

106TH CONGRESS  
1ST SESSION

# S. 720

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## AN ACT

To promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

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

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
5        “Serbia Democratization Act of 1999”.

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

Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—SUPPORT FOR THE DEMOCRATIC OPPOSITION

Sec. 101. Findings and policy.  
 Sec. 102. Assistance to promote democracy and civil society in Yugoslavia.  
 Sec. 103. Authority for radio and television broadcasting.

TITLE II—ASSISTANCE TO THE VICTIMS OF SERBIAN  
 OPPRESSION

Sec. 201. Findings.  
 Sec. 202. Sense of Congress.  
 Sec. 203. Assistance.

TITLE III—“OUTER WALL” SANCTIONS

Sec. 301. “Outer wall” sanctions.  
 Sec. 302. International financial institutions not in compliance with “outer  
 wall” sanctions.

TITLE IV—OTHER MEASURES AGAINST YUGOSLAVIA

Sec. 401. Blocking Yugoslavia assets in the United States.  
 Sec. 402. Suspension of entry into the United States.  
 Sec. 403. Prohibition on strategic exports to Yugoslavia.  
 Sec. 404. Prohibition on loans and investment.  
 Sec. 405. Prohibition of military-to-military cooperation.  
 Sec. 406. Multilateral sanctions.  
 Sec. 407. Exemptions.  
 Sec. 408. Waiver; termination of measures against Yugoslavia.  
 Sec. 409. Statutory construction.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. The International Criminal Tribunal for the former Yugoslavia.  
 Sec. 502. Sense of Congress with respect to ethnic Hungarians of Vojvodina.  
 Sec. 503. Ownership and use of diplomatic and consular properties.  
 Sec. 504. Transition assistance.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
 6 TEES.—The term “appropriate congressional com-  
 7 mittees” means the Committee on Foreign Relations

1 of the Senate and the Committee on International  
2 Relations of the House of Representatives.

3 (2) COMMERCIAL EXPORT.—The term “com-  
4 mercial export” means the sale of a farm product or  
5 medicine by a United States seller to a foreign buyer  
6 in exchange for cash payment on market terms with-  
7 out benefit of concessionary financing, export sub-  
8 sidies, government or government-backed credits or  
9 other nonmarket financing arrangements.

10 (3) INTERNATIONAL CRIMINAL TRIBUNAL FOR  
11 THE FORMER YUGOSLAVIA OR TRIBUNAL.—The term  
12 “International Criminal Tribunal for the former  
13 Yugoslavia” or the “Tribunal” means the Inter-  
14 national Tribunal for the Prosecution of Persons Re-  
15 sponsible for Serious Violations of International Hu-  
16 manitarian Law Committed in the Territory of the  
17 Former Yugoslavia Since 1991, as established by  
18 United Nations Security Council Resolution 827 of  
19 May 25, 1993.

20 (4) YUGOSLAVIA.—The term “Yugoslavia”  
21 means the so-called Federal Republic of Yugoslavia  
22 (Serbia and Montenegro), and the term “Govern-  
23 ment of Yugoslavia” means the central government  
24 of Yugoslavia.

1       **TITLE I—SUPPORT FOR THE**  
2       **DEMOCRATIC OPPOSITION**

3       **SEC. 101. FINDINGS AND POLICY.**

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

5           (1) The President of Yugoslavia, Slobodan  
6       Milosevic, has consistently engaged in undemocratic  
7       methods of governing.

8           (2) Yugoslavia has passed and implemented a  
9       law strictly limiting freedom of the press and has  
10      acted to intimidate and prevent independent media  
11      from operating inside Yugoslavia.

12          (3) Although the Yugoslav and Serbian con-  
13      stitutions provide for the right of citizens to change  
14      their government, citizens of Serbia in practice are  
15      prevented from exercising that right by the Milosevic  
16      regime's domination of the mass media and manipu-  
17      lation of the electoral process.

18          (4) The Yugoslav government has orchestrated  
19      attacks on academics at institutes and universities  
20      throughout the country in an effort to prevent the  
21      dissemination of opinions that differ from official  
22      state propaganda.

23          (5) The Yugoslav government prevents the for-  
24      mation of nonviolent, democratic opposition through  
25      restrictions on freedom of assembly and association.

1           (6) The Yugoslav government uses control and  
2 intimidation to control the judiciary and manipulates  
3 the country's legal framework to suit the regime's  
4 immediate political interests.

5           (7) The Government of Serbia and the Govern-  
6 ment of Yugoslavia, under the direction of President  
7 Milosevic, have obstructed the efforts of the Govern-  
8 ment of Montenegro to pursue democratic and free-  
9 market policies.

10          (8) At great risk, the Government of Monte-  
11 negro has withstood efforts by President Milosevic to  
12 interfere with its government and supported the  
13 goals of the United States in the conflict in Kosovo.

14          (9) The people of Serbia who do not endorse  
15 the undemocratic actions of the Milosevic govern-  
16 ment should not be the target of criticism that is  
17 rightly directed at the Milosevic regime.

