Nuclear*
25 *Proliferation Prevention Act of 1994) or any nuclear explo-*

1 *sive device (as defined in section 1330(3) of that Act) by*
2 *an individual, group, or non-nuclear-weapon state, as de-*
3 *finied in section 1330(4) of that Act.”.*

4 **SEC. 1328. REPORTS.**

5 *(a) CONTENT OF ACDA ANNUAL REPORT.—Section 51*
6 *of the Arms Control and Disarmament Act, as inserted by*
7 *this Act, is amended—*

8 *(1) by striking “and” at the end of paragraph*
9 *(5);*

10 *(2) by striking the period at the end of para-*
11 *graph (6) and inserting “; and”;*

12 *(3) by adding after paragraph (6) the following*
13 *new paragraph:*

14 *“(7) a discussion of any material noncompliance*
15 *by foreign governments with their binding commit-*
16 *ments to the United States with respect to the preven-*
17 *tion of the spread of nuclear explosive devices (as de-*
18 *finied in section 1330(3) of the Nuclear Proliferation*
19 *Prevention Act of 1994) by non-nuclear-weapon states*
20 *(as defined in section 1330(4) of that Act) or the ac-*
21 *quisition by such states of unsafeguarded special nu-*
22 *clear material (as defined in section 1330(6) of that*
23 *Act), including—*

24 *“(A) a net assessment of the aggregate mili-*
25 *tary significance of all such violations;*

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

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

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

10 “(c) *REPORTING CONSECUTIVE NONCOMPLIANCE.*—If
11 the President in consecutive reports submitted to the Con-
12 gress under this section reports that any designated nation
13 is not in full compliance with its binding nonproliferation
14 commitments to the United States, then the President shall
15 include in the second such report an assessment of what
16 actions are necessary to compensate for such violations.”.

17 (b) *REPORTING ON DEMARCHES.*—(1) It is the sense
18 of the Congress that the Department of State should, in the
19 course of implementing its reporting responsibilities under
20 section 602(c) of the Nuclear Non-Proliferation Act of 1978,
21 include a summary of demarches that the United States has
22 issued or received from foreign governments with respect to
23 activities which are of significance from the proliferation
24 standpoint.

1 (2) *For purposes of this section, the term “demarche”*
2 *means any official communication by one government to*
3 *another, by written or oral means, intended by the originat-*
4 *ing government to express—*

5 (A) *a concern over a past, present, or possible fu-*
6 *ture action or activity of the recipient government, or*
7 *of a person within the jurisdiction of that govern-*
8 *ment, contributing to the global spread of*
9 *unsafeguarded special nuclear material or of nuclear*
10 *explosive devices;*

11 (B) *a request for the recipient government to*
12 *counter such action or activity; or*

13 (C) *both the concern and request described in*
14 *subparagraphs (A) and (B).*

15 (c) *REPEAL.—Section 52 of the Arms Control and Dis-*
16 *armament Act (22 U.S.C. 2592), as in effect before the en-*
17 *actment of this Act, is hereby repealed.*

18 **SEC. 1329. TECHNICAL CORRECTION.**

19 *Section 133 b. of the Atomic Energy Act of 1954 (42*
20 *U.S.C. 2160c) is amended by striking “20 kilograms” and*
21 *inserting “5 kilograms”.*

22 **SEC. 1330. DEFINITIONS.**

23 *For purposes of this subtitle—*

24 (1) *the term “goods or technology” means nu-*
25 *clear materials and equipment and sensitive nuclear*

1 *technology (as such terms are defined in section 4 of*
2 *the Nuclear Non-Proliferation Act of 1978), all export*
3 *items designated by the President pursuant to section*
4 *309(c) of the Nuclear Non-Proliferation Act of 1978,*
5 *and all technical assistance requiring authorization*
6 *under section 57 b. of the Atomic Energy Act of 1954;*

7 *(2) the term “IAEA safeguards” means the safe-*
8 *guards set forth in an agreement between a country*
9 *and the International Atomic Energy Agency, as au-*
10 *thorized by Article III(A)(5) of the Statute of the*
11 *International Atomic Energy Agency;*

12 *(3) the term “nuclear explosive device” means*
13 *any device, whether assembled or disassembled, that is*
14 *designed to produce an instantaneous release of an*
15 *amount of nuclear energy from special nuclear mate-*
16 *rial that is greater than the amount of energy that*
17 *would be released from the detonation of one pound*
18 *of trinitrotoluene (TNT);*

