

104TH CONGRESS
1ST SESSION

H. R. 1564

To authorize appropriations for the Department of State and for certain other international affairs functions and activities of the United States Government for fiscal years 1996 and 1997, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1995

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for the Department of State and for certain other international affairs functions and activities of the United States Government for fiscal years 1996 and 1997, and for other purposes.

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

1 **DIVISION B—FOREIGN**
2 **RELATIONS AUTHORIZATIONS**
3 **TITLE XX—GENERAL**
4 **PROVISIONS**

5 **SEC. 2001. SHORT TITLE.**

6 This division may be cited as the “Foreign Relations
7 Authorization Act, Fiscal Years 1996 and 1997”.

8 **SEC. 2002. TABLE OF CONTENTS.**

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Sec. 2003. Definitions.

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1 **SEC. 2003. DEFINITIONS.**

2 The following terms have the following meaning for
3 the purposes of this division:

4 (1) The term “AID” means the Agency for
5 International Development.

6 (2) The term “ACDA” means the United
7 States Arms Control and Disarmament Agency.

8 (3) The term “appropriate congressional com-
9 mittees” means the Committee on International Re-
10 lations of the House of Representatives and the
11 Committee of Foreign Relations of the Senate.

12 (4) The term “Department” means the Depart-
13 ment of State.

14 (5) The term “Federal agency” has the mean-
15 ing given to the term “agency” by section 551(1) of
16 title 5, United States Code.

1 (6) The term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program.

4 (7) The term “office” includes any office, ad-
5 ministration, agency, institute, unit, organizational
6 entity, or component thereof.

7 (8) The term “Secretary” means the Secretary
8 of State.

9 (9) The term “USIA” means the United States
10 Information Agency.

11 **TITLE XXI—AUTHORIZATION OF**
12 **APPROPRIATIONS FOR DE-**
13 **PARTMENT OF STATE AND**
14 **CERTAIN INTERNATIONAL AF-**
15 **FAIRS FUNCTIONS AND AC-**
16 **TIVITIES**

17 **CHAPTER 1—AUTHORIZATIONS OF**
18 **APPROPRIATIONS**

19 **SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—The fol-
21 lowing amounts are authorized to be appropriated for the
22 Department of State under “Administration of Foreign
23 Affairs” to carry out the authorities, functions, duties, and
24 responsibilities in the conduct of the foreign affairs of the

1 United States and for other purposes authorized by law,
2 including the diplomatic security program:

3 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

4 (A) AUTHORIZATION OF APPROPRIA-
5 TIONS.—For “Diplomatic and Consular Pro-
6 grams”, of the Department of State
7 \$1,728,797,000 for the fiscal year 1996 and
8 \$1,676,903,000 for the fiscal year 1997.

9 (B) LIMITATION.—Of the amounts author-
10 ized to be appropriated by subparagraph (A),
11 \$5,000,000 for fiscal year 1996 and \$5,000,000
12 for fiscal year 1997 are authorized to be appro-
13 priated only for the purpose of processing immi-
14 grant visas for persons who are outside their
15 countries of nationality, have asserted a fear of
16 returning to their countries of nationality and a
17 credible basis for such fear, and for whom im-
18 migrant visas are currently available.

19 (2) SALARIES AND EXPENSES.—

20 (A) AUTHORIZATION OF APPROPRIA-
21 TIONS.—For “Salaries and Expenses”, of the
22 Department of State \$366,276,000 for the fis-
23 cal year 1996 and \$355,287,000 for the fiscal
24 year 1997.

1 (B) LIMITATION.—Of the amounts author-
2 ized to be appropriated by subparagraph (A),
3 \$11,900,000 for fiscal year 1996 and
4 \$11,900,000 for fiscal year 1997 are authorized
5 to be appropriated only for salaries and ex-
6 penses of the Bureau of Refugee and Migration
7 Assistance.

8 (3) CAPITAL INVESTMENT FUND.—For “Cap-
9 ital Investment Fund”, of the Department of State
10 \$20,000,000 for the fiscal year 1996 and
11 \$20,000,000 for the fiscal year 1997.

12 (4) ACQUISITION AND MAINTENANCE OF BUILD-
13 INGS ABROAD.—For “Acquisition and Maintenance
14 of Buildings Abroad”, \$391,760,000 for the fiscal
15 year 1996 and \$391,760,000 for the fiscal year
16 1997.

17 (5) REPRESENTATION ALLOWANCES.—For
18 “Representation Allowances”, \$4,780,000 for the
19 fiscal year 1996 and \$4,780,000 for the fiscal year
20 1997.

21 (6) EMERGENCIES IN THE DIPLOMATIC AND
22 CONSULAR SERVICE.—For “Emergencies in the Dip-
23 lomatic and Consular Service”, \$6,000,000 for the
24 fiscal 1996 and \$6,000,000 for the fiscal year 1997.

1 (7) OFFICE OF THE INSPECTOR GENERAL.—
2 For “Office of the Inspector General”, \$23,469,000
3 for the fiscal year 1996 and \$23,469,000 for the fis-
4 cal year 1997.

5 (8) PAYMENT TO THE AMERICAN INSTITUTE IN
6 TAIWAN.—For “Payment to the American Institute
7 in Taiwan”, \$15,165,000 for the fiscal year 1996
8 and \$14,710,000 for the fiscal year 1997.

9 (9) PROTECTION OF FOREIGN MISSIONS AND
10 OFFICIALS.—For “Protection of Foreign Missions
11 and Officials”, \$9,579,000 for the fiscal year 1996
12 and \$9,579,000 for the fiscal year 1997.

13 (10) REPATRIATION LOANS.—For “Repatri-
14 ation Loans”, \$776,000 for the fiscal year 1996 and
15 \$776,000 for the fiscal year 1997, for administrative
16 expenses.

17 **SEC. 2102. INTERNATIONAL ORGANIZATIONS, PROGRAMS,**
18 **AND CONFERENCES.**

19 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
20 ORGANIZATIONS.—There are authorized to be appro-
21 priated for “Contributions to International Organiza-
22 tions”, \$873,505,000 for the fiscal year 1996 and
23 \$867,050,000 for the fiscal year 1997 for the Department
24 of State to carry out the authorities, functions, duties, and
25 responsibilities in the conduct of the foreign affairs of the

1 United States with respect to international organizations
2 and to carry out other authorities in law consistent with
3 such purposes.

4 (b) VOLUNTARY CONTRIBUTIONS TO INTER-
5 NATIONAL ORGANIZATIONS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated for “Vol-
8 untary Contributions to International Organiza-
9 tions”, \$309,375,000 for the fiscal year 1996 and
10 \$302,902,000 for the fiscal year 1997.

11 (2) LIMITATIONS.—

12 (A) UNICEF.—

13 (i) Of the amounts authorized to be
14 appropriated under paragraph (1),
15 \$103,000,000 for fiscal year 1996 and
16 \$103,000,000 for fiscal year 1997 is au-
17 thORIZED to be appropriated only for the
18 United Nations Children’s Fund
19 (UNICEF).

20 (ii) For fiscal year 1996, not more
21 than 25 percent of the amount under
22 clause (i) may be made available to the
23 United Nations Children’s Fund
24 (UNICEF) until 30 days after the submis-

1 sion to Congress of the report required by
2 section 2524.

3 (B) INTERNATIONAL ATOMIC ENERGY
4 AGENCY.—Of the amounts authorized to be ap-
5 propriated under paragraph (1), for each of the
6 fiscal years 1996 and 1997 funds are author-
7 ized to be made available to the International
8 Atomic Energy Agency only if the Secretary of
9 State determines and reports to the appropriate
10 congressional committees that Israel is not
11 being denied its right to participate in the ac-
12 tivities of that agency.

13 (C) WAR CRIMES TRIBUNAL FOR THE
14 FORMER YUGOSLAVIA.—Of the amounts author-
15 ized to be appropriated under paragraph (1),
16 \$15,000,000 for fiscal year 1996 and
17 \$15,000,000 for fiscal year 1997 are authorized
18 to be appropriated only for the United Nations
19 Voluntary Fund for the United Nations Inter-
20 national Criminal Tribunal for the Former
21 Yugoslavia, located at The Hague.

22 (D) WORLD FOOD PROGRAM.—Of the
23 amounts authorized to be appropriated under
24 paragraph (1), \$5,000,000 for fiscal year 1996
25 and \$5,000,000 for fiscal year 1997 are author-

1 ized to be appropriated only for the World Food
2 Program.

3 (E) UNITED NATIONS VOLUNTARY FUND
4 FOR VICTIMS OF TORTURE.—Of the amounts
5 authorized to be appropriated under paragraph
6 (1) \$1,500,000 for fiscal year 1996 and
7 \$3,000,000 for fiscal year 1997 are authorized
8 to be appropriated only to the United Nations
9 Voluntary Fund for Victims of Torture.

10 (F) UNITED NATIONS POPULATION
11 FUND.—Of the amounts authorized to be ap-
12 propriated under paragraph (1) for each of the
13 fiscal years 1996 and 1997 not to exceed
14 \$13,000,000 shall be available for the United
15 Nations Population Fund.

16 (G) ORGANIZATION FOR AMERICAN
17 STATES.—Of the amounts authorized to be ap-
18 propriated under paragraph (1), \$15,000,000
19 for fiscal year 1996 and \$15,000,000 for fiscal
20 year 1997 are authorized to be appropriated
21 only for the Organization for American States.

22 (H) LIMITATION CONCERNING USE OF
23 FUNDS UNDER SECTION 307 OF THE FOREIGN
24 ASSISTANCE ACT OF 1961.—Notwithstanding
25 any other provision of law or of this Act, none

1 of the funds authorized to be appropriated
2 under paragraph (1) are authorized to be ap-
3 propriated for the United States proportionate
4 share, in accordance with section 307(c) of the
5 Foreign Assistance Act of 1961, for any pro-
6 grams identified in section 307, or for Libya,
7 Iran, or any Communist country listed in sec-
8 tion 620(f) of the Foreign Assistance Act of
9 1961.

10 (I) UNITED NATIONS DEVELOPMENT PRO-
11 GRAM.—

12 (i) TOTAL LIMITATION.—Of the
13 amounts authorized to be appropriated
14 under paragraph (1), for each of the fiscal
15 years 1996 and 1997 not to exceed
16 \$70,000,000 shall be available for the
17 United Nations Development Program.

18 (ii) BURMA.—

19 (I) Subject to subclauses (II) and
20 (III), for each of the fiscal years 1996
21 and 1997 none of the funds made
22 available for United Nations Develop-
23 ment Program (or United Nations
24 Development Program—Administered

1 Funds) shall be available for pro-
2 grams and activities in or for Burma.

3 (II) Of the amount made avail-
4 able for United Nations Development
5 Program (and United Nations Devel-
6 opment Program—Administered
7 Funds) for fiscal year 1996,
8 \$18,200,000 of such amount shall be
9 disbursed only if the President cer-
10 tifies to the Congress that the United
11 Nations Development Program has
12 terminated its activities in and for
13 Burma.

14 (III) Of the amount made avail-
15 able for United Nations Development
16 Program (and United Nations Devel-
17 opment Program—Administered
18 Funds) for fiscal year 1997,
19 \$25,480,000 shall be disbursed only if
20 the President certifies to the Congress
21 that the United Nations Development
22 Program has terminated its activities
23 in and for Burma.

24 (iii) DISPLACED PERSONS.—Of the
25 amounts authorized to be appropriated

1 under paragraph (1), \$20,000,000 for fis-
2 cal years 1996 and \$20,000,000 for fiscal
3 year 1997 are authorized to be appro-
4 priated only for the United Nations Devel-
5 opment Program to be made available only
6 for programs and services conducted in co-
7 operation with the International Organiza-
8 tion for Migration for persons who are dis-
9 placed within their countries of nationality.

10 (iv) UNITED NATIONS DEVELOPMENT
11 PROGRAM/WORLD HEALTH ORGANIZATION
12 SPECIAL PROGRAM FOR RESEARCH AND
13 TRAINING IN TROPICAL DISEASES.—Of the
14 amounts authorized to be appropriated
15 under paragraph (1), \$10,000,000 for fis-
16 cal year 1996 and \$10,000,000 for fiscal
17 year 1997 is authorized to be appropriated
18 only for the United Nations Development
19 Program, to be available only for the
20 United Nations Development Program/
21 World Health Organization Special Pro-
22 gram for Research and Training and Trop-
23 ical Diseases.

24 (J) WORLD HEALTH ORGANIZATION.—Of
25 the amounts authorized to be appropriated

1 under paragraph (1), \$20,000,000 for fiscal
2 year 1996 and \$20,000,000 for fiscal year 1997
3 is authorized to be appropriated only for the
4 World Health Organization to be available only
5 for the United Nations Development Program/
6 World Health Organization Special Program for
7 Research and Training in Tropical Diseases.

8 (c) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL
9 PEACEKEEPING ACTIVITIES.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated for “Con-
12 tributions for International Peacekeeping Activities”,
13 \$400,000,000 for the fiscal year 1996 and
14 \$300,000,000 for the fiscal year 1997 for the De-
15 partment of State to carry out the authorities, func-
16 tions, duties, and responsibilities in the conduct of
17 the foreign affairs of the United States with respect
18 to international peacekeeping activities and to carry
19 out other authorities in law consistent with such
20 purposes.

21 (2) LIMITATION.—None of the funds authorized
22 to be appropriated under paragraph (1) may be
23 made available for contributions to the United Na-
24 tions Protection Force unless the President deter-
25 mines and reports to the Congress during the cal-

1 endar year in which the funds are to be provided
2 that—

3 (A) the Government of Bosnia and
4 Herzegovina supports the continued presence of
5 the United Nations Protection Force within its
6 territory;

7 (B) the United Nations Protection Force is
8 effectively carrying out its mandate under Unit-
9 ed Nations Security Council resolutions 776
10 and 836, and is effectively encouraging compli-
11 ance with United Nations Security Council res-
12 olutions 752, 757, 770, 787, 820, and 824;

13 (C) the United Nations Protection Force is
14 providing full cooperation and support consist-
15 ent with its mandate to the efforts of the Unit-
16 ed Nations War Crimes Tribunal for the former
17 Yugoslavia to investigate war crimes and to ap-
18 prehend and prosecute suspected war criminals;

19 (D) the United Nations Protection Force
20 is providing full cooperation and support con-
21 sistent with its mandate to United States diplo-
22 matic, military, and relief personnel in Bosnia;
23 and

24 (E) the United Nations Protection Force
25 has investigated and taken appropriate action

1 against any United Nations Protection Force
2 personnel or units suspected of participating in
3 illegal or improper activities, such as black
4 marketeering, embezzlement, expropriation of
5 property, and assaults on civilians.