18          (b) POLICY.—

19           (1) It is the policy of the United States to en-  
20 courage the development of a government in Yugo-  
21 slavia based on democratic principles and the rule of  
22 law and that respects internationally recognized  
23 human rights.

24           (2) It is the sense of Congress that—

1 (A) the United States should actively sup-  
2 port the democratic opposition in Yugoslavia,  
3 including political parties and independent  
4 trade unions, to develop a legitimate and viable  
5 alternative to the Milosevic regime;

6 (B) all United States Government officials,  
7 including individuals from the private sector  
8 acting on behalf of the United States Govern-  
9 ment, should attempt to meet regularly with  
10 representatives of democratic opposition organi-  
11 zations of Yugoslavia and minimize to the ex-  
12 tent practicable any direct contacts with gov-  
13 ernment officials from Yugoslavia, particularly  
14 President Slobodan Milosevic, who perpetuate  
15 the nondemocratic regime in Yugoslavia; and

16 (C) the United States should emphasize to  
17 all political leaders in Yugoslavia the impor-  
18 tance of respecting internationally recognized  
19 human rights for all individuals residing in  
20 Yugoslavia.

21 **SEC. 102. ASSISTANCE TO PROMOTE DEMOCRACY AND**  
22 **CIVIL SOCIETY IN YUGOSLAVIA.**

23 (a) ASSISTANCE.—

24 (1) PURPOSE OF ASSISTANCE.—The purpose of  
25 assistance under this subsection is to promote and

1 strengthen institutions of democratic government  
2 and the growth of an independent civil society in  
3 Yugoslavia, including ethnic tolerance and respect  
4 for internationally recognized human rights.

5 (2) AUTHORIZATION FOR ASSISTANCE.—To  
6 carry out the purpose of paragraph (1), the Presi-  
7 dent is authorized to furnish assistance and other  
8 support for the activities described in paragraph (3).

9 (3) ACTIVITIES SUPPORTED.—Activities that  
10 may be supported by assistance under paragraph (2)  
11 include the following:

12 (A) Democracy building.

13 (B) The development of nongovernmental  
14 organizations.

15 (C) The development of independent media  
16 working within Serbia if possible, but, if that is  
17 not feasible, from locations in neighboring coun-  
18 tries.

19 (D) The development of the rule of law, to  
20 include a strong, independent judiciary, the im-  
21 partial administration of justice, and trans-  
22 parency in political practices.

23 (E) International exchanges and advanced  
24 professional training programs in skill areas

1 central to the development of civil society and  
2 a market economy.

3 (F) The development of all elements of the  
4 democratic process, including political parties  
5 and the ability to administer free and fair elec-  
6 tions.

7 (G) The development of local governance.

8 (H) The development of a free-market  
9 economy.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) IN GENERAL.—There is authorized to  
12 be appropriated to the President \$100,000,000  
13 for the period beginning October 1, 1999, and  
14 ending September 30, 2001, to carry out this  
15 subsection.

16 (B) AVAILABILITY OF FUNDS.—Amounts  
17 appropriated pursuant to subparagraph (A) are  
18 authorized to remain available until expended.

19 (b) PROHIBITION ON ASSISTANCE TO GOVERNMENT  
20 OF SERBIA.—In carrying out subsection (a), the President  
21 should take all necessary steps to ensure that no funds  
22 or other assistance is provided to the Government of Yugo-  
23 slavia or to the Government of Serbia, except for purposes  
24 permitted under this Act.

1           (c) ASSISTANCE TO GOVERNMENT OF MONTE-  
2 NEGRO.—In carrying out subsection (a), the President  
3 may provide assistance to the Government of Montenegro,  
4 unless the President determines, and so reports to the ap-  
5 propriate congressional committees, that the leadership of  
6 the Government of Montenegro is not committed to, or  
7 is not taking steps to promote, democratic principles, the  
8 rule of law, or respect for internationally recognized  
9 human rights.

10 **SEC. 103. AUTHORITY FOR RADIO AND TELEVISION BROAD-**  
11 **CASTING.**

12           (a) IN GENERAL.—The Broadcasting Board of Gov-  
13 ernors shall further the open communication of informa-  
14 tion and ideas through the increased use of radio and tele-  
15 vision broadcasting to Yugoslavia in both the Serbo-Cro-  
16 atian and Albanian languages.

17           (b) IMPLEMENTATION.—Radio and television broad-  
18 casting under subsection (a) shall be carried out by the  
19 Voice of America and, in addition, radio broadcasting  
20 under that subsection shall be carried out by RFE/RL,  
21 Incorporated. Subsection (a) shall be carried out in ac-  
22 cordance with all the respective Voice of America and  
23 RFE/RL, Incorporated, standards to ensure that radio  
24 and television broadcasting to Yugoslavia serves as a con-

1 sistently reliable and authoritative source of accurate, ob-  
2 jective, and comprehensive news.

