

Public Law 102-138  
102d Congress

## An Act

To authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

Oct. 28, 1991  
[H.R. 1415]

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

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1992 and 1993”.

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## TITLE I—DEPARTMENT OF STATE

## PART A—AUTHORIZATION OF APPROPRIATIONS

## SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) **DIPLOMATIC AND ONGOING OPERATIONS.**—The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, of the Department of State \$1,725,005,000 for the fiscal year 1992 and \$1,822,650,000 for the fiscal year 1993.

(2) **ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.**—For “Acquisition and Maintenance of Buildings Abroad”, \$304,034,000 for the fiscal year 1992 and \$300,192,000 for the fiscal year 1993.

(3) **REPRESENTATION ALLOWANCES.**—For “Representation Allowances”, \$4,802,000 for the fiscal year 1992 and \$5,000,000 for the fiscal year 1993.

(4) **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.**—For “Emergencies in the Diplomatic and Consular Service”, \$7,500,000 for the fiscal year 1992 and \$8,000,000 for the fiscal year 1993.

(5) **OFFICE OF THE INSPECTOR GENERAL.**—For “Office of the Inspector General”, \$23,928,000 for the fiscal year 1992 and \$26,650,000 for the fiscal year 1993.

(6) **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.**—For “Payment to the American Institute in Taiwan”, \$13,784,000 for the fiscal year 1992 and \$14,500,000 for the fiscal year 1993.

(7) **MOSCOW EMBASSY.**—For “Acquisition and Maintenance of Buildings Abroad”, subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, \$130,000,000 for fiscal year 1992 and \$130,000,000 for fiscal year 1993. Amounts appropriated under this paragraph are authorized to be available until expended.

(b) **DIPLOMATIC SECURITY PROGRAM.**—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under “Administration of Foreign Affairs” for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$299,828,000 for the fiscal year 1992 and \$315,000,000 for the fiscal year 1993. Of the amounts authorized to be appropriated by this paragraph \$4,000,000 is authorized to be appropriated



for each of the fiscal years 1992 and 1993 for "counterterrorism, research, and development".

(2) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", \$11,464,000 for the fiscal year 1992 and \$16,464,000 for the fiscal year 1993.

(c) LIMITATIONS.—

(1) Of the amount authorized to be appropriated for "Emergencies in the Diplomatic and Consular Service" under subsection (a)(4), not more than \$2,000,000 for each of the fiscal years 1992 and 1993 is authorized to be appropriated for activities authorized under subparagraphs (C), (D), (E), (F), (G), (H), and (J) of section 4(b)(2) of the State Department Basic Authorities Act of 1956.

(2) Of the amount authorized to be appropriated for "Salaries and Expenses" under subsection (a)(1)—

(A) \$10,000,000 for each of the fiscal years 1992 and 1993 is authorized to be available for the Foreign Service Institute and the Geographic Bureaus for language training programs;

(B) not more than \$4,100,000 shall be available for fiscal year 1992, and not more than \$5,400,000 shall be available for fiscal year 1993, only for procurement of ADP equipment for the Beltsville Information Management Center;

(C) not more than \$750,000 of the amounts appropriated for fiscal year 1992 are authorized to be available until expended to pay shared costs of the Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings and CSCE parliamentary assessments (including shared costs of the CSCE Secretariat) and any shared costs and assessments for CSCE parliamentary activities for fiscal year 1991;

(D) for the fiscal year 1992—

(i) \$550,000 is authorized for United States preparations and related travel for the 1992 United Nations Conference on Environment and Development (UNCED), for United States contributions to the Voluntary Fund for UNCED, and for United States contributions to the Trust Fund for Preparatory Activities; and

(ii) up to \$25,000 is authorized on a matching grant basis to promote participation in the UNCED and in the UNCED preparatory conferences by nongovernmental organizations; and

(E) \$1,500,000 is authorized to be available for fiscal year 1993 for the Department of State to enter into contracts with the International Career Program in order for students from historically-black colleges and universities to enter into programs of recruitment and training for careers in the Foreign Service and in other areas of international affairs.

(3) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(2) not more than \$41,500,000 shall be available for fiscal year 1992, and not more than \$44,700,000 for fiscal year 1993, for administration.