6 (d) PEACEKEEPING OPERATIONS.—There are au-
7 thorized to be appropriated for “Peacekeeping Oper-
8 ations”, \$50,360,000 for the fiscal year 1996 and
9 \$50,360,000 for the fiscal year 1997 for the Department
10 of State to carry out section 551 of Public Law 87–195.

11 (e) INTERNATIONAL CONFERENCES AND CONTIN-
12 GENCIES.—

13 (1) GENERAL PROVISION.—There are author-
14 ized to be appropriated for “International Con-
15 ferences and Contingencies”, \$3,000,000 for the fis-
16 cal year 1996 and \$6,000,000 for the fiscal year
17 1997 for the Department of State to carry out the
18 authorities, functions, duties, and responsibilities in
19 the conduct of the foreign affairs of the United
20 States with respect to international conferences and
21 contingencies and to carry out other authorities in
22 law consistent with such purposes.

23 (2) CONDITIONAL AUTHORITY.—

24 (A) Subject to subparagraph (B), in addi-
25 tion to such amounts as are authorized to be

1 appropriated under paragraph (1), there is au-
2 thorized to be appropriated for “International
3 Conferences and Contingencies”, \$3,000,000
4 for the fiscal year 1996 for the Department of
5 State to carry out the authorities, functions,
6 duties, and responsibilities in the conduct of the
7 foreign affairs of the United States with respect
8 to international conferences and contingencies
9 and to carry out other authorities in law con-
10 sistent with such purposes.

11 (B) The authorization of appropriations
12 under subparagraph (A) shall be take effect
13 only after the Secretary of State certifies to the
14 appropriate congressional committees that—

15 (i) no funds of the Department of
16 State were expended for travel by any
17 United States official or delegate to the
18 Fourth World Conference on Women, to be
19 held in Beijing, August and September
20 1995, or

21 (ii)(I) that the process of accrediting
22 nongovernmental organizations for the con-
23 ference was conducted fairly, according to
24 clear criteria, with full opportunity for sub-
25 stantive appeal of denials of accreditation;

1 (II) that no nongovernmental organi-
2 zation seeking accreditation to such a con-
3 ference was denied such accreditation by
4 the conference organizers on the basis of
5 that organization's actual or supposed po-
6 litical orientation, or its affiliation with a
7 particular ethnic or religious group;

8 (III) that accreditation was granted
9 to—

10 (A) at least one group represent-
11 ing the people of Taiwan, and

12 (B) at least one group represent-
13 ing the people of Tibet;

14 (IV) that all representatives of non-
15 governmental organizations whose names
16 were submitted to conference officials in a
17 timely fashion were granted visas by the
18 People's Republic of China; and

19 (V) that arrangements were made by
20 the People's Republic of China to provide
21 the accredited nongovernmental organiza-
22 tions with access to the main conference
23 site that is substantially equivalent in man-
24 ner and degree to access afforded at pre-
25 vious major United Nations conferences.

1 (f) FOREIGN CURRENCY EXCHANGE RATES.—In ad-
2 dition to amounts otherwise authorized to be appropriated
3 by subsections (a) and (b) of this section, there are au-
4 thorized to be appropriated such sums as may be nec-
5 essary for each of the fiscal years 1996 and 1997 to offset
6 adverse fluctuations in foreign currency exchange rates.
7 Amounts appropriated under this subsection shall be avail-
8 able for obligation and expenditure only to the extent that
9 the Director of the Office of Management and Budget de-
10 termines and certifies to Congress that such amounts are
11 necessary due to such fluctuations.

12 **SEC. 2103. INTERNATIONAL COMMISSIONS.**

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

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

23 (A) for “Salaries and Expenses”
24 \$13,858,000 for the fiscal year 1996 and
25 \$12,472,000 for the fiscal year 1997; and

1 (B) for “Construction” \$10,393,000 for
2 the fiscal year 1996 and \$9,353,000 for the fis-
3 cal year 1997.

4 (2) INTERNATIONAL BOUNDARY COMMISSION,
5 UNITED STATES AND CANADA.—For “International
6 Boundary Commission, United States and Canada”,
7 \$740,000 for the fiscal year 1996 and \$666,000 for
8 the fiscal year 1997.

9 (3) INTERNATIONAL JOINT COMMISSION.—For
10 “International Joint Commission”, \$3,500,000 for
11 the fiscal year 1996 and \$3,195,000 for the fiscal
12 year 1997.

13 (4) BORDER ENVIRONMENT COOPERATION COM-
14 MISSION.—For “Border Environment Cooperation
15 Commission”, \$2,000,000 for the fiscal year 1996
16 and \$1,800,000 for the fiscal year 1997.

17 (5) INTERNATIONAL FISHERIES COMMIS-
18 SIONS.—For “International Fisheries Commissions”,
19 \$14,669,000 for the fiscal year 1996 and
20 \$13,202,000 for the fiscal year 1997.

21 **SEC. 2104. MIGRATION AND REFUGEE ASSISTANCE.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) MIGRATION AND REFUGEE ASSISTANCE.—

24 (A) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appro-

1 appropriated for “Migration and Refugee Assistance”
2 for authorized activities, \$560,000,000 for the
3 fiscal year 1996 and \$590,000,000 for the fis-
4 cal year 1997.

5 (B) LIMITATION.—None of the funds au-
6 thorized to be appropriated by subparagraph
7 (A) are authorized to be appropriated for sala-
8 ries and administrative expenses of the Bureau
9 of Migration and Refugee Assistance.

10 (2) REFUGEES RESETTLING IN ISRAEL.—There
11 are authorized to be appropriated \$80,000,000 for
12 the fiscal year 1996 and \$80,000,000 for the fiscal
13 year 1997 for assistance for refugees resettling in
14 Israel from other countries.

15 (3) HUMANITARIAN ASSISTANCE FOR DIS-
16 PLACED BURMESE.—There are authorized to be ap-
17 propriated \$1,500,000 for the fiscal year 1996 and
18 \$1,500,000 for the fiscal year 1997 for humani-
19 tarian assistance, including but not limited to food,
20 medicine, clothing, and medical and vocational train-
21 ing to persons displaced as a result of civil conflict
22 in Burma, including persons still within Burma.

23 (4) RESETTLEMENT OF VIETNAMESE, LAO-
24 TIANS, AND CAMBODIANS.—There are authorized to

1 be appropriated \$30,000,000 for fiscal year 1996 for
2 the admission and resettlement of persons who—

3 (A) are or were nationals and residents of
4 Vietnam, Laos, or Cambodia;

5 (B) are within a category of aliens referred
6 to in section 599D(b)(2)(C) of the Foreign Op-
7 erations Export Financing and Related Pro-
8 grams Appropriation Act, 1990 (Public Law
9 101-167); and

10 (C) are or were at any time after January
11 1, 1989, residents of refugee camps in Hong
12 Kong, Thailand, Indonesia, Malaysia, or the
13 Phillipines.

14 (b) GENERAL LIMITATIONS.—None of the funds au-
15 thorized to be appropriated by subsection (a) are author-
16 ized to be available for any program or activity that pro-
17 vides for, promotes, or assists in the repatriation of any
18 person to Vietnam, Laos, or Cambodia, unless the Presi-
19 dent has certified that—

20 (1) all persons described in subsection (a)(4)
21 have been offered resettlement outside their coun-
22 tries of nationality;

23 (2) all nationals of Vietnam, Laos, or Cambodia
24 who were residents of refugee camps as of the date
25 of enactment of this Act who are not persons de-

1 scribed in subsection (a)(4) have, at any time after
2 such date, either had access to a process for the de-
3 termination of whether they are refugees, or been of-
4 fered resettlement outside their countries of nation-
5 ality; and

6 (3) the process referred to in paragraph (2) is
7 genuinely calculated to determine whether each ap-
8 plicant is a refugee, and that the procedures, stand-
9 ards, and personnel employed in such process ensure
10 that the risk of return to persecution is no greater
11 than in the process available under United States
12 law to persons physically present in the United
13 States.

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

17 **SEC. 2105. CERTAIN OTHER INTERNATIONAL AFFAIRS PRO-**
18 **GRAMS.**

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

1 (1) ASIA FOUNDATION.—For “Asia Founda-
2 tion”, \$10,000,000 for the fiscal year 1996 and
3 \$9,000,000 for the fiscal year 1997.

4 **SEC. 2106. UNITED STATES INFORMATIONAL, EDU-**
5 **CATIONAL, AND CULTURAL PROGRAMS.**

6 The following amounts are authorized to be appro-
7 priated to carry out international information activities
8 and educational and cultural exchange programs under
9 the United States Information and Educational Exchange
10 Act of 1948, the Mutual Educational and Cultural Ex-
11 change Act of 1961, Reorganization Plan Number 2 of
12 1977, the United States International Broadcasting Act
13 of 1994, the Radio Broadcasting to Cuba Act, the Tele-
14 vision Broadcasting to Cuba Act, the Board for Inter-
15 national Broadcasting Act, the Inspector General Act of
16 1978, the North/South Center Act of 1991, the National
17 Endowment for Democracy Act, and to carry out other
18 authorities in law consistent with such purposes:

19 (1) SALARIES AND EXPENSES.—For “Salaries
20 and Expenses”, \$450,645,000 for the fiscal year
21 1996 and \$428,080,000 for the fiscal year 1997.

22 (2) TECHNOLOGY FUND.—For “Technology
23 Fund” for the United States Information Agency,
24 \$5,050,000 for the fiscal year 1996 and \$5,050,000
25 for the fiscal year 1997.

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

3 (A) FULBRIGHT ACADEMIC EXCHANGE
4 PROGRAMS.—For the “Fulbright Academic Ex-
5 change Programs”, \$117,484,200 for the fiscal
6 year 1996 and \$113,680,800 for the fiscal year
7 1997.

8 (B) SOUTH PACIFIC EXCHANGES.—For the
9 “South Pacific Exchanges”, \$900,000 for the
10 fiscal year 1996 and \$900,000 for the fiscal
11 year 1997.

12 (C) EAST TIMORESE SCHOLARSHIPS.—For
13 the “East Timorese Scholarships”, \$800,000
14 for the fiscal year 1996 and \$800,000 for the
15 fiscal year 1997.

16 (D) CAMBODIAN SCHOLARSHIPS.—For the
17 “Cambodian Scholarships”, \$141,000 for the
18 fiscal year 1996 and \$141,000 for the fiscal
19 year 1997.

20 (E) TIBETAN EXCHANGES.—For the
21 “Educational and Cultural Exchanges with
22 Tibet” under section 236 of the Foreign Rela-
23 tions Authorization Act, Fiscal Years 1995 and
24 1996, \$500,000 for the fiscal year 1996 and
25 \$500,000 for the fiscal year 1997.

1 (F) OTHER PROGRAMS.—For “Hubert H.
2 Humphrey Fellowship Program”, “Edmund S.
3 Muskie Fellowship Program”, “International
4 Visitors Program”, “Mike Mansfield Fellowship
5 Program”, “Claude and Mildred Pepper Schol-
6 arship Program of the Washington Workshops
7 Foundation”, “Citizen Exchange Programs”,
8 “Congress-Bundestag Exchange Program”,
9 “Newly Independent States and Eastern Eu-
10 rope Training”, “Institute for Representative
11 Government”, and “Arts America”,
12 \$87,265,800 for the fiscal year 1996 and
13 \$87,341,400 for the fiscal year 1997.

14 (4) INTERNATIONAL BROADCASTING ACTIVI-
15 TIES.—

16 (A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—For “International Broadcasting Ac-
18 tivities”, \$321,191,000 for the fiscal year 1996,
19 and \$286,191,000 for the fiscal year 1997.

20 (B) LIMITATION.—Of the amounts author-
21 ized to be appropriated under subparagraph (A)
22 \$3,000,000 for fiscal year 1996 and \$3,000,000
23 for fiscal year 1997 are authorized to be appro-
24 priated only to carry out the Pilot Project for

1 Freedom Broadcasting to Asia authorized by
2 section 2443.

3 (5) RADIO CONSTRUCTION.—For “Radio Con-
4 struction”, \$75,164,000 for the fiscal year 1996,
5 and \$67,647,000 for the fiscal year 1997.

6 (6) RADIO FREE ASIA.—For “Radio Free
7 Asia”, \$10,000,000 for the fiscal year 1996 and
8 \$10,000,000 for the fiscal year 1997.

9 (7) BROADCASTING TO CUBA.—For “Broad-
10 casting to Cuba”, \$24,809,000 for the fiscal year
11 1996 and \$24,809,000 for the fiscal year 1997.

12 (8) OFFICE OF THE INSPECTOR GENERAL.—
13 For “Office of the Inspector General”, \$4,300,000
14 for the fiscal year 1996 and \$3,870,000 for the fis-
15 cal year 1997.

16 (9) CENTER FOR CULTURAL AND TECHNICAL
17 INTERCHANGE BETWEEN EAST AND WEST.—For
18 “Center for Cultural and Technical Interchange be-
19 tween East and West”, \$15,000,000 for the fiscal
20 year 1996 and \$10,000,000 for the fiscal year 1997.

21 (10) NATIONAL ENDOWMENT FOR DEMOC-
22 RACY—For “National Endowment for Democracy”,
23 \$34,000,000 for the fiscal year 1996 and
24 \$34,000,000 for the fiscal year 1997.

1 (11) CENTER FOR CULTURAL AND TECHNICAL
2 INTERCHANGE BETWEEN NORTH AND SOUTH.—For
3 “Center for Cultural and Technical Interchange be-
4 tween North and South” \$4,000,000 for the fiscal
5 year 1996 and \$3,000,000 for the fiscal year 1997.

6 **SEC. 2107. UNITED STATES ARMS CONTROL AND DISAR-**
7 **MAMENT.**

8 There are authorized to be appropriated to carry out
9 the purposes of the Arms Control and Disarmament Act—

10 (1) \$44,000,000 for the fiscal year 1996 and
11 \$40,500,000 for the fiscal year 1997; and

12 (2) such sums as may be necessary for each of
13 the fiscal years 1996 and 1997 for increases in sal-
14 ary, pay, retirement, other employee benefits author-
15 ized by law, and to offset adverse fluctuations in for-
16 eign currency exchange rates.