3 (c) STATUTORY CONSTRUCTION.—The implementa-  
4 tion of subsection (a) may not be construed as a replace-  
5 ment for the strengthening of indigenous independent  
6 media called for in section 102(a)(3)(C). To the maximum  
7 extent practicable, the two efforts (strengthening inde-  
8 pendent media and increasing broadcasts into Serbia)  
9 shall be carried out in such a way that they mutually sup-  
10 port each other.

11 **TITLE II—ASSISTANCE TO THE**  
12 **VICTIMS OF SERBIAN OP-**  
13 **PRESSION**

14 **SEC. 201. FINDINGS.**

15 The Congress finds the following:

16 (1) Beginning in February 1998 and ending in  
17 June 1999, the armed forces of Yugoslavia and the  
18 Serbian Interior Ministry police force engaged in a  
19 brutal crackdown against the ethnic Albanian popu-  
20 lation in Kosovo.

21 (2) As a result of the attack by Yugoslav and  
22 Serbian forces against the Albanian population of  
23 Kosovo, more than 10,000 individuals have been  
24 killed and 1,500,000 individuals were displaced from  
25 their homes.

1           (3) The majority of the individuals displaced by  
2 the conflict in Kosovo was left homeless or was  
3 forced to find temporary shelter in Kosovo or outside  
4 the country.

5           (4) The activities of the Yugoslav armed forces  
6 and the police force of the Serbian Interior Ministry  
7 resulted in the widespread destruction of agricultural  
8 crops, livestock, and property, as well as the poi-  
9 soning of wells and water supplies, and the looting  
10 of humanitarian goods provided by the international  
11 community.

12 **SEC. 202. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14           (1) humanitarian assistance to the victims of  
15 the conflict in Kosovo, including refugees and inter-  
16 nally displaced persons, and all assistance to rebuild  
17 damaged property in Kosovo, should be the responsi-  
18 bility of the Government of Yugoslavia and the Gov-  
19 ernment of Serbia;

20           (2) under the direction of President Milosevic,  
21 neither the Government of Yugoslavia nor the Gov-  
22 ernment of Serbia has provided the resources to as-  
23 sist innocent, civilian victims of oppression in  
24 Kosovo; and

1           (3) because neither the Government of Yugo-  
2           slavia nor the Government of Serbia has fulfilled the  
3           responsibilities of a sovereign government toward the  
4           people in Kosovo, the international community offers  
5           the only recourse for humanitarian assistance to vic-  
6           tims of oppression in Kosovo.

7 **SEC. 203. ASSISTANCE.**

8           (a) **AUTHORITY.**—The President is authorized to fur-  
9           nish assistance under section 491 of the Foreign Assist-  
10          ance Act of 1961 (22 U.S.C. 2292) and the Migration and  
11          Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.),  
12          as appropriate, for—

13                 (1) relief, rehabilitation, and reconstruction in  
14                 Kosovo; and

15                 (2) refugees and persons displaced by the con-  
16                 flict in Kosovo.

17           (b) **PROHIBITION.**—No assistance may be provided  
18          under this section to any group that has been designated  
19          as a terrorist organization under section 219 of the Immi-  
20          gration and Nationality Act (8 U.S.C. 1189).

21           (c) **USE OF ECONOMIC SUPPORT FUNDS.**—Any funds  
22          that have been allocated under chapter 4 of part II of the  
23          Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.)  
24          for assistance described in subsection (a) may be used in  
25          accordance with the authority of that subsection.

1           **TITLE III—“OUTER WALL”**  
2                           **SANCTIONS**

3 **SEC. 301. “OUTER WALL” SANCTIONS.**

4           (a) APPLICATION OF MEASURES.—The sanctions de-  
5 scribed in subsections (c) through (g) shall apply with re-  
6 spect to Yugoslavia until the President determines and  
7 certifies to the appropriate congressional committees that  
8 the Government of Yugoslavia has made significant  
9 progress in meeting the conditions described in subsection  
10 (b).

11          (b) CONDITIONS.—The conditions referred to in sub-  
12 section (a) are the following:

13               (1) Agreement on a lasting settlement in  
14               Kosovo.

15               (2) Compliance with the General Framework  
16               Agreement for Peace in Bosnia and Herzegovina.

17               (3) Implementation of internal democratic re-  
18               form.

19               (4) Settlement of all succession issues with the  
20               other republics that emerged from the break-up of  
21               the Socialist Federal Republic of Yugoslavia.

22               (5) Cooperation with the International Criminal  
23               Tribunal for the former Yugoslavia, including the  
24               transfer of all indicted war criminals in Yugoslavia  
25               to the Hague.

1 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—  
2 The Secretary of the Treasury shall instruct the United  
3 States executive directors of the international financial in-  
4 stitutions to oppose, and vote against, any extension by  
5 those institutions of any financial assistance (including  
6 any technical assistance or grant) of any kind to the Gov-  
7 ernment of Yugoslavia.