(4) Of the amount authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection

(a)(2) and amounts authorized to be appropriated under section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 a total of not more than \$55,466,000 is authorized to be appropriated for fiscal year 1992 for capital programs.

(5) Funds authorized to be appropriated by subsection (a)(1) are also authorized to be appropriated under the heading "Repatriation Loans Program Account" for the administrative expenses of such program.

(6) Amounts appropriated for "Acquisition and Maintenance of Buildings Abroad" pursuant to this section, and made available for new posts in Estonia, Latvia, Lithuania, republics in the Soviet Union, and republics which have declared independence from the Soviet Union, shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

#### SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

##### (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) There are authorized to be appropriated for "Contributions to International Organizations", \$1,120,541,000 for the fiscal year 1992 and \$766,681,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1992, not more than \$370,876,000 are authorized to be appropriated to pay arrearages for assessed contributions for prior years, of which not more than \$92,719,000 may be made available for obligation or expenditure during each of the fiscal years 1992, 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

##### (b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) There are authorized to be appropriated for "Contributions to International Peacekeeping Activities", \$201,292,000 for the fiscal year 1992 and \$72,254,000 for the fiscal year 1993, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 1992, not more than \$132,423,000 are authorized to be appropriated to pay arrearages, of which not more than \$38,400,000 may be made available for obligation or expenditure during the fiscal year 1992 and not more than \$31,400,000 may be made available for obligation or expenditure for each of the fiscal years 1993, 1994, and 1995. Authorizations of appropriations for

arrearage payments under this subsection shall be available until the appropriations are made.

(c) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated for “International Conferences and Contingencies”, \$5,500,000 for the fiscal year 1992 and \$5,775,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

#### SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

(A) for “Salaries and Expenses” for the fiscal year 1992, \$11,400,000 and, for the fiscal year 1993, \$12,000,000; and

(B) for “Construction” for the fiscal year 1992, \$10,525,000 and, for the fiscal year 1993, \$19,925,000.

(2) **INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.**—For “International Boundary Commission, United States and Canada”, \$768,000 for the fiscal year 1992 and \$805,000 for the fiscal year 1993.

(3) **INTERNATIONAL JOINT COMMISSION.**—For “International Joint Commission”, \$3,732,000 for the fiscal year 1992 and \$3,920,000 for the fiscal year 1993.

(4) **INTERNATIONAL FISHERIES COMMISSIONS.**—For “International Fisheries Commissions”, \$14,000,000 for the fiscal year 1992 and \$16,500,000 for the fiscal year 1993.

#### SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—(1)(A) There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, \$547,250,000 for the fiscal year 1992 and \$592,250,000 for the fiscal year 1993.

(B) Of the amounts authorized to be appropriated by subparagraph (A), \$5,000,000 is authorized to be available for each of the fiscal years 1992 and 1993 for migration assistance to displaced ethnic Armenians resettling in Armenia.

(2) There are authorized to be appropriated \$80,000,000 for the fiscal year 1992 and \$90,000,000 for the fiscal year 1993 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated \$1,750,000 for the fiscal year 1992, and \$1,750,000 for the fiscal year 1993, for assistance to unaccompanied minor children and other cases of special humanitarian concern that have generally been referred to special committees established pursuant to the Comprehensive Plan of Action for Indochinese Refugees in first asylum countries in Southeast Asia and Hong Kong. The President shall seek to ensure that such assistance supplements, and does not supplant, United Nations High Commissioner for Refugees and other funding that would have been directed toward assistance to unaccompanied minors and other

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cases of special humanitarian concern in the absence of this paragraph. Assistance may be provided under this paragraph notwithstanding any other provision of law.

(4) There are authorized to be appropriated \$1,000,000 for fiscal year 1992 and \$1,000,000 for fiscal year 1993 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Burmese displaced as a result of civil conflict.

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

#### SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) **UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.**—For “United States Bilateral Science and Technology Agreements”, \$2,250,000 for the fiscal year 1992 and \$6,000,000 for the fiscal year 1993.

(2) **SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.**—For “Soviet-East European Research and Training”, \$4,784,000 for the fiscal year 1992 and \$5,025,000 for the fiscal year 1993.