17 **CHAPTER 2—GENERAL LIMITATIONS**

18 **SEC. 2121. PROHIBITION ON FUNDING FOR ABORTION.**

19 Notwithstanding any other provision of law or of this
20 division, none of the funds authorized to be appropriated
21 by this division are authorized to be appropriated for any
22 organization or entity which provides, supports, assists, or
23 promotes abortion, except where necessary to save the life
24 of the mother or following rape or incest.

1 **SEC. 2122. PROHIBITION ON FUNDING FOR COERCIVE POP-**
2 **ULATION CONTROL METHODS.**

3 Notwithstanding any other provision of law or of this
4 division, none of the funds authorized to be appropriated
5 by this division are authorized to be appropriated for any
6 organization or entity which conducts, assists, or promotes
7 any program or activity related to population control or
8 family planning and assistance in the People's Republic
9 of China, until the President certifies to the appropriate
10 congressional committees that there have been no in-
11 stances of abortion performed as a result of coercion, du-
12 ress, or severe psychological pressure within the 12
13 months immediately preceding such certification.

14 **TITLE XXII—DEPARTMENT OF**
15 **STATE AUTHORITIES AND AC-**
16 **TIVITIES**

17 **CHAPTER 1—AUTHORITIES AND**
18 **ACTIVITIES**

19 **SEC. 2201. REVISION OF DEPARTMENT OF STATE REWARDS**
20 **PROGRAM.**

21 (a) IN GENERAL.—Section 36 of the State Depart-
22 ment Basic Authorities Act of 1956 (22 U.S.C. 2708) is
23 amended to read as follows:

1 **“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.**

2 “(a) ESTABLISHMENT.—(1) There is established a
3 program for the payment of rewards to carry out the pur-
4 poses of this section.

5 “(2) The rewards program established by this section
6 shall be administered by the Secretary of State, in con-
7 sultation, where appropriate, with the Attorney General.

8 “(b) PURPOSE.—(1) The rewards program estab-
9 lished by this section shall be designed to assist in the
10 prevention of acts of international terrorism, international
11 narcotics trafficking, and other related criminal acts.

12 “(2) The Secretary of State may pay a reward to any
13 individual who furnishes information leading to—

14 “(A) the arrest or conviction in any country of
15 any individual for the commission of an act of inter-
16 national terrorism against a United States person or
17 United States property;

18 “(B) the arrest or conviction in any country of
19 any individual conspiring or attempting to commit
20 an act of international terrorism against a United
21 States person or United States property;

22 “(C) the arrest or conviction in any country of
23 any individual for committing, primarily outside the
24 territorial jurisdiction of the United States, any nar-
25 cotics-related offense if that offense involves or is a
26 significant part of conduct that involves—

1 “(i) a violation of United States narcotics
2 laws and which is such that the individual
3 would be a major violator of such laws; or

4 “(ii) the killing or kidnapping of—

5 “(I) any officer, employee, or contract
6 employee of the United States Government
7 while such individual is engaged in official
8 duties, or on account of that individual’s
9 official duties, in connection with the en-
10 forcement of United States narcotics laws
11 or the implementing of United States nar-
12 cotics control objectives; or

13 “(II) a member of the immediate fam-
14 ily of any such individual on account of
15 that individual’s official duties, in connec-
16 tion with the enforcement of United States
17 narcotics laws or the implementing of
18 United States narcotics control objectives;
19 or

20 “(iii) an attempt or conspiracy to commit
21 any of the acts described in clause (i) or (ii);
22 or

23 “(D) the arrest or conviction in any country of
24 any individual aiding or abetting in the commission

1 of an act described in subparagraphs (A) through
2 (C); or

3 “(E) the prevention or frustration of an act de-
4 scribed in subparagraphs (A) through (C).

5 “(c) COORDINATION.—(1) To ensure that the pay-
6 ment of rewards pursuant to this section does not dupli-
7 cate or interfere with the payment of informants or the
8 purchase of evidence or information, as authorized to the
9 Department of Justice, the offering, administration, and
10 payment of rewards under this section, including proce-
11 dures for—

12 “(A) identifying individuals, organizations, and
13 offenses with respect to which rewards will be of-
14 fered;

15 “(B) the publication of rewards;

16 “(C) offering of joint rewards with foreign gov-
17 ernments;

18 “(D) the receipt and analysis of data; and

19 “(E) the payment and approval off payment,
20 shall be governed by procedures developed by the Sec-
21 retary of State, in consultation with the Attorney General.

22 “(2) Before making a reward under this section in
23 a matter over which there is Federal criminal jurisdiction,
24 the Secretary of State shall advise and consult with the
25 Attorney General.

1 “(d) FUNDING.—(1) There is authorized to be appro-
2 priated to the Department of State from time to time such
3 amounts as may be necessary to carry out the purposes
4 of this section, notwithstanding section 102 of the Foreign
5 Relations Authorization Act, Fiscal Years 1986 and 1987
6 (Public Law 99-93).

7 “(2) No amount of funds may be appropriated which,
8 when added to the amounts previously appropriated but
9 not yet obligated, would cause such amounts to exceed
10 \$15,000,000.

11 “(3) To the maximum extent practicable, funds made
12 available to carry out this section should be distributed
13 equally for the purpose of preventing acts of international
14 terrorism and for the purpose of preventing international
15 narcotics trafficking.

16 “(4) Amounts appropriated to carry out the purposes
17 of this section shall remain available until expended.

18 “(e) ADDITIONAL FUNDING.—(1) In extraordinary
19 circumstances and when it is important to the national
20 security of the United States, the Secretary of State may
21 use fees collected or processing machine readable non-
22 immigrant visas and machine readable combined border
23 crossing identification cards and nonimmigrant visas pro-
24 vided under (section 140 of the Foreign Relations Author-
25 ization Act, Fiscal Years 1994 and 1995, Public Law

1 103–236; 8 U.S.C. 1351 note) to carry out the purposes
2 of this section, subject to the limitation contained in sub-
3 section (d)(2).

4 “(2) The authority contained in paragraph (1) may
5 be used only if the Secretary notifies the appropriate con-
6 gressional committees 15 days in advance in accordance
7 with regular reprogramming procedures. Such notification
8 shall contain a detailed justification of the circumstances
9 necessitating the use of such fees for the purposes of this
10 section.

11 “(f) LIMITATION AND CERTIFICATION.—(1) A re-
12 ward under this section may not exceed \$2,000,000.

13 “(2) A reward under this section of more than
14 \$100,000 may not be made without the approval of the
15 President or the Secretary of State.

16 “(3) Any reward granted under this section shall be
17 approved and certified for payment by the Secretary of
18 State.

19 “(4) The authority of paragraph (2) may not be dele-
20 gated to any other officer or employee of the United States
21 Government.

22 “(5) If the Secretary determines that the identity of
23 the recipient of a reward or of the members of the recipi-
24 ent’s immediate family must be protected, the Secretary
25 may take such measures in connection with the payment

1 of the reward as he considers necessary to effect such pro-
2 tection.

3 “(g) INELIGIBILITY.—An officer or employee of any
4 governmental entity who, while in the performance of his
5 or her official duties, furnishes information described in
6 subsection (b) shall not be eligible for a reward under this
7 section.

8 “(h) REPORTS.—(1) Not later than 30 days after
9 paying any reward under this section, the Secretary of
10 State shall submit a report to the appropriate congres-
11 sional committees with respect to such reward. The report,
12 which may be submitted on a classified basis if necessary,
13 shall specify the amount of the reward paid, to whom the
14 reward was paid, and the acts with respect to which the
15 reward was paid. The report shall also discuss the signifi-
16 cance of the information for which the reward was paid
17 in dealing with those acts.

18 “(2) Not later than 60 days after the end of each
19 fiscal year, the Secretary of State shall submit an annual
20 report to the appropriate congressional committees with
21 respect to the operation of the rewards program author-
22 ized by this section. Such report shall provide information
23 on the total amounts expended during such fiscal year to
24 carry out the purposes of this section, including amounts
25 spent to publicize the availability of rewards. Such report

1 shall also include information on all requests for the pay-
2 ment of rewards under this section, including the reasons
3 for the denial of any such requests.

4 “(i) DEFINITIONS.—As used in this section—

5 “(1) the term ‘appropriate congressional com-
6 mittees’ means the Committee on International Re-
7 lations of the House of Representatives and the
8 Committee on Foreign Relations of the Senate;

9 “(2) the term ‘act of international terrorism’ in-
10 cludes, but is not limited to—

11 “(A) any act substantially contributing to
12 the acquisition of unsafeguarded special nuclear
13 material (as defined in section 830(8) of the
14 Nuclear Proliferation Prevention Act of 1994)
15 or any nuclear explosive device (as defined in
16 section 830(4) of that Act) by an individual,
17 group, or non-nuclear weapon state (as defined
18 in section 830(5) of that Act); and

19 “(B) any act, as determined by the Sec-
20 retary of State, which materially supports the
21 conduct of international terrorism, including the
22 counterfeiting of United States currency or the
23 illegal use of other monetary instruments by an
24 individual, group, or country supporting inter-
25 national terrorism as determined for purposes

1 of section 6(j) of the Export Administration Act
2 of 1979;

3 “(3) the term ‘United States narcotics laws’
4 means the laws of the United States for the preven-
5 tion and control of illicit traffic in controlled sub-
6 stances (as such term is defined for purposes of the
7 Controlled Substances Act); and

8 “(4) the term ‘member of the immediate family’
9 includes—

10 “(A) a spouse, parent, brother, sister, or
11 child of the individual;

12 “(B) a person to whom the individual
13 stands in loco parentis; and

14 “(C) any other person living in the individ-
15 ual’s household and related to the individual by
16 blood or marriage.”.

17 (b) SENSE OF CONGRESS.—It is the sense of the
18 Congress that the Secretary of State should pursue addi-
19 tional means of funding the program established by sec-
20 tion 36 of the State Department Basic Authorities Act
21 of 1956 (22 U.S.C. 2708), including the authority to seize
22 and dispose of assets used in the commission of any of-
23 fense under sections 1541 through 1544 and section 1546
24 of title 18, United States Code, and section 1028 of title
25 22, United States Code, and to retain the proceeds derived

1 from the disposition of such assets, or to participate in
2 asset sharing programs conducted by the Department of
3 Justice, to carry out the purposes of section 36 of that
4 Act.

5 **SEC. 2202. AUTHORITIES OF SECRETARY OF STATE.**

6 Section 203(4) of the State Department Basic Au-
7 thorities Act of 1956 (22 U.S.C. 4303(4)) is amended in
8 the third sentence by striking “should” both places it ap-
9 pears and inserting “shall”.

10 **SEC. 2203. BUYING POWER MAINTENANCE ACCOUNT.**

11 Section 24(b)(7) of the State Department Basic Au-
12 thorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended
13 by striking subparagraph (D).

14 **SEC. 2204. EXPENSES RELATING TO CERTAIN INTER-**
15 **NATIONAL CLAIMS AND PROCEEDINGS.**

16 (a) RECOVERY OF CERTAIN EXPENSES.—The De-
17 partment of State Appropriation Act, 1937 (49 Stat.
18 1321, 22 U.S.C. 2661, as amended by section 142(b) of
19 the Foreign Relations Authorization Act, Fiscal Years
20 1988 and 1989 (Public Law 100–204)) is amended in the
21 fifth undesignated paragraph under the heading entitled
22 “INTERNATIONAL FISHERIES COMMISSION” by striking
23 “extraordinary”.

24 (b) PROCUREMENT OF SERVICES.—Section 38(c) of
25 the State Department Basic Authorities Act of 1956 (22

1 U.S.C. 2710(c)) is amended in the first sentence by insert-
2 ing “personal and” before “other support services”.

3 **SEC. 2205. CONSOLIDATION OF UNITED STATES DIPLO-**
4 **MATIC MISSIONS AND CONSULAR POSTS.**

5 (a) CONSOLIDATION PLAN.—The Secretary of State
6 shall develop a worldwide plan for the consolidation, wher-
7 ever practicable, on a regional or areawide basis, of United
8 States missions and consular posts abroad.

9 (b) CONTENTS OF PLAN.—The plan shall—

10 (1) identify specific United States diplomatic
11 missions and consular posts for consolidation;

12 (2) identify those missions and posts at which
13 the resident ambassador would also be accredited to
14 other specified states in which the United States ei-
15 ther maintained no resident official presence or
16 maintained such a presence only at staff level; and

17 (3) provide an estimate of—

18 (A) the amount by which expenditures
19 would be reduced through the reduction in the
20 number of United States Government personnel
21 assigned abroad;

22 (B) the reduction in the costs of maintain-
23 ing United States properties abroad; and

24 (C) the amount of revenues generated to
25 the United States through the sale or other dis-

1 position of United States properties associated
2 with the posts to be consolidated abroad.

3 (c) TRANSMITTAL.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of
5 State shall transmit a copy of the plan to the appropriate
6 congressional committees.

7 **CHAPTER 2—CONSULAR AUTHORITIES OF**
8 **THE DEPARTMENT OF STATE**

9 **SEC. 2231. MEMBERSHIP IN A TERRORIST ORGANIZATION**
10 **AS A BASIS FOR EXCLUSION FROM THE**
11 **UNITED STATES UNDER THE IMMIGRATION**
12 **AND NATIONALITY ACT.**

13 Section 212(a)(3)(B) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

15 (1) at the end of clause (i)(I) by striking “or”;

16 (2) at the end of clause (i)(II) by adding “or”;

17 (3) by adding after clause (i)(II) the following:

18 “(III) is a member of an organi-
19 zation that engages in, or has engaged
20 in, terrorist activity or who actively
21 supports or advocates terrorist activ-
22 ity,”; and

23 (4) by adding after clause (iii) the following:

24 “(iv) TERRORIST ORGANIZATION DE-
25 FINED.—As used in this Act, the term ‘ter-

1 rorist organization’ means an organization
2 which commits terrorist activity as deter-
3 mined by the Attorney General, in con-
4 sultation with the Secretary of State.”.

5 **SEC. 2232. WAIVER AUTHORITY CONCERNING NOTICE OF**
6 **DENIAL OF APPLICATION FOR VISAS.**

7 Section 212(b) of the Immigration and Nationality
8 Act (8 U.S.C. 1182(b)) is amended—

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

11 (2) by striking “If” and inserting “(1) Subject
12 to paragraph (2), if”; and

13 (3) by inserting at the end the following para-
14 graph:

15 “(2) With respect to applications for visas, the Sec-
16 retary of State may waive the application of paragraph
17 (1) in the case of a particular alien or any class or classes
18 of excludable aliens under subsection (a)(2) or (a)(3).”.