19 *(4) the term “non-nuclear-weapon state” means*
20 *any country which is not a nuclear-weapon state, as*
21 *defined by Article IX (3) of the Treaty on the Non-*
22 *Proliferation of Nuclear Weapons, signed at Washing-*
23 *ton, London, and Moscow on July 1, 1968;*

1 (1) *build international support for the principle*
2 *that nuclear supply relationships must require pur-*
3 *chasing nations to agree to full-scope international*
4 *safeguards;*

5 (2) *encourage each nuclear-weapon state within*
6 *the meaning of the Treaty to undertake a comprehen-*
7 *sive review of its own procedures for declassifying in-*
8 *formation relating to the design or production of nu-*
9 *clear explosive devices and to investigate any meas-*
10 *ures that would reduce the risk of such information*
11 *contributing to nuclear weapons proliferation;*

12 (3) *encourage the deferral of efforts to produce*
13 *weapons-grade nuclear material for large-scale com-*
14 *mercial uses until such time as safeguards are devel-*
15 *oped that can detect, on a timely and reliable basis,*
16 *the diversion of significant quantities of such mate-*
17 *rial for nuclear explosive purposes;*

18 (4) *pursue greater financial support for the im-*
19 *plementation and improvement of safeguards from all*
20 *IAEA member nations with significant nuclear pro-*
21 *grams, particularly from those nations that are cur-*
22 *rently using or planning to use weapons-grade nu-*
23 *clear material for commercial purposes;*

1 (5) *arrange for the timely payment of annual fi-*
2 *nancial contributions by all members of the IAEA,*
3 *including the United States;*

4 (6) *pursue a prohibition on international com-*
5 *merce in highly enriched uranium for use in research*
6 *reactors while encouraging multilateral cooperation to*
7 *develop and to use low-enriched alternative nuclear*
8 *fuels;*

9 (7) *oppose efforts by non-nuclear-weapon states*
10 *to develop or use unsafeguarded nuclear fuels for pur-*
11 *poses of naval propulsion;*

12 (8) *pursue an international open skies arrange-*
13 *ment that would authorize the IAEA to operate sur-*
14 *veillance aircraft and would facilitate IAEA access to*
15 *satellite information for safeguards verification pur-*
16 *poses;*

17 (9) *develop an institutional means for IAEA*
18 *member nations to share intelligence material with*
19 *the IAEA on possible safeguards violations without*
20 *compromising national security or intelligence*
21 *sources or methods;*

22 (10) *require any exporter of a sensitive nuclear*
23 *facility or sensitive nuclear technology to a non-nu-*
24 *clear-weapon state to notify the IAEA prior to export*

1 *and to require safeguards over that facility or tech-*
2 *nology, regardless of its destination; and*

3 *(11) seek agreement among the parties to the*
4 *Treaty to apply IAEA safeguards in perpetuity and*
5 *to establish new limits on the right to withdraw from*
6 *the Treaty.*

7 **SEC. 1342. IAEA INTERNAL REFORMS.**

8 *In order to promote the early adoption of reforms in*
9 *the implementation of the safeguards responsibilities of the*
10 *IAEA, the Congress urges the President to negotiate with*
11 *other nations and groups of nations, including the IAEA*
12 *Board of Governors and the Nuclear Suppliers Group, to—*

13 *(1) improve the access of the IAEA within nu-*
14 *clear facilities that are capable of producing, process-*
15 *ing, or fabricating special nuclear material suitable*
16 *for use in a nuclear explosive device;*

17 *(2)(A) facilitate the IAEA's efforts to meet and*
18 *to maintain its own goals for detecting the diversion*
19 *of nuclear materials and equipment, giving particu-*
20 *lar attention to facilities in which there are bulk*
21 *quantities of plutonium; and*

22 *(B) if it is not technically feasible for the IAEA*
23 *to meet those detection goals in a particular facility,*
24 *require the IAEA to declare publicly that it is unable*
25 *to do so;*

1 (3) enable the IAEA to issue fines for violations
2 of safeguards procedures, to pay rewards for informa-
3 tion on possible safeguards violations, and to establish
4 a 'hot line' for the reporting of such violations and
5 other illicit uses of weapons-grade nuclear material;

6 (4) establish safeguards at facilities engaged in
7 the manufacture of equipment or material that is es-
8 pecially designated or prepared for the processing,
9 use, or production of special fissionable material or,
10 in the case of non-nuclear-weapon states, of any nu-
11 clear explosive device;

12 (5) establish safeguards over nuclear research
13 and development activities and facilities;

14 (6) implement special inspections of undeclared
15 nuclear facilities, as provided for under existing safe-
16 guards procedures, and seek authority for the IAEA
17 to conduct challenge inspections on demand at sus-
18 pected nuclear sites;