(3) **ASIA FOUNDATION.**—For “Asia Foundation”, \$16,000,000 for the fiscal year 1992 and \$18,000,000 for the fiscal year 1993.

## PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

#### SEC. 111. TECHNICAL AMENDMENT.

The State Department Basic Authorities Act of 1956 is amended—

(1) by striking out section 48; and

(2) by inserting immediately after the enacting clause the following: “That this Act may be cited as the ‘State Department Basic Authorities Act of 1956’.”.

#### SEC. 112. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) **CONSULAR AND DIPLOMATIC POSTS ABROAD.**—

(1) The State Department Basic Authorities Act of 1956 (as amended by subsection (a)) is amended by adding after section 47 the following:

#### “CLOSING OF CONSULAR AND DIPLOMATIC POSTS ABROAD

“SEC. 48. (a) **PROHIBITED USES OF FUNDS.**—Except as provided under subsection (d) or in accordance with the procedures under subsections (b) and (c) of this section—

“(1) no funds authorized to be appropriated to the Department of State shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad; and

“(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

22 USC 2651  
note.  
22 USC 2651  
note.

22 USC 2720.

“(b) **POST CLOSING NOTIFICATION.**—Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(c) **REPROGRAMMING TREATMENT.**—Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 34 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

“(d) **EXCEPTIONS.**—The provisions of this section do not apply with respect to—

“(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

“(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

“(e) **DEFINITION.**—As used in this section, the term ‘consular or diplomatic post’ does not include a post to which only personnel of agencies other than the Department of State are assigned.”.

(b) **REPEAL.**—Section 122 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2656 note) is repealed.

#### SEC. 113. DENIAL OF PASSPORTS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 48 the following new section:

##### “IMPERMISSIBLE BASIS FOR DENIAL OF PASSPORTS

“SEC. 49. A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.”. 22 USC 2721.

#### SEC. 114. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2680 note) is amended by adding at the end thereof the following: “Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.”.

#### SEC. 115. LEASE AUTHORITY.

(a) **INCREASE IN LEASE AUTHORITY.**—Section 10 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by striking out “\$25,000,” and inserting in lieu thereof “\$50,000”. 22 USC 301.

(b) **ADVANCE PAYMENTS.**—Section 10 of the Foreign Service Buildings Act, 1926 is further amended—

(1) by inserting “(a) **LEASES.**—” after “SEC. 10.”; and

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

“(b) **ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE PURCHASE.**—The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-pur-



chase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this Act.”.

(c) **EXCEPTION OF LEASES AND PURCHASES FROM COMPETITION.**—Section 3 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 294), is amended in the second sentence by inserting “purchases of buildings, for leases, and for” after “contracts for”.

**SEC. 116. MULTIYEAR CONTRACTING FOR MOSCOW.**

(a) **MULTIYEAR CONTRACT.**—For purposes of this section the term “multiyear contract” means a contract in effect for a period not to exceed five years.

(b) **AUTHORITY.**—The Secretary of State may enter into multiyear contracts for the acquisition of property and the construction of diplomatic facilities in Moscow, as authorized by the Foreign Service Buildings Act, 1926, if—

(1) there are sufficient funds available for United States Government liability for—

(A) total payments under the full term of a contract; or

(B) payments for the first fiscal year for which the contract is in effect, and for all estimated cancellation costs; and

(2) the Secretary of State determines that—

(A) a multiyear contract will serve the best interests of the United States Government by—

(i) achieving economies in administration, performance, and operation;

(ii) increasing quality of performance by, or service from, the contractor; or

(iii) encouraging effective competition; and

(B) a multiyear contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

(c) **CONTRACT PROVISIONS.**—

(1) Unless funds are available for United States liability for payments under the full term of a multiyear contract, a multiyear contract shall provide that United States Government payments and performance under the contract during the second and any subsequent fiscal year of the contract period are contingent on the availability of funds for such year.

(2) A multiyear contract may provide for payment to the contractor of a reasonable cancellation charge for a contingency under paragraph (1).

(3) The Secretary is authorized to use such funds as may be available from the Foreign Service Buildings Fund for payments under paragraph (2).

(d) **SUNSET PROVISION.**—This section shall cease to have effect after September 30, 1993.