19 **SEC. 2233. SURCHARGE FOR PROCESSING CERTAIN MA-**
20 **CHINE READABLE VISAS.**

21 Section 140(a) of the Foreign Relations Authoriza-
22 tion Act, Fiscal Years 1994 and 1995 (Public Law 103—
23 236) is amended—

24 (1) by striking paragraphs (2) and (3) and in-
25 serting the following:

1 “(2) For fiscal years 1996 and 1997, not more
2 than \$250,000,000 in fees collected under the au-
3 thority of paragraph (1) shall be deposited as an off-
4 setting collection to any Department of State appro-
5 priation to recover the costs of enhancements in the
6 efficiency and security of the process of visa issu-
7 ance. Such fees shall remain available for obligation
8 until expended.

9 “(3) For any fiscal year, fees collected under
10 the authority of paragraph (1) in excess of the
11 amount specified for such fiscal year under para-
12 graph (2) shall be deposited in the general fund of
13 the Treasury as miscellaneous receipts.”; and

14 (2) by striking paragraph (5).

15 **SEC. 2234. FINGERPRINT CHECK REQUIREMENT.**

16 Section 140 of the Foreign Relations Authorization
17 Act, Fiscal Years 1994 and 1995 (Public Law 103-236)
18 is amended by adding at the end the following:

19 “(e) FINGERPRINT CHECK REQUIREMENT.—If a visa
20 applicant is determined to have a criminal history record
21 under subsection (d)(1), has been physically present in the
22 United States, and is more than 16 years of age, the appli-
23 cant shall provide a fingerprint record for submission with
24 the application, at no cost to the Department of State.
25 The Department of State shall submit such fingerprint

1 record to the Federal Bureau of Investigation for analysis
2 to determine whether the applicant has been convicted of
3 a felony under State or Federal law in the United
4 States.”.

5 **SEC. 2235. USE OF CERTAIN PASSPORT PROCESSING FEES**
6 **FOR ENHANCED PASSPORT SERVICES.**

7 For each of the fiscal years 1996 and 1997, of the
8 fees collected for expedited passport processing and depos-
9 ited to an offsetting collection pursuant to the Department
10 of State and Related Agencies Appropriations Act for Fis-
11 cal Year 1995 (Public Law 103-317; 22 U.S.C. 214), 10
12 percent shall be available only for enhancing passport
13 services for United States citizens, improving the integrity
14 and efficiency of the passport issuance process, improving
15 the secure nature of the United States passport, inves-
16 tigating passport fraud, and deterring entry into the
17 United States by terrorists, drug traffickers, or other
18 criminals.

19 **SEC. 2236. CONSULAR OFFICERS.**

20 (a) PERSONS AUTHORIZED TO ISSUE REPORTS OF
21 BIRTH ABROAD.—Section 33 of the State Department
22 Basic Authorities Act of 1956 (22 U.S.C. 2705) is amend-
23 ed in paragraph (2) by inserting “(or any United States
24 citizen employee of the Department of State designated
25 by the Secretary of State to adjudicate nationality abroad

1 pursuant to such regulations as the Secretary may pre-
2 scribe)” after “consular officer”.

3 (b) PROVISIONS APPLICABLE TO CONSULAR OFFI-
4 CERS.—Section 31 of the Act of August 18, 1856 (Rev.
5 Stat. 1689, 22 U.S.C. 4191), is amended by inserting
6 “and to such other United States citizen employees of the
7 Department of State as may be designated by the Sec-
8 retary of State pursuant to such regulations as the Sec-
9 retary may prescribe” after “such officers”.

10 (c) PERSONS AUTHORIZED TO AUTHENTICATE FOR-
11 EIGN DOCUMENTS.—Section 3492(c) of title 18 of the
12 United States Code is amended by adding at the end the
13 following: “For purposes of this section and sections
14 3493–3496 of this title, a consular officer shall include
15 any United States citizen employee of the Department of
16 State designated to perform notarial functions pursuant
17 to section 24 of the Act of August 18, 1856 (Rev. Stat.
18 1750, 22 U.S.C. 4221).”.

19 (d) PERSONS AUTHORIZED TO ADMINISTER
20 OATHS.—Section 115 of title 35 of the United States
21 Code is amended by adding at the end the following: “For
22 purposes of this section, a consular officer shall include
23 any United States citizen employee of the Department of
24 State designated to perform notarial functions pursuant

1 to section 24 of the Act of August 18, 1856 (Rev. Stat.
2 1750, 22 U.S.C. 4221).”.

3 (e) DEFINITION OF CONSULAR OFFICER.—Section
4 101(c) of the Immigration and Nationality Act (8 U.S.C.
5 1101(c)) is amended by adding at the end the following
6 new paragraph:

7 “(3) The term ‘consular officer’ includes any
8 United States citizen employee of the Department of
9 State designated by the Secretary of State to adju-
10 dicate nationality abroad pursuant to such regula-
11 tions as the Secretary may prescribe.”.

12 **SEC. 2237. EXCLUSION FROM THE UNITED STATES OF**
13 **ALIENS WHO HAVE CONFISCATED PROPERTY**
14 **CLAIMED BY UNITED STATES PERSONS.**

15 (a) ADDITIONAL GROUNDS FOR EXCLUSION.—Sec-
16 tion 212(a)(9) of the Immigration and Nationality Act (8
17 U.S.C. 1182(a)(9)) is amended by adding at the end the
18 following:

19 “(D) ALIENS WHO HAVE CONFISCATED
20 AMERICAN PROPERTY ABROAD AND RELATED
21 PERSONS.—Any alien who—

22 “(i) has confiscated, or has directed
23 or overseen the confiscation of, property
24 the claim to which is owned by a United
25 States person, or converts or has converted

1 for personal gain confiscated property, the
2 claim to which is owned by a United States
3 person;

4 “(ii) traffics in confiscated property,
5 the claim to which is owned by a United
6 States person;

7 “(iii) is a corporate officer, principal,
8 or controlling shareholder of an entity
9 which the Secretary of State determines or
10 is informed by competent authority has
11 been involved in the confiscation, traffick-
12 ing in, or subsequent unauthorized use or
13 benefit from confiscated property, the
14 claim to which is owned by a United States
15 person, or

16 “(iv) is a spouse or dependent of a
17 person described in subclause (I),
18 is excludable.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply to individuals seeking to enter
21 the United States on or after the date of enactment of
22 this Act.

1 **CHAPTER 3—REFUGEES AND MIGRATION**

2 **SEC. 2251. UNITED STATES EMERGENCY REFUGEE AND MI-**
3 **GRATION ASSISTANCE FUND.**

4 (a) LIMITATION ON TRANSFERS FROM EMERGENCY
5 FUND.—Section 2(c) of the Migration and Refugee Assist-
6 ance Act of 1962 (22 U.S.C. 2601(c)) is amended by add-
7 ing after paragraph (3) the following:

8 “(4) Notwithstanding any other provision of this Act,
9 the President shall notify the appropriate congressional
10 committees not less than 15 days before transferring or
11 otherwise making available amounts from the United
12 States Emergency Refugee and Migration Assistance
13 Fund under paragraph (1).”.

14 (b) NOTIFICATION OF EXPENDITURES FROM
15 FUND.—Section 2(d) of the Migration and Refugee As-
16 sistance Act of 1962 (22 U.S.C. 2601(c)) is amended to
17 read as follows:

18 “(d)(1) Except as provided in paragraph (2), and
19 notwithstanding any other provision of this Act, the Presi-
20 dent shall notify the appropriate congressional committees
21 at least 15 days in advance of the obligation or expendi-
22 ture of sums from the United States Emergency Refugee
23 and Migration Assistance Fund under subsection (c).

24 “(2) Notwithstanding the notification requirement of
25 paragraph (1), the President may obligate and expend

1 sums from the United States Emergency Refugee and Mi-
2 gration Assistance Fund if the President determines, and
3 promptly certifies to the appropriate congressional com-
4 mittees, that unforeseen emergency circumstances require
5 the immediate obligation of sums from such fund. Any
6 such certification shall fully inform such committees of the
7 amount and use of such sums from the Fund.

8 “(3) For purposes of this section, the term ‘appro-
9 priate congressional committees’ means the Committee on
10 International Relations and the Committee on Appropria-
11 tions of the House of Representatives and the Committee
12 on Foreign Relations and the Committee on Appropria-
13 tions of the Senate.”.

14 **SEC. 2252. PERSECUTION FOR RESISTANCE TO COERCIVE**
15 **POPULATION CONTROL METHODS.**

16 Section 101(a)(42) of the Immigration and National-
17 ity Act (8 U.S.C. 1101(a)(42)) is amended by adding at
18 the end the following: “For purposes of determinations
19 under this Act, a person who has been forced to abort
20 a pregnancy or to undergo involuntary sterilization, or
21 who has been persecuted for failure or refusal to undergo
22 such a procedure or for other resistance to a coercive pop-
23 ulation control program, shall be deemed to have been per-
24 secuted on account of political opinion, and a person who
25 has a well founded fear that he or she will be forced to

1 undergo such a procedure or subjected to persecution for
2 such failure, refusal, or resistance shall be deemed to have
3 a well founded fear of persecution on account of political
4 opinion.”.

5 **SEC. 2253. REPORT TO CONGRESS CONCERNING CUBAN**
6 **EMIGRATION POLICIES.**

7 Beginning 3 months after the date of the enactment
8 of this Act and every subsequent 6 months, the President
9 shall transmit a report to the appropriate congressional
10 committees concerning the methods employed by the Gov-
11 ernment of Cuba to enforce the United States—Cuba Im-
12 migration Agreement of September 1994 to restrict the
13 emigration of the Cuban people from Cuba to the United
14 States. Each report transmitted pursuant to this section
15 shall include a detailed account of United States efforts
16 to monitor such enforcement.

17 **SEC. 2254. UNITED STATES POLICY REGARDING THE INVOL-**
18 **UNTARY RETURN OF REFUGEES.**

19 (a) IN GENERAL.—The United States shall not invol-
20 untarily return any person to a country in which the per-
21 son has a well founded fear of persecution, or promote
22 or assist such involuntary return.

23 (b) INVOLUNTARILY RETURN DEFINED—As used in
24 this section, the term “involuntarily return” means to take
25 action by which it is reasonably foreseeable that a person

1 will be required to return to a country against the person's
2 will, regardless of whether such return is induced by phys-
3 ical force and regardless of whether the person is phys-
4 ically present in the United States.”.

5 **SEC. 2255. CONSULTATION WITH CONGRESS REGARDING**
6 **THE ANNUAL ADMISSION OF REFUGEES.**

7 The first sentence of section 207(d)(1) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1157(d)(1)) is
9 amended to read as follows: “Not later than 6 months be-
10 fore the start of each fiscal year, the President shall report
11 to the Committee on the Judiciary and the Committee on
12 International Relations of the House of Representatives
13 and the Committee on the Judiciary and the Committee
14 on Foreign Relations of the Senate regarding the foresee-
15 able number of refugees who will be in need of resettle-
16 ment during the fiscal year and the anticipated allocation
17 of refugee admissions during the fiscal year.”.

18 **SEC. 2256. EXTENSION OF CERTAIN ADJUDICATION PROVI-**
19 **SIONS.**

20 The Foreign Operations, Export Financing, and Re-
21 lated Programs Appropriations Act, 1990 (Public Law
22 101-167) is amended—

23 (1) in section 599D (8 U.S.C. 1157 note)—

24 (A) in subsection (b)(3), by striking “and

25 1996” and inserting “1996, and 1997”; and

1 (B) in subsection (e), by striking out “Oc-
2 tober 1, 1996” each place it appears and insert-
3 ing “October 1, 1997”; and

4 (2) in section 599E (8 U.S.C. 1255 note) in
5 subsection (b)(2), by striking out “September 30,
6 1996” and inserting “September 30, 1997”.

7 **TITLE XXIII—ORGANIZATION OF**
8 **THE DEPARTMENT OF STATE;**
9 **DEPARTMENT OF STATE PER-**
10 **SONNEL; THE FOREIGN SERV-**
11 **ICE**

12 **CHAPTER 1—ORGANIZATION OF THE**
13 **DEPARTMENT OF STATE**

14 **SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.**

15 (a) ESTABLISHMENT.—Section 1(e) of the State De-
16 partment Basic Authorities Act of 1956 (22 U.S.C.
17 2651a(e)) is amended—

18 (1) by striking “In” and inserting the following:

19 “(1) In”; and

20 (2) by inserting at the end the following:

21 “(2) COORDINATOR FOR COUNTER-
22 TERRORISM.—

23 “(A) There shall be within the office of the
24 Secretary of State a Coordinator for
25 Counterterrorism (hereafter in this paragraph

1 referred to as the ‘Coordinator’) who shall be
2 appointed by the President, by and with the ad-
3 vice and consent of the Senate.

4 “(B)(i) The Coordinator shall perform
5 such duties and exercise such power as the Sec-
6 retary of State shall prescribe.

7 “(ii) The principal duty of the Coordinator
8 shall be the overall supervision (including policy
9 oversight of resources) of international
10 counterterrorism activities. The Coordinator
11 shall be the principal advisor to the Secretary
12 of State on international counterterrorism mat-
13 ters. The Coordinator shall be the principal
14 counterterrorism official within the senior man-
15 agement of the Department of State and shall
16 report directly to the Secretary of State.

17 “(C) The Coordinator shall have the rank and
18 status of Ambassador-at-Large. The Coordinator
19 shall be compensated at the annual rate of basic pay
20 in effect for a position at level IV of the Executive
21 Schedule under section 5314 of title 5, United
22 States Code, or, if the Coordinator is appointed from
23 the Foreign Service, the annual rate of pay which
24 the individual last received under the Foreign Serv-
25 ice Schedule, whichever is greater.

1 “(D) For purposes of diplomatic protocol
2 among officers of the Department of State, the Co-
3 ordinator shall take precedence after the Secretary
4 of State, the Deputy Secretary of State, and the
5 Under Secretaries of State and shall take precedence
6 among the Assistant Secretaries of State in the
7 order prescribed by the Secretary of State.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
9 Section 161 of the Foreign Relations Authorization Act,
10 Fiscal Years 1994 and 1995 (Public Law 103–236) is
11 amended by striking subsection (e).