19 (7) expand the scope of safeguards to include
20 tritium, uranium concentrates, and nuclear waste
21 containing special fissionable material, and increase
22 the scope of such safeguards on heavy water;

23 (8) revise downward the IAEA's official mini-
24 mum amounts of nuclear material ("significant
25 quantity") needed to make a nuclear explosive device

1 *and establish these amounts as national rather than*
2 *facility standards;*

3 *(9) expand the use of full-time resident IAEA in-*
4 *spectors at sensitive fuel cycle facilities;*

5 *(10) promote the use of near real time material*
6 *accountancy in the conduct of safeguards at facilities*
7 *that use, produce, or store significant quantities of*
8 *special fissionable material;*

9 *(11) develop with other IAEA member nations*
10 *an agreement on procedures to expedite approvals of*
11 *visa applications by IAEA inspectors;*

12 *(12) provide the IAEA the additional funds,*
13 *technical assistance, and political support necessary*
14 *to carry out the goals set forth in this subsection; and*

15 *(13) make public the annual safeguards imple-*
16 *mentation report of the IAEA, establishing a public*
17 *registry of commodities in international nuclear com-*
18 *merce, including dual-use goods, and creating a pub-*
19 *lic repository of current nuclear trade control laws,*
20 *agreements, regulations, and enforcement and judicial*
21 *actions by IAEA member nations.*

22 **SEC. 1343. REPORTING REQUIREMENT.**

23 *(a) REPORT REQUIRED.—The President shall, in the*
24 *report required by section 601(a) of the Nuclear Non-Pro-*
25 *liferation Act of 1978, describe—*

1 (1) *the steps he has taken to implement sections*
2 *1341 and 1342, and*

3 (2) *the progress that has been made and the ob-*
4 *stacles that have been encountered in seeking to meet*
5 *the objectives set forth in sections 1341 and 1342.*

6 (b) *CONTENTS OF REPORT.*—*Each report under para-*
7 *graph (1) shall describe—*

8 (1) *the bilateral and multilateral initiatives that*
9 *the President has taken during the period since the*
10 *enactment of this Act in pursuit of each of the objec-*
11 *tives set forth in sections 1341 and 1342;*

12 (2) *any obstacles that have been encountered in*
13 *the pursuit of those initiatives;*

14 (3) *any additional initiatives that have been*
15 *proposed by other countries or international organi-*
16 *zations to strengthen the implementation of IAEA*
17 *safeguards;*

18 (4) *all activities of the Federal Government in*
19 *support of the objectives set forth in sections 1341 and*
20 *1342;*

21 (5) *any recommendations of the President on ad-*
22 *ditional measures to enhance the effectiveness of IAEA*
23 *safeguards; and*

1 (6) any initiatives that the President plans to
2 take in support of each of the objectives set forth in
3 sections 1341 and 1342.

4 **SEC. 1344. DEFINITIONS.**

5 As used in this subtitle—

6 (1) the term “highly enriched uranium” means
7 uranium enriched to 20 percent or more in the iso-
8 tope U-235;

9 (2) the term “IAEA” means the International
10 Atomic Energy Agency;

11 (3) the term “near real time material account-
12 ancy” means a method of accounting for the location,
13 quantity, and disposition of special fissionable mate-
14 rial at facilities that store or process such material,
15 in which verification of peaceful use is continuously
16 achieved by means of frequent physical inventories
17 and the use of in-process instrumentation;

18 (4) the term “special fissionable material” has
19 the meaning given that term by Article XX(1) of the
20 Statute of the International Atomic Energy Agency,
21 done at the Headquarters of the United Nations on
22 October 26, 1956;

23 (5) the term “the Treaty” means the Treaty on
24 the Non-Proliferation of Nuclear Weapons, signed at

1 *Washington, London, and Moscow on July 1, 1968;*
2 *and*

3 *(6) the terms “IAEA safeguards”, “non-nuclear-*
4 *weapon state”, “nuclear explosive device”, and “spe-*
5 *cial nuclear material” have the meanings given those*
6 *terms in section 1330 of this Act.*

7 ***TITLE XIV—CROATIA***

8 ***SEC. 1401. FINDINGS.***

9 *The Congress finds that—*

10 *(a) The international boundaries between the*
11 *independent countries of the former Yugoslavia are*
12 *the same as the internal borders among the constitu-*
13 *ent republics of the former Yugoslavia as specified in*
14 *the 1974 Yugoslav Federal Constitution (except with*
15 *regard to the border between Serbia and Montenegro)*
16 *and cannot be altered without the consent of all coun-*
17 *tries concerned.*