**SEC. 117. TRANSFERS AND REPROGRAMMINGS.**

(a) **BUYING POWER MAINTENANCE ACCOUNT.**—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding at the end of subsection (b) the following new paragraph:

“(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an

account under 'Administration of Foreign Affairs', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed \$100,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

"(E) This paragraph shall cease to have effect after September 30, 1993."

Termination  
date.

(b) INCREASE IN REPROGRAMMING LIMITATION.—Section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)) is amended in paragraph (7) by striking out "\$250,000" and inserting in lieu thereof "\$500,000".

(c) APPROPRIATIONS.—Section 24(d) of the State Department Basic Authorities Act is amended to read as follows:

22 USC 2696.

"(d)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year for any other account of the Department of State.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of section 15 shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993."

Termination  
date.

#### SEC. 118. ADMINISTRATIVE SERVICES.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended—

(1) by adding before the section designation the following section heading: "ADMINISTRATIVE SERVICES";

(2) by inserting "(a) AGREEMENTS.—" after "Sec. 23."; and

(3) by adding at the end thereof the following new subsection:

"(b) PAYMENT.—

"(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) shall make full and prompt payment for such services through advance of funds or reimbursement.

"(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a). The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notifica-



tion. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

“(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.”.

#### SEC. 119. INTERNATIONAL MEETINGS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 49 the following:

##### “INTERNATIONAL MEETINGS

22 USC 2722.

“SEC. 50. (a) **AUTHORITY TO PAY EXPENSES.**—If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

“(b) **RETENTION OF REIMBURSEMENTS.**—To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.”.

#### SEC. 120. AVAILABILITY OF FUNDS.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

(1) in subsection (j), by striking out “and”;

(2) in subsection (k), by striking out the period and inserting in lieu thereof “; and”; and

(3) by adding after subsection (k) the following new subsection:

“(l) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.”.

#### SEC. 121. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking out “1990 and 1991,” and inserting in lieu thereof “1992 and 1993,”.

22 USC 2652b.

#### SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) **ESTABLISHMENT OF POSITION.**—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652).

President.

(b) **APPOINTMENT.**—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **RESPONSIBILITIES.**—The Assistant Secretary shall have responsibility within the Department of State with respect to India, Paki-

stan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

(d) CONFORMING AMENDMENT.—

(1) POSITIONS AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“Assistant Secretary for South Asian Affairs, Department of State.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1991. 5 USC 5315 note.

(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

SEC. 123. FEES RECEIVED FOR USE OF BLAIR HOUSE.

Section 46(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) is amended by striking out “for the fiscal years 1990 and 1991,”.

SEC. 124. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4021 note) is amended in subsection (c)(2) by striking out “50,000,000” and inserting in lieu thereof “70,000,000”.

SEC. 125. MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY.

22 USC 296a.

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after the date of the enactment of this Act, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

SEC. 126. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking out the section heading and the heading for subsection (a) and inserting in each place the following: “DEFENSE TRADE CONTROLS REGISTRATION FEES;

(2) in subsection (a)—

(A) by striking out “Munitions Control” each place it appears and inserting in lieu thereof “Defense Trade Controls”;

(B) by striking out “munitions control” each place it appears and inserting in lieu thereof “defense trade controls”; and

(C) by striking out “\$500,000” and inserting in lieu thereof “\$700,000”.

#### SEC. 127. DENIAL OF CERTAIN VISAS.

(a) AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.—The State Department Basic Authorities Act of 1956 is amended by adding after section 50 the following new section:

##### “DENIAL OF VISAS

22 USC 2723.

“SEC. 51. (a) REPORT TO CONGRESS.—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

“(b) LIMITATION.—Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

“(c) APPROPRIATE COMMITTEES.—For the purposes of this section the term ‘appropriate committees of the Congress’ means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.”.

8 USC 1182 note.

#### SEC. 128. VISA LOOKOUT SYSTEMS.

(a) VISAS.—The Secretary of State may not include in the Automated Visa Lookout System, or in any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, the name of any alien who is not excludable from the United States under the Immigration and Nationality Act, subject to the provisions of this section.

(b) CORRECTION OF LISTS.—Not later than 3 years after the date of enactment of this Act, the Secretary of State shall—

(1) correct the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, by deleting the name of any alien not excludable under the Immigration and Nationality Act; and

Reports.