12 (c) TRANSITION PROVISION.—The President may ap-
13 point the individual serving as Coordinator for
14 Counterterrorism of the Department of State on the day
15 before the effective date of this division, or such other offi-
16 cial of the Department of State appointed by and with
17 the advice and consent of the Senate as the President con-
18 siders appropriate to serve as the acting Coordinator for
19 Counterterrorism until an individual is appointed to that
20 office in accordance with section 1(e) of the State Depart-
21 ment Basic Authorities Act of 1956 as amended by this
22 Act.

23 **SEC. 2302. SPECIAL ENVOY FOR TIBET.**

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

1 (1) The Government of the People's Republic of
2 China withholds meaningful participation in the gov-
3 ernance of Tibet from Tibetans and has failed to
4 abide by its own constitutional guarantee of auton-
5 omy for Tibetans.

6 (2) The Government of the People's Republic of
7 China is responsible for the destruction of much of
8 Tibet's cultural and religious heritage since 1959
9 and continues to threaten the survival of Tibetan
10 culture and religion.

11 (3) The Government of the People's Republic of
12 China, through direct and indirect incentives, has es-
13 tablished discriminatory development programs
14 which have resulted in an overwhelming flow of Chi-
15 nese immigrants into Tibet, including those areas in-
16 corporated into the Chinese provinces of Sichuan,
17 Yunnan, Gansu, and Qinghai in recent years, and
18 have excluded Tibetans from participation in impor-
19 tant policy decisions, further threatening traditional
20 Tibetan life.

21 (4) The Government of the People's Republic of
22 China denies Tibetans their fundamental human
23 rights, as reported in the Department of State's
24 Country Reports on Human Rights Practices for
25 1995.

1 (5) The President and the Congress have deter-
2 mined that the promotion of human rights in Tibet
3 and the protection of Tibet’s religion and culture are
4 important elements in United States-China relations
5 and have urged senior members of the Government
6 of the People’s Republic of China to enter into sub-
7 stantive negotiations on these matters with the Dalai
8 Lama or his representative.

9 (6) The Dalai Lama has repeatedly stated his
10 willingness to begin substantive negotiations without
11 preconditions.

12 (7) The Government of the People’s Republic of
13 China has failed to respond in a good faith manner
14 by reciprocating a willingness to begin negotiations
15 without preconditions, and no substantive negotia-
16 tions have begun.

17 (b) UNITED STATES SPECIAL ENVOY FOR TIBET.—
18 Section 1(e) of the State Department Basic Authorities
19 Act (U.S.C. 2651a(e)) is amended by adding after para-
20 graph (2) the following new paragraph:

21 “(3) UNITED STATES SPECIAL ENVOY FOR
22 TIBET.—

23 “(A) There shall be within the Department
24 of State a United States Special Envoy for
25 Tibet, who shall be appointed by the President,

1 by and with the advice and consent of the Sen-
2 ate. The United States Special Envoy for Tibet
3 shall hold office at the pleasure of the Presi-
4 dent.

5 “(B) The United States Special Envoy for
6 Tibet shall have the personal rank of ambas-
7 sador.

8 “(C) The United States Special Envoy for
9 Tibet is authorized and encouraged—

10 “(i) to promote substantive negotia-
11 tions between the Dalai Lama or his rep-
12 resentatives and senior members of the
13 Government of the People’s Republic of
14 China;

15 “(ii) to promote good relations be-
16 tween the Dalai Lama and his representa-
17 tives and the United States Government,
18 including meeting with members or rep-
19 resentatives of the Tibetan government-in-
20 exile; and

21 “(iii) to travel regularly throughout
22 Tibet and Tibetan refugee settlements.

23 “(D) The United States Special Envoy for
24 Tibet shall—

1 “(i) consult with the Congress on poli-
2 cies relevant to Tibet and the future and
3 welfare of all Tibetan people;

4 “(ii) coordinate United States Govern-
5 ment policies, programs, and projects con-
6 cerning Tibet; and

7 “(iii) report to the Secretary of State
8 regarding the matters described in section
9 536(a)(2) of the Foreign Relations Author-
10 ization Act, Fiscal Years 1994 and 1995
11 (Public Law 103–236).”.

12 **SEC. 2303. ESTABLISHMENT OF COORDINATOR FOR HUMAN**
13 **RIGHTS AND REFUGEES AND BUREAU OF**
14 **REFUGEE AND MIGRATION ASSISTANCE.**

15 (a) ESTABLISHMENT OF COORDINATOR FOR HUMAN
16 RIGHTS AND REFUGEES.—

17 Section 1(e) of the State Department Basic Authori-
18 ties Act (22 U.S.C. 2651a(e)) is amended by adding after
19 paragraph (3) the following new paragraph:

20 “(4) COORDINATOR FOR HUMAN RIGHTS AND
21 REFUGEES.—

22 “(A) There shall be within the office of the
23 Secretary of State a Coordinator for Human
24 Rights and Refugees (hereafter in this para-
25 graph referred to as the ‘Coordinator’) who

1 shall be appointed by the President, by and
2 with the advice and consent of the Senate. The
3 Coordinator shall report directly to the Sec-
4 retary of State.

5 “(B) The Coordinator shall be responsible
6 for matters pertaining to human rights, refu-
7 gees, and humanitarian affairs (including mat-
8 ters relating to prisoners of war and members
9 of the United States Armed Forces missing in
10 action) in the conduct of foreign policy. The Co-
11 ordinator shall head the Bureau of Refugee and
12 Migration Assistance and the Bureau of De-
13 mocracy, Human Rights, and Labor.

14 “(C) The Coordinator shall have the rank
15 and status of Ambassador-at-Large. The Coor-
16 dinator shall be compensated at the annual rate
17 of basic pay in effect for a position at level IV
18 of the Executive Schedule under section 5314
19 of title 5, United States Code, or, if the Coordi-
20 nator is appointed from the Foreign Service,
21 the annual rate of pay which the individual last
22 received under the Foreign Service Schedule,
23 whichever is greater.

24 “(D) For purposes of diplomatic protocol
25 among officers of the Department of State, the

1 Coordinator shall take precedence after the Sec-
2 retary of State, the Deputy Secretary of State,
3 and the Under Secretaries of State and shall
4 take precedence among the Assistant Secretar-
5 ies of State in the order prescribed by the Sec-
6 retary of State.”.

7 (b) TERMINATION OF ASSISTANT SECRETARY OF
8 STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—

9 (1) IN GENERAL.—Section 1(c) of the State
10 Department Basic Authorities Act of 1956 (22
11 U.S.C. 2651a(c)) is amended by striking paragraph
12 (2).

13 (2) CONFORMING AMENDMENTS.—The Foreign
14 Assistance Act of 1961 is amended—

15 (A) in section 116(c) (22 U.S.C. 2151n),
16 by striking “Assistant Secretary of State for
17 Democracy, Human Rights, and Labor” and in-
18 serting “Secretary”;

19 (B) in sections 502B and 505(g)(4)(A) by
20 striking “, prepared with the assistance of the
21 Assistant Secretary of State for Democracy,
22 Human Rights, and Labor,”; and

23 (C) in section 573(c) by striking “Assist-
24 ant Secretary of State for Democracy, Human

1 Rights, and Labor” and inserting “Secretary of
2 State”.

3 (c) ESTABLISHMENT OF BUREAU OF REFUGEE AND
4 MIGRATION ASSISTANCE.—Section 1 of the State Depart-
5 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
6 is amended by adding after subsection (e) the following
7 new subsection:

8 “(f) ESTABLISHMENT OF CERTAIN BUREAUS, OF-
9 FICES, AND OTHER ORGANIZATIONAL ENTITIES WITHIN
10 THE DEPARTMENT OF STATE.—

11 “(1) BUREAU OF REFUGEE AND MIGRATION AS-
12 SISTANCE.—There is established within the Depart-
13 ment of State the Bureau of Refugee and Migration
14 Assistance which shall assist the Secretary of State
15 in carrying out the Migration and Refugee Assist-
16 ance Act of 1962. The Bureau shall be headed by
17 the Coordinator for Human Rights and Refugees.”.

18 **SEC. 2304. ELIMINATION OF STATUTORY ESTABLISHMENT**
19 **OF CERTAIN POSITIONS OF THE DEPART-**
20 **MENT OF STATE.**

21 (a) ASSISTANT SECRETARY OF STATE FOR SOUTH
22 ASIAN AFFAIRS.—Section 122 of the Foreign Relations
23 Authorization Act, Fiscal Years 1992 and 1993 (22
24 U.S.C. 2652b) is repealed.

1 (b) DEPUTY ASSISTANT SECRETARY OF STATE FOR
2 BURDENSARING.—Section 161 of the Foreign Relations
3 Authorization Act, Fiscal Years 1994 and 1995 (22
4 U.S.C. 2651a note) is amended by striking subsection (f).

5 (c) ASSISTANT SECRETARY FOR OCEANS AND
6 INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AF-
7 FAIRS.—Section 9 of the Department of State Appropria-
8 tions Authorization Act of 1973 (22 U.S.C. 2655a) is re-
9 pealed.

10 **SEC. 2305. ESTABLISHMENT OF ASSISTANT SECRETARY OF**
11 **STATE FOR HUMAN RESOURCES.**

12 Section 1(c) of the State Department Basic Authori-
13 ties Act of 1956 (22 U.S.C. 2651a(c)) is amended by add-
14 ing after paragraph (1) the following new paragraph:

15 “(2) ASSISTANT SECRETARY FOR HUMAN RE-
16 SOURCES.—There shall be in the Department of
17 State an Assistant Secretary for Human Resources
18 who shall be responsible to the Secretary of State
19 for matters relating to human resources including
20 the implementation of personnel policies and pro-
21 grams within the Department of State and inter-
22 national affairs functions and activities carried out
23 through the Department of State. The Assistant
24 Secretary shall have substantial professional quali-

1 (3) for the Agency for International Develop-
2 ment, not to exceed 1,800, of whom not more than
3 240 shall be members of the Senior Foreign Service.

4 (b) END FISCAL YEAR 1997 LEVELS.—The number
5 of members of the Foreign Service authorized to be em-
6 ployed as of September 30, 1997—

7 (1) for the Department of State, shall not ex-
8 ceed 8,800, of whom not more than 680 shall be
9 members of the Senior Foreign Service;

10 (2) for the United States Information Agency,
11 not to exceed 1,100 of whom not more than 160
12 shall be members of the Senior Foreign Service; and

13 (3) for the Agency for International Develop-
14 ment, not to exceed 1,775 of whom not more than
15 230 shall be members of the Senior Foreign Service.

16 (c) DEFINITION.—For the purposes of this section,
17 the term “members of the Foreign Service” is used within
18 the meaning of such term under section 103 of the For-
19 eign Service Act of 1980 (22 U.S.C 3903), except that
20 such term does not include—

21 (1) members of the Service under paragraphs
22 (6) and (7) of such section;

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

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

3 (4) members of the Service subject to involun-
4 tary separation in cases in which such separation
5 has been suspended pursuant to section 1106(8) of
6 the Foreign Service Act of 1980; and

7 (5) members of the Service serving under non-
8 career limited appointments.

9 (d) WAIVER AUTHORITY.—(1) Subject to paragraph
10 (2), the Secretary of State, the Director of the United
11 States Information Agency, and the Director of the Agen-
12 cy for International Development may waive any limita-
13 tion under subsection (a) or (b) which applies to the De-
14 partment of State, the United States Information Agency,
15 or the Agency for International Development as the case
16 may be, to the extent that such waiver is necessary to
17 carry on the foreign affairs functions of the United States.

18 (2) Not less than 15 days before any agency head
19 implements a waiver under paragraph (1), such agency
20 head shall notify the Chairman of the Committee on For-
21 eign Relations of the Senate and the Chairman of the
22 Committee on International Relations of the House of
23 Representatives. Such notice shall include an explanation
24 of the circumstances and necessity for such waiver.

1 **SEC. 2352. REPEAL OF AUTHORITY FOR SENIOR FOREIGN**
2 **SERVICE PERFORMANCE PAY.**

3 (a) REPEAL.—Section 405 of the Foreign Service Act
4 of 1980 (22 U.S.C. 3965) is repealed.

5 (b) CONFORMING AMENDMENT.—Section 2 of the
6 Foreign Service Act of 1980 is amended in the table of
7 contents by striking the item related to section 405.

8 **TITLE XXIV—UNITED STATES**
9 **PUBLIC DIPLOMACY: AU-**
10 **THORITIES AND ACTIVITIES**
11 **FOR UNITED STATES INFOR-**
12 **MATIONAL, EDUCATIONAL,**
13 **AND CULTURAL PROGRAMS**
14 **CHAPTER 1—GENERAL PROVISIONS**

15 **SEC. 2401. ELIMINATION OF PERMANENT AUTHORIZATION.**

16 Section 208 of the Foreign Relations Authorization
17 Act, Fiscal Years 1992 and 1993 is amended by striking
18 subsection (e).

19 **SEC. 2402. EXTENSION OF AU PAIR PROGRAMS.**

20 Section 8 of the Eisenhower Exchange Fellowship
21 Act of 1990 (Public Law 101–454) is amended in the last
22 sentence by striking “fiscal year 1995” and inserting “fis-
23 cal year 1997”.

1 **SEC. 2403. EDUCATIONAL AND CULTURAL EXCHANGES**
2 **WITH HONG KONG.**

3 The Director of the United States Information Agen-
4 cy shall establish programs of educational and cultural ex-
5 change between the United States and the people of Hong
6 Kong.

7 **SEC. 2404. CONDUCT OF EDUCATIONAL AND CULTURAL EX-**
8 **CHANGE PROGRAMS.**

9 In carrying out programs of educational and cultural
10 exchange in Hong Kong, China, Vietnam, Cambodia,
11 Tibet, Burma, and East Timor, the Director of the United
12 States Information Agency shall take appropriate steps to
13 provide opportunities for participation in such programs
14 to human rights and democracy leaders of such countries
15 and persons who are nationals but not residents of such
16 countries.

17 **SEC. 2405. EDUCATIONAL AND CULTURAL EXCHANGES AND**
18 **SCHOLARSHIPS FOR TIBETANS AND BUR-**
19 **MESE.**

20 (a) ESTABLISHMENT OF EDUCATIONAL AND CUL-
21 TURAL EXCHANGE FOR TIBETANS.—The Director of the
22 United States Information Agency shall establish pro-
23 grams of educational cultural exchange between the
24 United States and the people of Tibet. Such programs
25 shall include opportunities for training and, as the Direc-

1 tor considers appropriate, may include the assignment of
2 personnel and resources abroad.