8 (d) ORGANIZATION FOR SECURITY AND COOPERA-  
9 TION IN EUROPE.—The Secretary of State should instruct  
10 the United States Ambassador to the Organization for Se-  
11 curity and Cooperation in Europe (OSCE) to oppose and  
12 block any consensus to allow the participation of Yugo-  
13 slavia in the OSCE or any organization affiliated with the  
14 OSCE.

15 (e) UNITED NATIONS.—The Secretary of State  
16 should instruct the United States Permanent Representa-  
17 tive to the United Nations—

18 (1) to oppose and vote against any resolution in  
19 the United Nations Security Council to admit Yugo-  
20 slavia to the United Nations or any organization af-  
21 filiated with the United Nations; and

22 (2) to actively oppose and, if necessary, veto  
23 any proposal to allow Yugoslavia to assume the  
24 membership of the former Socialist Federal Republic  
25 of Yugoslavia in the United Nations General Assem-

1 bly or any other organization affiliated with the  
2 United Nations.

3 (f) NATO.—The Secretary of State should instruct  
4 the United States Permanent Representative to the North  
5 Atlantic Council to oppose and vote against the extension  
6 to Yugoslavia of membership or participation in the Part-  
7 nership for Peace program or any other organization affili-  
8 ated with NATO.

9 (g) SOUTHEAST EUROPEAN COOPERATION INITIA-  
10 TIVE.—The Secretary of State should instruct the United  
11 States Representatives to the Southeast European Co-  
12 operation Initiative (SECI) to actively oppose the partici-  
13 pation of Yugoslavia in SECI.

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

16 (1) the President should not restore full diplo-  
17 matic relations with Yugoslavia until the President  
18 has determined and so reported to the appropriate  
19 congressional committees that the Government of  
20 Yugoslavia has met the conditions described in sub-  
21 section (b); and

22 (2) the President should encourage all other  
23 European countries to diminish their level of diplo-  
24 matic relations with Yugoslavia.

1 (i) INTERNATIONAL FINANCIAL INSTITUTION DE-  
2 FINED.—In this section, the term “international financial  
3 institution” includes the International Monetary Fund,  
4 the International Bank for Reconstruction and Develop-  
5 ment, the International Development Association, the  
6 International Finance Corporation, the Multilateral In-  
7 vestment Guaranty Agency, and the European Bank for  
8 Reconstruction and Development.

9 **SEC. 302. INTERNATIONAL FINANCIAL INSTITUTIONS NOT**  
10 **IN COMPLIANCE WITH “OUTER WALL” SANC-**  
11 **TIONS.**

12 It is the sense of Congress that, if any international  
13 financial institution (as defined in section 301(i)) approves  
14 a loan or other financial assistance to the Government of  
15 Yugoslavia over opposition of the United States, then the  
16 Secretary of the Treasury should withhold from payment  
17 of the United States share of any increase in the paid-  
18 in capital of such institution an amount equal to the  
19 amount of the loan or other assistance.

20 **TITLE IV—OTHER MEASURES**  
21 **AGAINST YUGOSLAVIA**

22 **SEC. 401. BLOCKING YUGOSLAVIA ASSETS IN THE UNITED**  
23 **STATES.**

24 (a) BLOCKING OF ASSETS.—All property and inter-  
25 ests in property, including all commercial, industrial, or

1 public utility undertakings or entities, of or in the name  
2 of the Government of Serbia or the Government of Yugo-  
3 slavia that are in the United States, that hereafter come  
4 within the United States, or that are or hereafter come  
5 within the possession or control of United States persons,  
6 including their overseas branches, are hereby blocked.

7 (b) EXERCISE OF AUTHORITIES.—The Secretary of  
8 the Treasury, in consultation with the Secretary of State,  
9 shall take such actions, including the promulgation of reg-  
10 ulations, orders, directives, rulings, instructions, and li-  
11 censes, and employ all powers granted to the President  
12 by the International Emergency Economic Powers Act, as  
13 may be necessary to carry out the purpose of this section,  
14 including taking such steps as may be necessary to con-  
15 tinue in effect the measures contained in Executive Order  
16 No. 13088 of June 9, 1998, and Executive Order No.  
17 13121 of May 1, 1999, and any rule, regulation, license,  
18 or order issued thereunder.

19 (c) PROHIBITED TRANSFERS.—Transfers prohibited  
20 under subsection (b) shall include payments or transfers  
21 of any property or any transactions involving the transfer  
22 of anything of economic value by any United States person  
23 to the Government of Serbia, the Government of Yugo-  
24 slavia, or any person or entity acting for or on behalf of,

1 or owned or controlled, directly or indirectly, by any of  
2 those governments, persons, or entities.

3 (d) PAYMENT OF EXPENSES.—All expenses incident  
4 to the blocking and maintenance of property blocked under  
5 subsection (a) shall be charged to the owners or operators  
6 of such property, which expenses shall not be met from  
7 blocked funds.

8 (e) PROHIBITIONS.—The following shall be prohib-  
9 ited as of the date of enactment of this Act:

10 (1) Any transaction within the United States or  
11 by a United States person relating to any vessel in  
12 which a majority or controlling interest is held by a  
13 person or entity in, or operating from, Serbia re-  
14 gardless of the flag under which the vessel sails.