(2) report to the Congress concerning the completion of such correction process.

#### (c) REPORT ON CORRECTION PROCESS.—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate congressional committees, a plan which sets forth the manner in which the Department of State will correct the Automated Visa Lookout System, and any other system or list as set forth in subsection (b).

(2) Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the progress made toward completing the correction of lists as set forth in subsection (b).

(d) APPLICATION.—This section refers to the Immigration and Nationality Act as in effect on and after June 1, 1991.

(e) LIMITATION.—

(1) The Secretary may add or retain in such system or list the names of aliens who are not excludable only if they are included for otherwise authorized law enforcement purposes or other lawful purposes of the Department of State. A name included for other lawful purposes under this paragraph shall include a notation which clearly and distinctly indicates that such person is not presently excludable. The Secretary of State shall adopt procedures to ensure that visas are not denied to such individuals for any reason not set forth in the Immigration and Nationality Act.

(2) The Secretary shall publish in the Federal Register regulations and standards concerning maintenance and use by the Department of State of systems and lists for purposes described in paragraph (1).

Federal  
Register,  
publication.  
Regulations.

(3) Nothing in this section may be construed as creating new authority or expanding any existing authority for any activity not otherwise authorized by law.

(f) **DEFINITION.**—As used in this section the term “appropriate congressional committees” means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

#### SEC. 129. PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS.

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

(1) to direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) to prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

(b) **NEGOTIATIONS.**—The Secretary of State shall immediately undertake negotiations to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passports or other documents reflect that the holder thereof has visited Israel.

(c) **REPORT TO CONGRESS.**—The Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in subsection (a), and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

(d) **PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.**—

(1) **PROHIBITION.**—Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel.

Regulations.

(2) CANCELLATION.—Not later than ninety days after the date of enactment of this Act, the Secretary of State shall promulgate regulations for the cancellation not later than 180 days after the enactment of this Act of any currently valid passport which is designated for travel only to Israel.

(e) POLICY ON NONACQUIESCENCE.—

(1) REQUIREMENT OF SINGLE PASSPORT.—The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

Regulations.

(2) IMPLEMENTATION OF POLICY OF NONCOMPLIANCE.—The Secretary of State shall promulgate such rules and regulations as are necessary to ensure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(3) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), this subsection shall take effect 90 days after the date of enactment of this Act.

(B) If the report under subsection (c) is not submitted within 60 days of the date of enactment of this Act, this subsection shall take effect 60 days after the date of enactment of this Act.

## PART C—DIPLOMATIC RECIPROCITY AND SECURITY

### SEC. 131. DIPLOMATIC CONSTRUCTION PROGRAM.

22 USC 4852.

Section 402(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4582(a)) is amended—

(1) in paragraph (1) by striking out “\$5,000,000” and inserting in lieu thereof “\$10,000,000”; and

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

“(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.”.

### SEC. 132. CONSTRUCTION OF DIPLOMATIC FACILITIES.

(a) LIMITATION.—Amounts appropriated pursuant to section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress, a comprehensive plan which sets forth current and future space requirements for the United States Mission in Moscow and how such requirements will be met.

(2) In addition to such other information as the Secretary of State considers necessary and appropriate, such plan shall include detailed information concerning requirements for—

(A) United States constructed and secure office space to house all classified or sensitive activities from the most secure to unclassified but sensitive functions;

(B) unclassified nonsensitive office functions;

(C) staff housing that is physically safe, secure, and adequate for the needs of the entire United States Mission, both permanent and transient;

(D) secure and unsecured warehousing;

(E) recreational facilities;

(F) expanded activities of the United States Information Agency, including offices and cultural activities;

(G) expanded consular activities of the Mission;

(H) expanded activities of the Foreign Commercial Service of the Department of Commerce;

(I) activities of the Immigration and Naturalization Service; and

(J) all other anticipated United States Government space requirements.

(3) In the preparation of such plan, the Secretary shall ensure that detailed consideration be given to at least three construction options for the new chancery building at the United States Embassy in Moscow: (A) full teardown and rebuild; (B) four floor "top hat" in which two floors are removed from the unfinished New Office Building and four floors added; and (C) a two floor "top hat" in which no floors are removed but two are added.