3 (b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

4 (1) For each of the fiscal years 1996 and 1997,
5 at least 30 scholarships shall be made available to
6 Tibetan students and professionals who are outside
7 Tibet, and at least 15 scholarships shall be made
8 available to Burmese students and professionals who
9 are outside Burma.

10 (2) WAIVER.—Paragraph (1) shall not apply to
11 the extent that the Director of the United States In-
12 formation Agency determines that there are not
13 enough qualified students to fulfill such allocation
14 requirement.

15 (3) SCHOLARSHIP DEFINED.—For the purposes
16 of this section, the term “scholarship” means an
17 amount to be used for full or partial support of tui-
18 tion and fees to attend an educational institution,
19 and may include fees, books, and supplies, equip-
20 ment required for courses at an educational institu-
21 tion, living expenses at a United States educational
22 institution, and travel expenses to and from, and
23 within, the United States.

1 **SEC. 2406. AVAILABILITY OF VOICE OF AMERICA AND**
2 **RADIO MARTI MULTILINGUAL COMPUTER**
3 **READABLE TEXT AND VOICE RECORDINGS.**

4 (a) IN GENERAL.—Notwithstanding section 208 of
5 the Foreign Relations Authorization Act, Fiscal Years
6 1986 and 1987 (22 U.S.C. 1461–1a) and the second sen-
7 tence of section 501 of the United States Information and
8 Educational Exchange Act of 1948 (22 U.S.C. 1461), the
9 Director of the United States Information Agency is au-
10 thorized to make available, upon request, to the Linguistic
11 Data Consortium of the University of Pennsylvania com-
12 puter readable multilingual text and recorded speech in
13 various languages. The Consortium shall, directly or indi-
14 rectly as appropriate, reimburse the Director for any ex-
15 penses involved in making such materials available.

16 (b) TERMINATION.—Subsection (a) shall cease to
17 have effect 5 years after the date of the enactment of this
18 Act.

19 **SEC. 2407. RETENTION OF INTEREST.**

20 Notwithstanding any other provision of law, with the
21 approval of the National Endowment for Democracy,
22 grant funds made available by the National Endowment
23 for Democracy may be deposited in interest-bearing ac-
24 counts pending disbursement and any interest which ac-
25 crues may be retained by the grantee and used for the
26 purposes for which the grant was made.

1 **CHAPTER 2—INTERNATIONAL**
2 **BROADCASTING**

3 **SEC. 2431. EXPANSION OF BROADCASTING BOARD OF GOV-**
4 **ERNORS.**

5 Section 304(b) of the United States International
6 Broadcasting Act of 1994 (22 U.S.C. 6203) is amended—

7 (1) in paragraph (1) by striking “9” and insert-
8 ing “11”;

9 (2) in paragraph (1)(A) by striking “8” and in-
10 serting “10”; and

11 (3) in paragraph (3) by striking “4” and insert-
12 ing “5”.

13 **SEC. 2432. PLAN FOR RADIO FREE ASIA.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Director of the United States Infor-
16 mation Agency shall submit to the Congress a detailed
17 plan for the establishment and operation of Radio Free
18 Asia.

19 **SEC. 2433. PILOT PROJECT FOR FREEDOM BROADCASTING**
20 **TO ASIA.**

21 (a) **AUTHORITY.**—The Director of the United States
22 Information Agency shall make grants for broadcasting to
23 the People’s Republic of China, Burma, Cambodia, Laos,
24 North Korea, Tibet, and Vietnam. Such broadcasting shall
25 provide accurate and timely information, news, and com-

1 mentary about events in the respective countries of Asia
2 and elsewhere, and shall be a forum for a variety of opin-
3 ions and voices from within Asian nations whose people
4 do not fully enjoy freedom of expression.

5 (b) PURPOSE.—The purpose of such grants shall be
6 to provide such broadcasting on an interim basis during
7 the period before Radio Free Asia becomes fully oper-
8 ational.

9 (c) APPLICATIONS.—In considering applications for
10 grants, the Director of the United States Information
11 Agency shall give strong preference to entities which (1)
12 take advantage of the expertise of political and religious
13 dissidents and pro-democracy and human rights activists
14 from within the countries to whom broadcasting is di-
15 rected, including exiles from these countries; and (2) take
16 advantage of contracts or similar arrangements with exist-
17 ing broadcast facilities so as to provide immediate broad-
18 cast coverage with low overhead.

19 (d) PLAN.—Not later than 30 days after the date of
20 the enactment of this Act, the Director of the United
21 States Information Agency shall submit to the appropriate
22 congressional committees a plan for implementing this sec-
23 tion which shall include details concerning timetable for
24 implementation, grant criteria, and grant application pro-
25 cedures. The procedures and timetable should be designed

1 to ensure that grantees will begin broadcasting not later
2 than 120 days after the date of the enactment of this Act.

3 **TITLE XXV—INTERNATIONAL**
4 **ORGANIZATIONS AND COM-**
5 **MISSIONS**

6 **CHAPTER 1—GENERAL PROVISIONS**

7 **SEC. 2501. INTERNATIONAL BOUNDARY AND WATER COM-**
8 **MISSION.**

9 The Act of May 13, 1924 (49 Stat. 660, 22 U.S.C.
10 277–277f), is amended in section 3 (22 U.S.C. 277b) by
11 adding the following new subsection at the end:

12 “(d) Pursuant to the authority of subsection (a) and
13 in order to facilitate further compliance with the terms
14 of the Convention for Equitable Distribution of the Waters
15 of the Rio Grande, May 21, 1906, United States-Mexico,
16 the Secretary of State, acting through the United States
17 Commissioner of the International Boundary and Water
18 Commission, may make improvements to the Rio Grande
19 Canalization Project, originally authorized by the Act of
20 August 29, 1935 (49 Stat. 961). Such improvements may
21 include all such works as may be needed to stabilize the
22 Rio Grande in the reach between the Percha Diversion
23 Dam in New Mexico and the American Diversion Dam in
24 El Paso.”.

1 **CHAPTER 2—UNITED NATIONS AND AF-**
2 **FILIATED AGENCIES AND ORGANIZA-**
3 **TIONS**

4 **SEC. 2521. REFORM IN BUDGET DECISIONMAKING PROCE-**
5 **DURES OF THE UNITED NATIONS AND ITS**
6 **SPECIALIZED AGENCIES.**

7 (a) ASSESSED CONTRIBUTIONS.—Of amounts au-
8 thorized to be appropriated for “Assessed Contributions
9 to International Organizations” by this Act, the President
10 may withhold 20 percent of the funds appropriated for the
11 United States assessed contribution to the United Nations
12 or to any of its specialized agencies for any calendar year
13 if the United Nations or any such agency has failed to
14 implement or to continue to implement consensus-based
15 decisionmaking procedures on budgetary matters which
16 assure that sufficient attention is paid to the views of the
17 United States and other member states that are the major
18 financial contributors to such assessed budgets.

19 (b) NOTICE TO CONGRESS.—The President shall no-
20 tify the Congress when a decision is made to withhold any
21 share of the United States assessed contribution to the
22 United Nations or its specialized agencies pursuant to
23 subsection (a) and shall notify the Congress when the deci-
24 sion is made to pay any previously withheld assessed con-
25 tribution. A notification under this subsection shall include

1 appropriate consultation between the President (or the
2 President's representative) and the Committee on Inter-
3 national Relations of the House of Representatives and
4 the Committee on Foreign Relations of the Senate.

5 (c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to
6 the availability of appropriations, payment of assessed
7 contributions for prior years may be made to the United
8 Nations or any of its specialized agencies notwithstanding
9 subsection (a) if such payment would further United
10 States interests in that organization.

11 (d) REPORT TO CONGRESS.—Not later than Feb-
12 ruary 1 of each year, the President shall submit to the
13 appropriate congressional committees a report concerning
14 the amount of United States assessed contributions paid
15 to the United Nations and each of its specialized agencies
16 during the preceding calendar year.

17 **SEC. 2523. LIMITATION ON CONTRIBUTIONS TO THE UNIT-**
18 **ED NATIONS OR UNITED NATIONS AFFILI-**
19 **ATED ORGANIZATIONS.**

20 The United States shall not make any voluntary or
21 assessed contribution—

22 (1) to any affiliated organization of the United
23 Nations which grants full membership as a state to
24 any organization or group that does not have the
25 internationally recognized attributes of statehood, or

1 (2) to the United Nations, if the United Na-
2 tions grants full membership as a state in the Unit-
3 ed Nations to any organization or group that does
4 not have the internationally recognized attributes of
5 statehood,
6 during any period in which such membership is effective.

7 **SEC. 2524. REPORT ON UNICEF.**

8 Not later than December 31, 1995, the Secretary of
9 State shall transmit to the appropriate congressional com-
10 mittees a report on (1) the progress of UNICEF toward
11 effective financial, program, and personnel management;
12 (2) the progress of UNICEF in shifting its health, child
13 survival, and maternal survival programs toward efficient
14 and low-overhead contractors, with particular emphasis on
15 nongovernmental organizations; and (3) the extent to
16 which UNICEF has demonstrated its commitment to its
17 traditional mission of child health and welfare and resisted
18 pressure to become involved in functions performed by
19 other United Nations agencies.

1 **TITLE XXVI—FOREIGN POLICY**
2 **PROVISIONS**

3 **CHAPTER 1—MISCELLANEOUS FOREIGN**
4 **POLICY PROVISIONS**

5 **SEC. 2601. APPLICABILITY OF TAIWAN RELATIONS ACT.**

6 Section 3 of the Taiwan Relations Act (22 U.S.C.
7 3302) is amended by adding at the end the following new
8 subsection:

9 “(d) The provisions of subsections (a) and (b) super-
10 sede any provision of the Joint Communique of the United
11 States and China of August 17, 1982.”.

12 **SEC. 2602. REPORT ON OCCUPIED TIBET.**

13 (a) FINDINGS AND DECLARATIONS OF CONGRESS.—
14 The Congress makes the following findings and declara-
15 tions:

16 (1) Tibet is an occupied sovereign country
17 under international law and its true representatives
18 are the Dalai Lama and the Tibetan Government in
19 exile.

20 (2) The United States should seek to establish
21 a dialogue with those recognized by Congress as the
22 true representatives of the Tibetan people, the Dalai
23 Lama, his representatives, and the Tibetan Govern-
24 ment in exile, concerning the situation in Tibet and
25 the future of the Tibetan people and to expand and

1 strengthen United States-Tibet cultural and edu-
2 cational relations, including promoting bilateral ex-
3 changes arranged directly with the Tibetan Govern-
4 ment in exile.

5 (b) REPORT ON UNITED STATES-TIBET RELA-
6 TIONS.— Not later than 6 months after the date of enact-
7 ment of this Act, and every 12 months thereafter, the Sec-
8 retary of State shall transmit to the Chairman of the Com-
9 mittee on Foreign Relations and the Speaker of the House
10 of Representatives a report on the state of relations be-
11 tween the United States and those recognized by Congress
12 as the true representatives of the Tibetan people, the
13 Dalai Lama, his representatives, and the Tibetan Govern-
14 ment in exile, and on conditions in Tibet.

15 (c) SEPARATE TIBET REPORTS.—

16 (1) It is the sense of the Congress that when-
17 ever an executive branch report is transmitted to the
18 Congress on a country-by-country basis there should
19 be included in such report, where applicable, a sepa-
20 rate report on Tibet listed alphabetically with its
21 own state heading.

22 (2) The reports referred to in paragraph (1) in-
23 clude, but are not limited to, reports transmitted
24 under sections 116(d) and 502B(b) of the Foreign
25 Assistance Act of 1961 (relating to human rights).

1 **SEC. 2603. BOSNIA GENOCIDE JUSTICE ACT.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Bosnia Genocide Justice Act”.

4 (b) POLICY.—

5 (1) IN GENERAL.—Consistent with inter-
6 national law, it is the policy of the United States to
7 bring to justice persons responsible for genocide, war
8 crimes, crimes against humanity and other serious
9 violations of international humanitarian law commit-
10 ted in the territory of the former Yugoslavia since
11 1991.

12 (2) SENSE OF CONGRESS.—The Congress urges
13 the President—

14 (A) to collect or assist appropriate organi-
15 zations and individuals to collect relevant data
16 on these crimes committed in the former Yugo-
17 slavia;

18 (B) to share such data with the War
19 Crimes Tribunal for the former Yugoslavia es-
20 tablished by the Security Council of the United
21 Nations;

22 (C) to assist United Nations efforts to in-
23 vestigate, prosecute, and try those responsible
24 for genocide, war crimes, crimes against hu-
25 manity and other serious violations of inter-

1 national humanitarian law committed in the
2 territory of the former Yugoslavia since 1991;

3 (D) to submit to the Congress implement-
4 ing legislation to enable compliance with re-
5 quests and orders of the Tribunal; and

6 (E) to support the ongoing work of the
7 Tribunal through a cash contribution of not less
8 than \$3,000,000 to the United Nations Vol-
9 untary Fund for the War Crimes Tribunal for
10 the former Yugoslavia for 1996 and 1997.

11 (c) REPORTING REQUIREMENT.—Beginning 6
12 months after the date of enactment of this Act, and every
13 6 months thereafter during fiscal years 1996 and 1997,
14 the President shall submit a report describing the steps
15 taken to implement the provisions of this section to the
16 appropriate congressional committees.

1 **CHAPTER 2—RELATING TO THE UNITED**
2 **STATES-NORTH KOREA AGREED**
3 **FRAMEWORK AND THE OBLIGATIONS**
4 **OF NORTH KOREA UNDER THAT AND**
5 **PREVIOUS AGREEMENTS WITH RE-**
6 **SPECT TO THE DENUCLEARIZATION**
7 **OF THE KOREAN PENINSULA AND DIA-**
8 **LOGUE WITH THE REPUBLIC OF**
9 **KOREA**

10 **SEC. 2641. FINDINGS.**

11 The Congress makes the following findings:

12 (1) The United States-Democratic People's Re-
13 public of Korea Agreed Framework ("Agreed
14 Framework"), entered into on October 21, 1994, be-
15 tween the United States and North Korea, requires
16 North Korea to stop and eventually dismantle its
17 graphite-moderated nuclear reactor program and re-
18 lated facilities, and comply fully with its obligations
19 under the Treaty on the Non-Proliferation of Nu-
20 clear Weapons, in exchange for alternative energy
21 sources, including interim supplies of bunker oil for
22 electric generators and more proliferation-resistant
23 light water reactor technology.

24 (2) The Agreed Framework also commits North
25 Korea to "consistently take steps to implement the

1 North-South Joint Declaration on the
2 Denuclearization of the Korean Peninsula” and “en-
3 gage in North-South” dialogue with the Republic of
4 Korea.