15 (2) The exportation to Serbia or to any entity  
16 operated from Serbia or owned and controlled by the  
17 Government of Serbia or the Government of Yugo-  
18 slavia, directly or indirectly, of any goods, tech-  
19 nology, or services, either—

20 (A) from the United States;

21 (B) requiring the issuance of a license by  
22 a Federal agency; or

23 (C) involving the use of United States reg-  
24 istered vessels or aircraft, or any activity that

1 promotes or is intended to promote such expor-  
2 tation.

3 (3) Any dealing by a United States person in—

4 (A) property originating in Serbia or ex-  
5 ported from Serbia;

6 (B) property intended for exportation from  
7 Serbia to any country or exportation to Serbia  
8 from any country; or

9 (C) any activity of any kind that promotes  
10 or is intended to promote such dealing.

11 (4) The performance by any United States per-  
12 son of any contract, including a financing contract,  
13 in support of an industrial, commercial, public util-  
14 ity, or governmental project in Serbia.

15 (f) EXCEPTIONS.—Nothing in this section shall apply  
16 to—

17 (1) the transshipment through Serbia of com-  
18 modities and products originating outside Yugoslavia  
19 and temporarily present in the territory of Yugo-  
20 slavia only for the purpose of such transshipment;

21 (2) assistance provided under section 102 or  
22 section 203 of this Act; or

23 (3) those materials described in section  
24 203(b)(3) of the International Emergency Economic  
25 Powers Act relating to informational materials.

1 **SEC. 402. SUSPENSION OF ENTRY INTO THE UNITED**  
2 **STATES.**

3 (a) PROHIBITION.—The President shall use his au-  
4 thority under section 212(f) of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1182(f)) to suspend the entry into  
6 the United States of any alien who—

7 (1) holds a position in the senior leadership of  
8 the Government of Yugoslavia or the Government of  
9 Serbia; or

10 (2) is a spouse, minor child, or agent of a per-  
11 son inadmissible under paragraph (1).

12 (b) SENIOR LEADERSHIP DEFINED.—In subsection  
13 (a)(1), the term “senior leadership”—

14 (1) includes—

15 (A) the President, Prime Minister, Deputy  
16 Prime Ministers, and government ministers of  
17 Yugoslavia;

18 (B) the Governor of the National Bank of  
19 Yugoslavia; and

20 (C) the President, Prime Minister, Deputy  
21 Prime Ministers, and government ministers of  
22 the Republic of Serbia; and

23 (2) does not include the President, Prime Min-  
24 ister, Deputy Prime Ministers, and government min-  
25 isters of the Republic of Montenegro.

1 **SEC. 403. PROHIBITION ON STRATEGIC EXPORTS TO YUGO-**  
2 **SLAVIA.**

3 (a) PROHIBITION.—No computers, computer soft-  
4 ware, or goods or technology intended to manufacture or  
5 service computers may be exported to or for use by the  
6 Government of Yugoslavia or by the Government of Ser-  
7 bia, or by any of the following entities of either govern-  
8 ment:

- 9 (1) The military.  
10 (2) The police.  
11 (3) The prison system.  
12 (4) The national security agencies.

13 (b) STATUTORY CONSTRUCTION.—Nothing in this  
14 section prevents the issuance of licenses to ensure the safe-  
15 ty of civil aviation and safe operation of United States-  
16 origin commercial passenger aircraft and to ensure the  
17 safety of ocean-going maritime traffic in international wa-  
18 ters.

19 **SEC. 404. PROHIBITION ON LOANS AND INVESTMENT.**

20 (a) UNITED STATES GOVERNMENT FINANCING.—No  
21 loan, credit guarantee, insurance, financing, or other simi-  
22 lar financial assistance may be extended by any agency  
23 of the United States Government (including the Export-  
24 Import Bank and the Overseas Private Investment Cor-  
25 poration) to the Government of Yugoslavia or the Govern-  
26 ment of Serbia.

1           (b) TRADE AND DEVELOPMENT AGENCY.—No funds  
2 made available by law may be available for activities of  
3 the Trade and Development Agency in or for Serbia.

4           (c) THIRD COUNTRY ACTION.—The Secretary of  
5 State is urged to encourage all other countries, particu-  
6 larly European countries, to suspend any of their own pro-  
7 grams providing support similar to that described in sub-  
8 section (a) or (b) to the Government of Yugoslavia or the  
9 Government of Serbia, including by rescheduling repay-  
10 ment of the indebtedness of either government under more  
11 favorable conditions.

12           (d) PROHIBITION ON PRIVATE CREDITS.—

13               (1) IN GENERAL.—Except as provided in para-  
14 graph (2), no national of the United States may  
15 make or approve any loan or other extension of cred-  
16 it, directly or indirectly, to the Government of Yugo-  
17 slavia or to the Government of Serbia or to any cor-  
18 poration, partnership, or other organization that is  
19 owned or controlled by either the Government of  
20 Yugoslavia or the Government of Serbia.