18 *(b) The Government of Croatia is violating the*
19 *sovereignty of Bosnia-Herzegovina by sending thou-*
20 *sands of Croatian troops to Herzegovina, ostensibly to*
21 *counter an offensive against ethnic Croatian civilians*
22 *by Bosnian Government forces.*

23 *(c) Croatian forces are interfering with United*
24 *Nations peacekeeping operations, including the deliv-*
25 *ery of humanitarian aid to Bosnia-Herzegovina.*

1 **SEC. 1402. POLICY TOWARDS CROATIA.**

2 *It is the sense of the Senate that the President should*
3 *consider taking the following actions—*

4 *(a) Instruct the United States Executive Director*
5 *or representative at all international financial insti-*
6 *tutions of which the United States is a member to*
7 *vote against all loans except for loans directed at pro-*
8 *grams which serve basic human needs to Croatia;*

9 *(b) Provide no assistance to Croatia (except for*
10 *humanitarian and refugee assistance);*

11 *(c) Make no sales to Croatia of any kind of mili-*
12 *tary equipment;*

13 *(d) Prohibit the licensing of commercial military*
14 *sales to Croatia;*

15 *(e) Provide no credits, and provide no guaran-*
16 *tees of any credits to Croatia;*

17 *(f) Prohibit the sale or transfer to Croatia of any*
18 *item subject to export controls by any agency of the*
19 *United States;*

20 *(g) Direct the Secretary of Transportation to re-*
21 *voked the right of any air carrier designated by the*
22 *Government of Croatia to provide service to the Unit-*
23 *ed States; and*

24 *(h) Negotiate comprehensive multilateral sanc-*
25 *tions pursuant to the provisions of Chapter 7 of the*
26 *United Nations Charter.*

1 **TITLE XV—UNITED STATES PAR-**
2 **TICIPATION IN UNITED NA-**
3 **TIONS PEACEKEEPING OPER-**
4 **ATIONS**

5 **SEC. 1501. COST ASSESSMENT REPORT REGARDING ANY**
6 **UNITED STATES PARTICIPATION IN ACTION**
7 **UNDER ARTICLE 42 OF THE UNITED NATIONS**
8 **CHARTER.**

9 (a) *IN GENERAL.*—Except as provided in subsection
10 (b), at least 15 days before—

11 (1) *any obligation of funds for United States*
12 *participation in international peace operations, or*

13 (2) *any vote by the Security Council to take ac-*
14 *tion under Article 42 of the Charter of the United Na-*
15 *tions which would involve the use of United States*
16 *Armed Forces,*

17 *the President shall submit to the Committee on Foreign Re-*
18 *lations and the Committee on Appropriations of the Senate*
19 *and the Committee on Foreign Affairs and the Committee*
20 *on Appropriations of the House of Representatives a report*
21 *containing a cost assessment of the participation of the*
22 *United States Armed Forces in those operations.*

23 (b) *EXCEPTION.*—The period for submission of the re-
24 *port specified in subsection (a) shall not apply if the Presi-*

1 *dent determines that an emergency exists which prevents*
2 *submission of the report in a timely manner.*

3 (c) *DEFINITION.*—*For purposes of this section, the*
4 *term “United States participation in international peace*
5 *operations” means the use of the United States Armed*
6 *Forces—*

7 (1) *pursuant to, or consistent with, action taken*
8 *by the Security Council under Article 42 of the Char-*
9 *ter of the United Nations; or*

10 (2) *consistent with the United Nations Partici-*
11 *pation Act of 1945.*

12 **SEC. 1502. CONGRESSIONAL NOTIFICATION REGARDING**
13 **ANY UNITED STATES IMPLEMENTATION OF**
14 **ARTICLE 43 OF THE UNITED NATIONS CHAR-**
15 **TER.**

16 (a) *IN GENERAL.*—*Except as provided in subsection*
17 *(b), at least 15 days before any agency or entity of the Unit-*
18 *ed States Government makes available armed forces, assist-*
19 *ance, or facilities to the United Nations under Article 43*
20 *of the United Nations Charter, the President shall so notify*
21 *the Committee on Foreign Relations and the Committee on*
22 *Appropriations of the Senate and the Committee on Foreign*
23 *Affairs and the Committee on Appropriations of the House*
24 *of Representatives.*

1 (b) *EXCEPTION.*—The period for notifying Congress in
2 subsection (a) shall not apply if the President determines
3 that an emergency exists which prevents making a notifica-
4 tion in a timely manner.