5 (3) The Agreed Framework does not indicate
6 specific criteria for full normalization of relations be-
7 tween the United States and North Korea, and does
8 not link the sequencing of actions in the Agreed
9 Framework with any time-frame for carrying out the
10 provisions of the North-South Joint Declaration on
11 the Denuclearization of the Korean Peninsula and
12 carrying out the dialogue between North Korea and
13 the Republic of Korea.

14 (4) The commitment by North Korea to carry
15 out the letter and spirit of the Agreed Framework
16 has been put into doubt by actions of North Korea
17 since October 21, 1994, including the suspected di-
18 version of United States heavy fuel oil in apparent
19 contravention of the agreed purpose of the interim
20 fuel deliveries, the refusal to accept light water reac-
21 tors from the Republic of Korea, the harsh denun-
22 ciations of the Government of the Republic of Korea,
23 and other actions contrary to the commitment by
24 North Korea to engage in a dialogue with such Gov-

1 ernment, and the continued conduct of provocative,
2 offensive oriented military exercises.

3 (5) The nuclear threat posed by North Korea is
4 just one of a number of security concerns of the
5 United States arising out of the policies of North
6 Korea.

7 **SEC. 2642. CLARIFICATION OF NUCLEAR NONPROLIFERA-**
8 **TION OBLIGATIONS OF NORTH KOREA**
9 **UNDER THE AGREED FRAMEWORK.**

10 It is the sense of the Congress that in discussions
11 or negotiations with the Government of North Korea pur-
12 suant to the implementation of the United States-Demo-
13 cratic People's Republic of Korea Agreed Framework (in
14 this joint resolution referred to as the "Agreed Frame-
15 work"), entered into on October 21, 1994, the President
16 should uphold the following minimum conditions relating
17 to nuclear nonproliferation:

18 (1) All spent fuel from the graphite-moderated
19 nuclear reactors and related facilities of North
20 Korea should be removed from the territory of North
21 Korea as is consistent with the Agreed Framework.

22 (2) The International Atomic Energy Agency
23 should have the freedom to conduct any and all in-
24 spections that it deems necessary to fully account for
25 the stocks of plutonium and other nuclear materials

1 in North Korea, including special inspections of sus-
2 pected nuclear waste sites, before any nuclear com-
3 ponents controlled by the Nuclear Supplier Group
4 Guidelines are delivered for a light water reactor for
5 North Korea.

6 (3) The dismantlement of all declared graphite-
7 based nuclear reactors and related facilities in North
8 Korea, including reprocessing units, should be com-
9 pleted in accordance with the Agreed Framework
10 and in a manner that effectively bars in perpetuity
11 any reactivation of such reactors and facilities.

12 (4) The United States should suspend actions
13 described in the Agreed Framework if North Korea
14 attempts to reload its existing 5 megawatt nuclear
15 reactor or resumes construction of nuclear facilities
16 other than those permitted to be built under the
17 Agreed Framework.

18 **SEC. 2643. ROLE OF THE REPUBLIC OF KOREA UNDER THE**
19 **AGREED FRAMEWORK.**

20 It is further the sense of the Congress that the Re-
21 public of Korea should play the central role in the project
22 to provide light water reactors to North Korea under the
23 Agreed Framework.

1 **SEC. 2644. FURTHER STEPS TO PROMOTE UNITED STATES**
2 **SECURITY AND POLITICAL INTERESTS WITH**
3 **RESPECT TO NORTH KOREA.**

4 It is further the sense of the Congress that, after the
5 date of the enactment of this Act, the President should
6 not take further steps toward upgrading diplomatic rela-
7 tions with North Korea beyond opening liaison offices or
8 relaxing trade and investment barriers imposed against
9 North Korea without—

10 (1) action by the Government of North Korea
11 to engage in a North-South dialogue with the Gov-
12 ernment of the Republic of Korea;

13 (2) implementation of the North-South Joint
14 Declaration on the Denuclearization of the Korean
15 Peninsula; and

16 (3) progress toward the achievement of several
17 long-standing United States policy objectives regard-
18 ing North Korea and the Korean Peninsula, includ-
19 ing—

20 (A) reducing the number of military forces
21 of North Korea along the Demilitarized Zone
22 and relocating such military forces away from
23 the Demilitarized Zone;

24 (B) prohibiting any movement by North
25 Korea toward the deployment of an intermedi-
26 ate range ballistic missile system; and

1 (C) prohibiting the export by North Korea
2 of missiles and other weapons of mass destruc-
3 tion, including related technology and compo-
4 nents.

5 **SEC. 2645. RESTRICTIONS ON ASSISTANCE TO NORTH**
6 **KOREA AND THE KOREAN PENINSULA EN-**
7 **ERGY DEVELOPMENT ORGANIZATION.**

8 Funds authorized to be appropriated or appropriated
9 under any provision of law may be used to provide assist-
10 ance to North Korea or the Korean Peninsula Energy De-
11 velopment Organization only if such assistance is provided
12 under the same terms and conditions that govern the pro-
13 vision of assistance to North Korea or such organization
14 under the Foreign Assistance Act of 1961 (22 U.S.C.
15 2151 et seq.) including, inter alia—

16 (1) the requirement that the congressional com-
17 mittees specified in section 634A of such Act (22
18 U.S.C. 2394) be notified pursuant to that section in
19 the case of any reprogramming of funds; and

20 (2) the requirement that a special authority,
21 such as section 614 of such Act, be used to waive
22 the application of provisions of law subject to such
23 special authority that would otherwise restrict or
24 prohibit the provision of such assistance.

CHAPTER 3—BURMA**SEC. 2651. UNITED STATES POLICY CONCERNING THE DICTATORSHIP IN BURMA.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should take steps to encourage the United Nations Security Council to—

(1) impose an international arms embargo on Burma;

(2) affirm support for human rights and the protection of all Karen, Karenni, and other minorities in Burma;

(3) condemn Burmese officials responsible for crimes against humanity;

(4) take steps to encourage multilateral assistance programs for refugees from Burma in Thailand and India; and

(5) reduce United Nations activities in Burma, including UNDP (United Nations Development Program), UNICEF (United Nations Childrens Fund), UNFPA (United Nations Family Planning Agency), World Health Organization (WHO), Food and Agriculture Organization (FAO), and UNIDCP (United Nations International Drug Control Program) activities.

1 (b) REDUCTION IN DIPLOMATIC PRESENCE.—It is
2 the sense of the Congress that the President should reduce
3 the diplomatic presence of the United States in Burma
4 by reducing the total number of the members of the For-
5 eign Service stationed in Burma on the date of enactment
6 of this Act.

7 (c) VISAS.—

8 (1) Notwithstanding the Immigration and Na-
9 tionality Act or any other provision of law, no mem-
10 ber, officer, or employee of any military or police
11 force of Burma under the military regime (the State
12 Law and Order Restoration Council “SLORC”)
13 shall be granted an immigrant or nonimmigrant
14 visa.

15 (2) The Secretary of State shall deny a visa
16 under the provisions of section 212(a)(3)(C)(i) of
17 the Immigration and Nationality Act (relating to
18 aliens ineligible to receive visas and excluded for ad-
19 mission due to potentially serious foreign policy con-
20 sequences) to any official of the Government of
21 Burma who the Attorney General determines has
22 committed acts which constitute the essential ele-
23 ments of a violation under chapter 113A of title 18,
24 United States Code, (relating to the Convention

1 Against Torture and Other Cruel Inhuman or De-
2 grading Treatment or Punishment).

3 **CHAPTER 4—TO IMPLEMENT THE CON-**
4 **VENTION AGAINST TORTURE AND TO**
5 **PROVIDE A PROGRAM OF SUPPORT**
6 **FOR VICTIMS OF TORTURE**

7 **SEC. 2661. SHORT TITLE.**

8 This chapter may be cited as the “Torture Victims
9 Relief Act of 1995”.

10 **SEC. 2662. DEFINITIONS.**

11 (a) **IN GENERAL.**—Except as otherwise provided, the
12 terms used in this chapter have the same meaning given
13 such terms in section 101(a) of the Immigration and Na-
14 tionality Act.

15 (b) **TORTURE.**—As used in this chapter, the term
16 “torture” means any act by which severe pain or suffering,
17 whether physical or mental, is intentionally inflicted on a
18 person for such purposes as obtaining from the person or
19 a third person information or a confession, punishing the
20 person for an act the person or a third person has commit-
21 ted or is suspected of having committed, or intimidating
22 or coercing the person or a third person, or for any reason
23 based on discrimination of any kind, when such pain or
24 suffering is inflicted by, at the instigation of, or with the
25 consent or acquiescence of a public official or other person

1 acting in an official capacity. It does not include pain or
2 suffering arising only from, inherent in, or incidental to
3 lawful sanctions.

4 (c) SUBSTANTIAL GROUNDS FOR BELIEVING.—As
5 used in this chapter, the term “substantial grounds for
6 believing” means substantial evidence.

7 (d) IN DANGER OF BEING SUBJECTED TO TOR-
8 TURE.—As used in this chapter, the term “in danger of
9 being subjected to torture” means circumstances in which
10 a reasonable person would fear subjection to torture.

11 (e) INVOLUNTARILY RETURN.—As used in this chap-
12 ter, the term “involuntarily return” means to take action
13 by which it is reasonably foreseeable that a person will
14 be required to return to a country against the person’s
15 will, regardless of whether such return is induced by phys-
16 ical force and regardless of whether the person is phys-
17 ically present in the United States.

18 **SEC. 2663. UNITED STATES POLICY WITH RESPECT TO THE**
19 **INVOLUNTARY RETURN OF PERSONS SUB-**
20 **JECTED TO TORTURE.**

21 The United States shall not expel, extradite, or other-
22 wise involuntarily return a person to a country in which
23 there are substantial grounds for believing the person
24 would be in danger of being subjected to torture.

1 **SEC. 2664. IMMIGRATION PROCEDURES FOR TORTURE VIC-**
2 **TIMS.**

3 (a) IN GENERAL.—Any alien—

4 (1) who presents a credible claim of having
5 been subjected to torture in the alien's country of
6 nationality, or, in the case of an alien having no na-
7 tionality, the country in which the alien last habit-
8 ually resided, and

9 (2) who applies for—

10 (A) refugee status under section 207 of the
11 Immigration and Nationality Act,

12 (B) asylum under section 208 of that Act,

13 or

14 (C) withholding of deportation under sec-
15 tion 243(h) of that Act,

16 shall be processed in accordance with this section.

17 (b) CONSIDERATION OF THE EFFECTS OF TOR-
18 TURE.—In considering applications for refugee status,
19 asylum, or withholding of deportation made by aliens de-
20 scribed in subsection (a), the appropriate officials shall
21 take into account—

22 (1) the manner in which the effects of torture
23 can affect the applicant's responses in the applica-
24 tion and in the interview process or other immigra-
25 tion proceedings, as the case may be;

1 (2) the difficulties torture victims often have in
2 recounting their suffering under torture; and

3 (3) the fear victims have of returning to their
4 country of nationality where, even if torture is no
5 longer practiced or the incidence of torture is re-
6 duced, their torturers may have gone unpunished
7 and may remain in positions of authority.

8 (c) EXPEDITED PROCESSING OF REFUGEE ADMIS-
9 SIONS.—For purposes of section 207(c) of the Immigra-
10 tion and Nationality Act, a refugee who presents a credible
11 claim of having been subjected to torture shall be consid-
12 ered to be a refugee of special humanitarian concern to
13 the United States and shall be accorded priority in selec-
14 tion from the waiting list of such refugees based on com-
15 pelling humanitarian concerns.

16 (d) EXPEDITED PROCESSING FOR ASYLUM AND
17 WITHHOLDING OF DEPORTATION.—Upon the request of
18 the alien, the alien’s counsel, or a health care professional
19 treating the alien, an asylum officer or special inquiry offi-
20 cer may expedite the scheduling of an asylum interview
21 or an exclusion or deportation proceeding for an alien de-
22 scribed in subsection (a), if such officer determines that
23 an undue delay in making a determination regarding asy-
24 lum or withholding of deportation with respect to the alien

1 would aggravate the physical or psychological effects of
2 torture upon the alien.

3 (e) PAROLE IN LIEU OF DETENTION.—The finding,
4 upon inspection at a port of entry of the United States,
5 that an alien described in subsection (a) suffers from the
6 effects of torture, such as depressive and anxiety dis-
7 orders, shall be a strong presumptive basis for a grant
8 of parole, under section 212(d)(5) of the Immigration and
9 Nationality Act, in lieu of detention.

10 (f) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Attorney General shall allocate resources
12 sufficient to maintain in the Resource Information Center
13 of the Immigration and Naturalization Service informa-
14 tion relating to the use of torture in foreign countries.

15 **SEC. 2665. SPECIALIZED TRAINING FOR CONSULAR, IMMI-**
16 **GRATION, AND ASYLUM PERSONNEL.**

17 (a) IN GENERAL.—The Attorney General shall pro-
18 vide training for immigration inspectors and examiners,
19 immigration officers, asylum officers, special inquiry offi-
20 cers, and all other relevant officials of the Department of
21 Justice, and the Secretary of State shall provide training
22 for consular officers, with respect to—

- 23 (1) the identification of the evidence of torture;
24 (2) the identification of the surrounding cir-
25 cumstances in which torture is practiced;

1 (3) the long-term effects of torture upon the
2 person;

3 (4) the identification of the physical, cognitive,
4 and emotional effects of torture, including depressive
5 and anxiety disorders, and the manner in which
6 these effects can affect the interview or hearing
7 process; and

8 (5) the manner of interviewing victims of tor-
9 ture so as not to retraumatize them, eliciting the
10 necessary information to document the torture expe-
11 rience, and understanding the difficulties victims
12 often have in recounting their torture experience.

13 (b) GENDER-RELATED CONSIDERATIONS.—In con-
14 ducting training under subsection (a)(4) or subsection
15 (a)(5), gender specific training shall be provided on the
16 subject of interacting with women and men who are vic-
17 tims of torture by rape or any other form of sexual vio-
18 lence.

19 **SEC. 2666. STUDY AND REPORT ON TORTURE VICTIMS IN**
20 **THE UNITED STATES.**

21 (a) STUDY.—The Center for Disease Control shall
22 conduct a study with respect to refugees and asylees ad-
23 mitted to the United States since October 1, 1987, who
24 were tortured abroad, for the purpose of identifying—

1 (1) the estimated number and geographic dis-
2 tribution of such persons;

3 (2) the needs of such persons for recovery serv-
4 ices; and

5 (3) the availability of such services.