21               (2) EXCEPTION.—Paragraph (1) shall not  
22 apply to a loan or extension of credit for any hous-  
23 ing, education, or humanitarian benefit to assist the  
24 victims of repression in Kosovo.

1 **SEC. 405. PROHIBITION OF MILITARY-TO-MILITARY**  
2 **COOPERATION.**

3 The United States Government (including any agency  
4 or entity of the United States) shall not provide assistance  
5 under the Foreign Assistance Act of 1961 or the Arms  
6 Export Control Act (including the provision of Foreign  
7 Military Financing under section 23 of the Arms Export  
8 Control Act or international military education and train-  
9 ing under chapter 5 of part II of the Foreign Assistance  
10 Act of 1961) or provide any defense articles or defense  
11 services under those Acts, to the armed forces of the Gov-  
12 ernment of Yugoslavia or of the Government of Serbia.

13 **SEC. 406. MULTILATERAL SANCTIONS.**

14 It is the sense of Congress that the President should  
15 continue to seek to coordinate with other countries, par-  
16 ticularly European countries, a comprehensive, multilat-  
17 eral strategy to further the purposes of this Act, including,  
18 as appropriate, encouraging other countries to take meas-  
19 ures similar to those described in this title.

20 **SEC. 407. EXEMPTIONS.**

21 (a) EXEMPTION FOR KOSOVO.—None of the restric-  
22 tions imposed by this Act shall apply with respect to  
23 Kosovo, including with respect to governmental entities or  
24 administering authorities or the people of Kosovo.

25 (b) EXEMPTION FOR MONTENEGRO.—None of the re-  
26 strictions imposed by this Act shall apply with respect to

1 Montenegro, including with respect to governmental enti-  
2 ties of Montenegro, unless the President determines and  
3 so certifies to the appropriate congressional committees  
4 that the leadership of the Government of Montenegro is  
5 not committed to, or is not taking steps to promote, demo-  
6 cratic principles, the rule of law, or respect for internation-  
7 ally recognized human rights.

8 **SEC. 408. WAIVER; TERMINATION OF MEASURES AGAINST**  
9 **YUGOSLAVIA.**

10 (a) GENERAL WAIVER AUTHORITY.—Except as pro-  
11 vided in subsection (b), the requirement to impose any  
12 measure under this Act may be waived for successive peri-  
13 ods not to exceed 12 months each, and the President may  
14 provide assistance in furtherance of this Act notwith-  
15 standing any other provision of law, if the President deter-  
16 mines and so certifies to the appropriate congressional  
17 committees in writing 15 days in advance of the implemen-  
18 tation of any such waiver that—

19 (1) it is important to the national interest of  
20 the United States; or

21 (2) significant progress has been made in Yugo-  
22 slavia in establishing a government based on demo-  
23 cratic principles and the rule of law, and that re-  
24 spects internationally recognized human rights.

1           (b) EXCEPTION.—The President may implement the  
2 waiver under subsection (a) for successive periods not to  
3 exceed 3 months each without the 15 day advance notifica-  
4 tion under that subsection —

5           (1) if the President determines that exceptional  
6 circumstances require the implementation of such  
7 waiver; and

8           (2) the President immediately notifies the ap-  
9 propriate congressional committees of his determina-  
10 tion.

11          (c) TERMINATION OF RESTRICTIONS.—The restric-  
12 tions imposed by this Act shall be terminated if the Presi-  
13 dent determines and so certifies to the appropriate con-  
14 gressional committees that the Government of Yugoslavia  
15 is a government that is committed to democratic principles  
16 and the rule of law, and that respects internationally rec-  
17 ognized human rights.

18 **SEC. 409. STATUTORY CONSTRUCTION.**

19          (a) IN GENERAL.—None of the restrictions or prohi-  
20 bitions contained in this Act shall be construed to limit  
21 humanitarian assistance (including the provision of food  
22 and medicine), or the commercial export of agricultural  
23 commodities or medicine and medical equipment, to Yugo-  
24 slavia.

1 (b) SPECIAL RULE.—Nothing in subsection (a) shall  
2 be construed to permit the export of an agricultural com-  
3 modity or medicine that could contribute to the develop-  
4 ment of a chemical or biological weapon.

5 **TITLE V—MISCELLANEOUS**  
6 **PROVISIONS**

7 **SEC. 501. THE INTERNATIONAL CRIMINAL TRIBUNAL FOR**  
8 **THE FORMER YUGOSLAVIA.**

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

10 (1) United Nations Security Council Resolution  
11 827, which was adopted May 25, 1993, established  
12 the International Criminal Tribunal for the former  
13 Yugoslavia to prosecute persons responsible for seri-  
14 ous violations of international humanitarian law  
15 committed in the territory of the former Yugoslavia  
16 since January 1, 1991.

17 (2) United Nations Security Council Resolution  
18 827 requires full cooperation by all countries with  
19 the Tribunal, including the obligation of countries to  
20 comply with requests of the Tribunal for assistance  
21 or orders.