5 (c) *DEFINITION.*—For purposes of this section, the
6 term “assistance” means assistance of any kind, including
7 the provision of logistical support and the grant of rights
8 of passage.

9 **SEC. 1503. REPORT ON UNITED NATIONS PEACEKEEPING**
10 **ACTIVITIES.**

11 Not later than 90 days after the date of enactment of
12 this Act, and each year thereafter at the time of the Presi-
13 dent’s budget submission to Congress, the Secretary of State,
14 after consultation with the heads of other relevant Federal
15 agencies (including the Department of Defense), shall sub-
16 mit to the Committee on Foreign Affairs of the House of
17 Representatives and the Committee on Foreign Relations of
18 the Senate a report on United States contributions to Unit-
19 ed Nations peacekeeping activities. Such report shall in-
20 clude—

21 (1) the overall cost of all peacekeeping operations
22 as of the date of the report;

23 (2) the costs of each peacekeeping operation;

1 (3) *the amount of United States contributions*
2 *(assessed and voluntary) on an operation-by-oper-*
3 *ation basis; and*

4 (4) *an assessment of the effectiveness of ongoing*
5 *peacekeeping operations, their relevance to United*
6 *States national interests, the efforts by the United Na-*
7 *tions to resolve the relevant armed conflicts, and the*
8 *projected termination dates for such operations.*

9 **SEC. 1504. UNITED STATES PARTICIPATION IN UNITED NA-**
10 **TIONS PEACEKEEPING OPERATIONS.**

11 (a) *FINDINGS.*—*The Congress finds that—*

12 (1) *the President of the United States has as-*
13 *serted that reform of United Nations peacekeeping op-*
14 *erations is to be of the highest national priority in*
15 *furtherance of United States national security objec-*
16 *tives;*

17 (2) *at the direction of the President of the United*
18 *States the National Security Council is coordinating*
19 *a comprehensive review of United States policy to-*
20 *wards United Nations peacekeeping operations on*
21 *which the Congress of the United States is to be con-*
22 *sulted;*

23 (3) *in cooperation with the Congress of the Unit-*
24 *ed States, the purpose of the National Security Coun-*
25 *cil review is to reform policies and programs govern-*

1 *ing United States participation in United Nations*
2 *operations;*

3 *(4) in conjunction with the President's review,*
4 *the Majority Leader of the United States Senate has*
5 *requested the Committee on Foreign Relations, the*
6 *Committee on Armed Services, and the Senate Select*
7 *Committee on Intelligence to examine thoroughly the*
8 *proper role of United States troops in the post-Cold*
9 *War world and the implications for United States*
10 *foreign policy with the intent of enacting legislation,*
11 *in cooperation with the President, regarding United*
12 *States policy toward post-Cold War conflicts, United*
13 *States involvement in peacekeeping operations, and of*
14 *establishing a process to ensure proper accommoda-*
15 *tions of legislative and executive branch prerogatives*
16 *in addressing such issues;*

17 *(5) such a process will embody sound constitu-*
18 *tional principles and reflect the appropriate roles of*
19 *the President and the Congress relating to the use of*
20 *United States Armed Forces both in unilateral and*
21 *multilateral operations in order for such operations to*
22 *enjoy the support of both the executive and legislative*
23 *branches and the American people; and*

1 (6) *the concerned committees of jurisdiction have*
2 *initiated a process of examination of the appropriate*
3 *use of United States Forces.*

4 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
5 *that—*

6 (1) *the primacy of United States national secu-*
7 *urity interests with respect to United States participa-*
8 *tion in and support for United Nations peacekeeping*
9 *activities must be maintained;*

10 (2) *congressional oversight of United Nations*
11 *peacekeeping activities and other United Nations ac-*
12 *tivities must be strengthened;*

13 (3) *coordination between the executive and legis-*
14 *lative branches of Government regarding United*
15 *States participation in and support for United Na-*
16 *tions peacekeeping operations must be improved and*
17 *communication between the two branches prompt;*

18 (4) *the Congress should be notified in advance of*
19 *the intent to approve United Nations peacekeeping*
20 *operations;*

21 (5) *for United Nations peacekeeping operations*
22 *that would involve the participation of United States*
23 *combat forces, such notification should include de-*
24 *tailed information concerning command and control*

1 *arrangements for such forces, their military mission*
2 *and objectives, and their rules of engagement; and*

3 *(6) United States contributions to United Na-*
4 *tions peacekeeping activities must be fair and equi-*
5 *table.*

Attest:

Secretary.

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HR 2333 EAS—3
HR 2333 EAS—4
HR 2333 EAS—5
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