6 (b) REPORT.—Not later than December 31, 1997,
7 the Center for Disease Control shall submit a report to
8 the Judiciary Committees of the House of Representatives
9 and the Senate setting forth the findings of the study con-
10 ducted under subsection (a), together with any rec-
11 ommendation for increasing the services available to per-
12 sons described in subsection (a), including any rec-
13 ommendation for legislation, if necessary.

14 **SEC. 2667. DOMESTIC TREATMENT CENTERS.**

15 (a) AMENDMENT OF THE IMMIGRATION AND NA-
16 TIONALITY ACT.—Section 412 of the Immigration and
17 Nationality Act (8 U.S.C. 1522) is amended by adding
18 at the end the following new subsection:

19 “(g) ASSISTANCE FOR TREATMENT OF TORTURE
20 VICTIMS.—(1) The Director is authorized to provide
21 grants to programs in the United States to cover the cost
22 of the following services:

23 “(A) Services for the rehabilitation of victims of
24 torture, including treatment of the physical and psy-
25 chological effects of torture.

1 zations, should pay particular attention to funding levels
2 of the Inter-American organizations.

3 **SEC. 2702. TERRITORIAL INTEGRITY OF BOSNIA AND**
4 **HERZEGOVINA.**

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

7 (1) The sovereign and independent state of
8 Bosnia-Herzegovina was formally recognized by the
9 United States of America on April 7, 1992.

10 (2) The sovereign and independent state of
11 Bosnia-Herzegovina was admitted as a full partici-
12 pating State of the Conference on Security and Co-
13 operation in Europe on April 30, 1992.

14 (3) The sovereign and independent state of
15 Bosnia-Herzegovina was admitted as a Member
16 state of the United Nations on May 22, 1992.

17 (4) The United States has declared its deter-
18 mination to respect and put into practice the Dec-
19 laration on Principles Guiding Relations between
20 Participating States contained in the Final Act of
21 the Conference on Security and Cooperation in Eu-
22 rope.

23 (5) Each of the principles has been violated
24 during the course of war in Bosnia-Herzegovina:
25 sovereign equality and respect for the rights inherent

1 in sovereignty, refraining from the threat or use of
2 force; inviolability of frontiers; territorial integrity of
3 States; peaceful settlement of disputes; noninterven-
4 tion in internal affairs; respect for human rights and
5 fundamental freedoms, including the freedom of
6 thought, conscience, religion or belief; equal rights
7 and self-determination of peoples; cooperation among
8 States; and fulfillment in good faith of obligations
9 under international law.

10 (6) Principle II of the Final Act commits the
11 participating States to “refrain from any manifesta-
12 tion of force for the purpose of inducing another
13 participating State to renounce the full exercise of
14 its sovereign rights”.

15 (7) Principle III of the Final Act commits the
16 participating States to “refrain from any demand
17 for, or act of, seizure and usurpation of part or all
18 of the territory of any participating State”.

19 (8) Principle IV of the Final Act commits the
20 participating States to “respect the territorial integ-
21 rity of each of the participating States” and “refrain
22 from any action inconsistent with the purposes and
23 principles of the Charter of the United Nations
24 against the territorial integrity, political independ-
25 ence or the unity of any participating State”.

1 (9) The Charter of Paris for a New Europe
2 commits the participating States “to cooperate in
3 defending democratic institutions against activities
4 which violate the independence, sovereign equality,
5 or territorial integrity of the participating States”.

6 (10) The Helsinki Document 1992 reaffirms
7 “the validity of the guiding principles and common
8 values of the Helsinki Final Act and the Charter of
9 Paris, embodying responsibilities of States towards
10 each other and of governments towards their own
11 people” which serve as the “collective conscience of
12 our community”.

13 (11) The Charter of the United Nations calls
14 upon Member states to respect the territorial integ-
15 rity and political independence of any state in keep-
16 ing with the Purposes of the United Nations.

17 (12) The sovereign and independent state of
18 Bosnia-Herzegovina has been and continues to be
19 subjected to armed aggression Bosnian Serb forces,
20 Croatian Serb forces, and others in violation of
21 Final Act and the Charter.

22 (13) Unchecked armed aggression and genocide
23 threatens the lives of innocent civilians as well as the
24 very existence of the sovereign and independent state
25 of Bosnia-Herzegovina.

1 (b) SENSE OF CONGRESS.—It is the sense of the
2 Congress that the United States should refuse to recognize
3 the incorporation of any of the territory of Bosnia-
4 Herzegovina into the territory of any neighboring state or
5 the creation of any new state or states within the borders
6 of Bosnia-Herzegovina resulting from the threat or use of
7 force, coercion, or any other means inconsistent with inter-
8 national law.

9 **SEC. 2703. THE LAOGAI SYSTEM OF POLITICAL PRISONS.**

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

12 (1) The Chinese gulag, known as the Laogai,
13 was created as a primary means of political repres-
14 sion and control when the Communists assumed
15 power in China in 1949.

16 (2) The Laogai has caused millions of people to
17 suffer grave human rights abuses over the past 46
18 years, including countless deaths.

19 (3) The Laogai continues to be used to incar-
20 cerate unknown numbers of ordinary citizens for po-
21 litical reasons, including workers, students, intellec-
22 tuals, religious believers, and Tibetans.

23 (4) So-called “thought reform” is a standard
24 practice of Laogai officials, and reports of torture

1 are routinely received by human rights organizations
2 from Laogai prisoners and survivors.

3 (5) Negotiations about unfettered access to
4 Laogai prisoners between the Chinese Government
5 and the International Red Cross have ceased.

6 (6) The Laogai is in reality a huge system of
7 forced labor camps in which political and penal
8 criminals are slave laborers producing an array of
9 products for export throughout the world, including
10 the United States.

11 (7) The Chinese Government continues to main-
12 tain, as part of its official propaganda and in defi-
13 ance of significant evidence to the contrary gathered
14 by many human rights organizations, that the
15 Laogai is a prison system like any other in the
16 world.

17 (8) Testimony delivered before the Subcommit-
18 tee on International Operations and Human Rights
19 of the Committee on International Relations of the
20 House of Representatives has documented human
21 rights abuses in the Laogai which continue to this
22 day.

23 (9) The American people have repeatedly ex-
24 pressed their abhorrence of forced labor camps sys-

1 tems, whether they be operated by the Nazis, Soviet
2 Communists, or any other political ideology.

3 (b) SENSE OF CONGRESS.—It is the sense of the
4 Congress that the President should—

5 (1) publicly condemn the continued existence of
6 the Laogai, and call upon the Government of the
7 People’s Republic of China to dismantle it, and re-
8 lease all of its political prisoners; and

9 (2) instruct the appropriate diplomatic rep-
10 representatives of the United States to cause a resolu-
11 tion condemning the Laogai to be put before the
12 United Nations Human Rights Commission and
13 work for its passage.

14 **SEC. 2704. CONCERNING THE USE OF FUNDS TO FURTHER**
15 **NORMALIZE RELATIONS WITH VIETNAM.**

16 It is the sense of the Congress that none of the funds
17 authorized to be appropriated or otherwise made available
18 by this Act may be obligated or expended to further nor-
19 malize diplomatic relations between the United States and
20 Vietnam, until Vietnam—

21 (1) releases all of its political and religious pris-
22 oners;

23 (2) accounts for American POWs and MIAs
24 from the Vietnam War;

25 (3) holds democratic elections; and

1 (4) institutes policies which protect human
2 rights.

3 **SEC. 2705. DECLARATION OF CONGRESS REGARDING**
4 **UNITED STATES GOVERNMENT HUMAN**
5 **RIGHTS POLICY TOWARD CHINA.**

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

8 (1) According to the 1994 State Department
9 Country Reports on Human Rights Practices there
10 continue to be “widespread and well-documented
11 human rights abuses in China, in violation of inter-
12 nationally accepted norms . . . (including) arbitrary
13 and lengthy incommunicado detention, torture, and
14 mistreatment of prisoners. The regime continued se-
15 vere restrictions on freedoms of speech, press assem-
16 bly and association, and tightened controls on the
17 exercise of these rights during 1994. Serious human
18 rights abuses persisted in Tibet and other areas pop-
19 ulated by ethnic minorities”.

20 (2) The President, in announcing his decision
21 on Most Favored Nation trading status for China in
22 May 1994 stated that, “China continues to commit
23 very serious human rights abuses. Even as we en-
24 gage the Chinese on military, political, and economic
25 issues, we intend to stay engaged with those in

1 China who suffer from human rights abuses. The
2 United States must remain a champion of their lib-
3 erties”.

4 (b) SENSE OF CONGRESS.—It is the sense of the
5 Congress that the President should take the following ac-
6 tions:

7 (1) Decline the invitation to visit China until
8 and unless there is dramatic overall progress on
9 human rights in China and Tibet and communicate
10 to the Government of China that such a visit cannot
11 take place without such progress. Indications of
12 overall progress would include the release of hun-
13 dreds of political, religious, and labor activists; an
14 agreement to allow unhindered confidential access to
15 prisoners by international humanitarian agencies;
16 enactment of major legal reforms such as an end to
17 all restrictions on the exercise of freedom of religion,
18 revocation of the 1993 state security law, and the
19 abolition of all so-called “counter-revolutionary”
20 crimes; and a decision to allow unrestricted access to
21 Tibet by foreign media and international human
22 rights monitors.

23 (2) Seek to develop an agreement on a multilat-
24 eral strategy to promote human rights in China with
25 other members of the G-7, beginning with the meet-

1 ing of the G-7 industrial partners scheduled for
2 June 1995 in Halifax, Nova Scotia. Such an agree-
3 ment should include efforts to encourage greater co-
4 operation by the Government of China with the
5 human rights rapporteurs and working groups of the
6 United Nations Human Rights Commission, as well
7 as bilateral and multilateral initiatives to secure the
8 unconditional release of imprisoned peaceful pro-de-
9 mocracy advocates such as Wei Jingsheng.

10 (3) Instruct the United States delegates to the
11 United Nations Fourth World Conference on Women
12 in September 1995 to vigorously and publicly sup-
13 port nongovernmental organizations that may be
14 subjected to harassment or to restrictions or limita-
15 tions on their activities, access to the media, or to
16 channels of communication during the conference by
17 the Government of China and to protest publicly and
18 privately any actions by the Government of China
19 aimed at punishing or repressing Chinese citizens
20 who seek to peacefully express their views or com-
21 municate with foreign citizens or media during or
22 following the United Nations Conference.

23 (4) Extend an invitation to the Dalai Lama to
24 visit Washington, District of Columbia, in 1995.

1 (c) UNITED STATES GOVERNMENT HUMAN RIGHTS
2 POLICY TOWARD CHINA.—It shall be the policy of the
3 United States Government to continue to promote inter-
4 nationally recognized human rights and worker rights in
5 China and Tibet. The President shall submit the following
6 reports on the formulation and implementation of United
7 States human rights policy toward China and the results
8 of that policy to the International Relations Committee of
9 the House of Representatives:

10 (1) Not later than 90 days after the date of en-
11 actment of this Act, the President shall report on
12 the status of the “new United States Human Rights
13 Policy for China” announced by the President on
14 May 26, 1994, including an assessment of the imple-
15 mentation and effectiveness of the policy in bringing
16 about human rights improvements in China and
17 Tibet, with reference to the following specific initia-
18 tives announced on that date:

19 (A) High-level dialogue on human rights.

20 (B) Voluntary principles in the area of
21 human rights for United States businesses op-
22 erating in China.

23 (C) Increased contact with and support for
24 groups and individuals in China promoting law
25 reform and human rights.

1 (D) Increased exchanges to support human
2 rights law reform in China.

3 (E) The practice of all United States offi-
4 cials who visit China to meet with the broadest
5 possible spectrum of Chinese citizens.

6 (F) Increased efforts to press United
7 States views on human rights in China at the
8 United Nations, the United Nations Human
9 Rights Commission, and other international or-
10 ganizations.

11 (G) A plan of international actions to ad-
12 dress Tibet's human rights problems and to
13 promote substantive discussions between the
14 Dalai Lama and the Chinese Government.

15 (H) Efforts to use the 1995 United Na-
16 tions Women's Conference in Beijing to expand
17 freedoms of speech, association, and assembly,
18 as well as the rights of women, in China.

19 (I) An information strategy for promoting
20 human rights by expanding Chinese and Ti-
21 betan language broadcasts on the Voice of
22 America and establishing Radio Free Asia.

23 (J) Encouraging the Chinese Government
24 to permit international human rights groups to
25 operate in and visit China.

1 (2) Not later than 120 days after the date of
2 enactment of this Act, the President shall report on
3 the status of Chinese Government compliance with
4 United States laws prohibiting the importation into
5 the United States of forced labor products, including
6 (but not limited to) a complete assessment and re-
7 port on the implementation of the Memorandum of
8 Understanding signed by the United States and
9 China in 1992. The report shall include (but not be
10 limited to) the following:

11 (A) All efforts made by the United States
12 Customs Service from 1992 until the date of
13 the report to investigate forced labor exports
14 and to conduct unannounced unrestricted in-
15 spections of suspected forced labor sites in
16 China, and the extent to which Chinese authori-
17 ties cooperated with such investigations.

18 (B) Recommendations of what further
19 steps might be taken to enhance United States
20 effectiveness in prohibiting forced labor exports
21 to the United States from China.

1 **SEC. 2706. CONCERNING THE UNITED NATIONS VOL-**
2 **UNTARY FUND FOR VICTIMS OF TORTURE.**

3 It is the sense of the Congress that the President,
4 acting through the United States Permanent Representa-
5 tive to the United Nations, should—

6 (1) request the United Nations Voluntary Fund
7 for Victims of Torture—

8 (A) to find new ways to support and pro-
9 tect treatment centers that are carrying out re-
10 habilitative services for victims of torture; and

11 (B) to encourage the development of new
12 such centers;

13 (2) use the voice and vote of the United States
14 to support the work of the Special Rapporteur on
15 Torture and the Committee Against Torture estab-
16 lished under the Convention Against Torture and
17 Other Cruel, Inhuman or Degrading Treatment or
18 Punishment; and

19 (3) use the voice and vote of the United States
20 to establish a country rapporteur or similar proce-
21 dural mechanism to investigate human rights viola-
22 tions in a country if either the Special Rapporteur
23 or the Committee Against Torture indicates that a
24 systematic practice of torture is prevalent in that
25 country.

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