22 (3) The Government of Yugoslavia has dis-  
23 regarded its international obligations with regard to  
24 the Tribunal, including its obligation to transfer or  
25 facilitate the transfer to the Tribunal of any person

1 on the territory of Yugoslavia who has been indicted  
2 for war crimes or other crimes against humanity  
3 under the jurisdiction of the Tribunal.

4 (4) The Government of Yugoslavia publicly re-  
5 jected the Tribunal's jurisdiction over events in  
6 Kosovo and has impeded the investigation of rep-  
7 resentatives from the Tribunal, including denying  
8 those representatives visas for entry into Yugoslavia,  
9 in their efforts to gather information about alleged  
10 crimes against humanity in Kosovo under the juris-  
11 diction of the Tribunal.

12 (5) The Tribunal has indicted President  
13 Slobodan Milosevic for—

14 (A) crimes against humanity, specifically  
15 murder, deportations, and persecutions; and

16 (B) violations of the laws and customs of  
17 war.

18 (b) POLICY.—It shall be the policy of the United  
19 States to support fully and completely the investigation  
20 of President Slobodan Milosevic by the International  
21 Criminal Tribunal for the former Yugoslavia for genocide,  
22 crimes against humanity, war crimes, and grave breaches  
23 of the Geneva Convention.

24 (c) IN GENERAL.—Subject to subsection (b), it is the  
25 sense of Congress that the United States Government

1 should gather all information that the intelligence commu-  
2 nity (as defined in section 3(4) of the National Security  
3 Act of 1947 (50 U.S.C. 401a(4)) collects or has collected  
4 to support an investigation of President Slobodan  
5 Milosevic for genocide, crimes against humanity, war  
6 crimes, and grave breaches of the Geneva Convention by  
7 the International Criminal Tribunal for the former Yugo-  
8 slavia (ICTY) and that the Department of State should  
9 provide all appropriate information to the Office of the  
10 Prosecutor of the ICTY under procedures established by  
11 the Director of Central Intelligence that are necessary to  
12 ensure adequate protection of intelligence sources and  
13 methods.

14 (d) REPORT TO CONGRESS.—Not less than 180 days  
15 after the date of enactment of this Act, and every 180  
16 days thereafter, the President shall submit a report, in  
17 classified form if necessary, to the appropriate congres-  
18 sional committees that describes the information that was  
19 provided by the Department of State to the Office of the  
20 Prosecutor of the International Criminal Tribunal for the  
21 former Yugoslavia for the purposes of subsection (c).

22 **SEC. 502. SENSE OF CONGRESS WITH RESPECT TO ETHNIC**  
23 **HUNGARIANS OF VOJVODINA.**

24 (a) FINDINGS.—Congress finds that—

1           (1) approximately 350,000 ethnic Hungarians  
2           reside in the province of Vojvodina, part of Serbia,  
3           in traditional settlements in existence for centuries;

4           (2) this community has taken no side in any of  
5           the Balkan conflicts since 1990, but has maintained  
6           a consistent position of nonviolence, while seeking to  
7           protect its existence through the meager opportuni-  
8           ties afforded under the existing political system;

9           (3) the Serbian leadership deprived Vojvodina  
10          of its autonomous status at the same time as it did  
11          the same to the province of Kosovo;

12          (4) this population is subject to continuous har-  
13          assment, intimidation, and threatening suggestions  
14          that they leave the land of their ancestors; and

15          (5) during the past 10 years this form of ethnic  
16          cleansing has already driven 50,000 ethnic Hungar-  
17          ians out of the province of Vojvodina.

18          (b) SENSE OF CONGRESS.—It is the sense of Con-  
19          gress that the President should—

20               (1) condemn harassment, threats, and intimidati-  
21               on against any ethnic group in Yugoslavia as the  
22               usual precursor of violent ethnic cleansing;

23               (2) express deep concern over the reports on re-  
24               cent threats, intimidation, and even violent incidents

1 against the ethnic Hungarian inhabitants of the  
2 province of Vojvodina;

3 (3) call on the Secretary of State to regularly  
4 monitor the situation of the Hungarian ethnic group  
5 in Vojvodina; and

6 (4) call on the NATO allies of the United  
7 States, during any negotiation on the future status  
8 of Kosovo, also to pay substantial attention to estab-  
9 lishing satisfactory guarantees for the rights of the  
10 ethnic Hungarian community of Vojvodina, and of  
11 other ethnic minorities in the province, including  
12 consulting with elected leaders about their proposal  
13 for self-administration.

14 **SEC. 503. OWNERSHIP AND USE OF DIPLOMATIC AND CON-**  
15 **SULAR PROPERTIES.**

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

17 (1) The international judicial system, as cur-  
18 rently structured, lacks fully effective remedies for  
19 the wrongful confiscation of property and for unjust  
20 enrichment from the use of wrongfully confiscated  
21 property by governments and private entities at the  
22 expense of the rightful owners of the property.

23 (2) Since the dissolution of the Socialist Fed-  
24 eral Republic of Yugoslavia, the Government of  
25 Yugoslavia has exclusively used, and benefited from

1 the use of, properties located in the United States  
2 that were owned by the Socialist Federal Republic of  
3 Yugoslavia.

4 (3) The Governments of Bosnia and  
5 Herzegovina, Croatia, the Former Yugoslav Republic  
6 of Macedonia, and Slovenia have been blocked by the  
7 Government of Yugoslavia from using, or benefiting  
8 from the use of, any property located in the United  
9 States that was previously owned by the Socialist  
10 Federal Republic of Yugoslavia.

11 (4) The continued occupation and use by offi-  
12 cials of Yugoslavia of that property without prompt,  
13 adequate, and effective compensation under the ap-  
14 plicable principles of international law to the Gov-  
15 ernments of Bosnia and Herzegovina, Croatia, the  
16 Former Yugoslav Republic of Macedonia, and Slo-  
17 venia are unjust and unreasonable.

18 (b) POLICY ON NEGOTIATIONS REGARDING PROP-  
19 erties.—It is the policy of the United States to insist  
20 that the Government of Yugoslavia has a responsibility to,  
21 and should, actively and cooperatively engage in good faith  
22 negotiations with the Governments of Bosnia and  
23 Herzegovina, Croatia, the Former Yugoslav Republic of  
24 Macedonia, and Slovenia for resolution of the outstanding  
25 property issues resulting from the dissolution of the So-

1 cialist Federal Republic of Yugoslavia, including the dis-  
2 position of the following properties located in the United  
3 States:

4 (1) 2222 Decatur Street, NW, Washington,  
5 DC.

6 (2) 2410 California Street, NW, Washington,  
7 DC.

8 (3) 1907 Quincy Street, NW, Washington, DC.

9 (4) 3600 Edmonds Street, NW, Washington,  
10 DC.

11 (5) 2221 R Street, NW, Washington, DC.

12 (6) 854 Fifth Avenue, New York, NY.

13 (7) 730 Park Avenue, New York, NY.

14 (c) SENSE OF CONGRESS ON RETURN OF PROP-  
15 erties.—It is the sense of Congress that, if the Govern-  
16 ment of Yugoslavia refuses to engage in good faith nego-  
17 tiations on the status of the properties listed in subsection  
18 (b), the President should take steps to ensure that the  
19 interests of the Governments of Bosnia and Herzegovina,  
20 Croatia, the Former Yugoslav Republic of Macedonia, and  
21 Slovenia are protected in accordance with international  
22 law.

23 **SEC. 504. TRANSITION ASSISTANCE.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that once the regime of President Slobodan Milosevic

1 has been replaced by a government that is committed to  
2 democratic principles and the rule of law, and that re-  
3 spects internationally recognized human rights, the Presi-  
4 dent of the United States should support the transition  
5 to democracy in Yugoslavia by providing immediate and  
6 substantial assistance, including facilitating its integration  
7 into international organizations.

8 (b) AUTHORIZATION OF ASSISTANCE.—The Presi-  
9 dent is authorized to furnish assistance to Yugoslavia if  
10 he determines, and so certifies to the appropriate congres-  
11 sional committees that the Government of Yugoslavia is  
12 committed to democratic principles and the rule of law and  
13 respects internationally recognized human rights.

14 (c) REPORT TO CONGRESS.—

15 (1) DEVELOPMENT OF PLAN.—The President  
16 shall develop a plan for providing assistance to  
17 Yugoslavia in accordance with this section. Such as-  
18 sistance would be provided at such time as the  
19 President determines that the Government of Yugo-  
20 slavia is committed to democratic principles and the  
21 rule of law and respects internationally recognized  
22 human rights.

23 (2) STRATEGY.—The plan developed under  
24 paragraph (1) shall include a strategy for distrib-  
25 uting assistance to Yugoslavia under the plan.

1           (3) DIPLOMATIC EFFORTS.—The President  
2 shall take the necessary steps—

3           (A) to seek to obtain the agreement of  
4 other countries and international financial insti-  
5 tutions and other multilateral organizations to  
6 provide assistance to Yugoslavia after the Presi-  
7 dent determines that the Government of Yugo-  
8 slavia is committed to democratic principles, the  
9 rule of law, and that respects internationally  
10 recognized human rights; and

11           (B) to work with such countries, institu-  
12 tions, and organizations to coordinate all such  
13 assistance programs.

14           (4) COMMUNICATION OF PLAN.—The President  
15 shall take the necessary steps to communicate to the  
16 people of Yugoslavia the plan for assistance devel-  
17 oped under this section.

18           (5) REPORT.—Not later than 120 days after  
19 the date of enactment of this Act, the President  
20 shall transmit to the appropriate congressional com-

- 1 mittees a report describing in detail the plan re-
- 2 quired to be developed by paragraph (1).

Passed the Senate November 4, 1999.

Attest:

*Secretary.*

106TH CONGRESS  
1ST SESSION

**S. 720**

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**AN ACT**

To promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

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