(c) IMPLEMENTING DOCUMENTS.—The Secretary of State shall make available to the appropriate committees of Congress copies of all agreements, including memoranda of understanding, exchanges of letters, and all other written agreements with the governments of the Soviet Union, the Russian Republic, and the City of Moscow necessary to implement the comprehensive plan under subsection (b).

(d) REPORT.—

(1) Not later than 60 days before the obligation or expenditure of any funds authorized to be appropriated under section 101(a)(7), the Secretary of State and the Director of Central Intelligence shall submit to the appropriate committees of the Congress a joint written report on alternative approaches to the reconstruction of the new chancery building at the United States Embassy in Moscow (as authorized under section 101(a)(7)).

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall contain a detailed comparison of the relative advantages and disadvantages of all alternatives considered with respect to the new chancery building at the United States Embassy in Moscow and shall identify the alternative selected for implementation. Such report shall include an analysis of the following factors:

(A) Estimated cost of completion, based on comparable levels of fit, finish, and equipment.

(B) Estimated time to completion.

(C) Total amount of secure and nonsecure space available for office and other functions.



(D) Whether classified or sensitive functions would be conducted in nonsecure areas, and, if so, how the conduct of such functions would be made secure.

(E) Whether, and to what extent, Embassy functions or normal work practices would have to be rearranged in order to accommodate limitations on secure space.

(e) EXTRAORDINARY SECURITY SAFEGUARDS.—

(1) In carrying out the reconstruction project for the new chancery building at the United States Embassy in Moscow, the Secretary of State shall ensure that extraordinary security safeguards are implemented with respect to all aspects of security, including materials, logistics, construction methods, and site access.

(2) Such extraordinary security safeguards under paragraph (1) shall include the following:

(A) Exclusive United States control over the site during reconstruction.

(B) Exclusive use of United States or non-Soviet materials with respect to the new chancery structure.

(C) Exclusive use of United States workmanship with respect to the new chancery structure.

(D) To the extent feasible, prefabrication in the United States of major portions of the new chancery.

(E) Exclusive United States control over construction materials during the entire logistical process of reconstruction.

(f) UNITED STATES-SOVIET RECIPROCITY CONCERNING OCCUPANCY OF NEW CHANCERY BUILDINGS.—The Secretary of State may not permit the Soviet Union to use any new office building at the Soviet Union's new Mount Alto embassy complex in Washington, District of Columbia, or any other new facility in the Washington metropolitan area, until—

(1) the new chancery building at the United States Embassy in Moscow is ready for occupancy;

(2) the Secretary of State and the Director of Central Intelligence certify, on the basis of the best available information, that the new chancery building at the United States Embassy in Moscow provides a secure working environment for all sensitive diplomatic activities from unclassified but sensitive functions to the most highly classified functions, provides adequate secure or securable office space for future mission needs, and can be safely and securely occupied by the United States and used for its intended purpose; and

(3) the Soviet Union agrees to provide full reimbursement (in the form of cash payment, property, or other goods and services of real monetary value) to the United States for costs incurred by the United States as a result of noncompliance with the terms and requirements of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings, as well as other activities which have impeded use of the unfinished new office building of the United States Embassy of Moscow for its intended purpose, the amount of such reimbursement shall be determined by agreement



between the United States and the Soviet Union, or by arbitration.

(g) **REPORT.**—In the event the amount of reimbursement agreed to under subsection (f) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (f) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(h) **CONFORMING AMENDMENTS.**—

(1) Section 304 of Public Law 100-202 (The Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988) is repealed.

101 Stat.  
1329-23.

(2) Section 154 of Public Law 99-93 (The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is repealed.

99 Stat. 429.

(3) The Supplemental Appropriations Act 1985 (P.L. 99-88) is amended under the heading "ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD" for the Department of State by striking out "Provided," and all that follows before the period at the end of subsection (d).

99 Stat. 307.

(i) **DEFINITIONS.**—For the purposes of this section, the term "appropriate committees of Congress", means the Committee on Foreign Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(j) **ESTABLISHMENT OF ADDITIONAL UNITED STATES MISSIONS IN THE SOVIET UNION.**—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress outlining plans for the establishment of additional United States missions in the former Soviet Union. Particular priority should be placed on establishing an appropriate United States presence in Tbilisi, Georgia; Kishinev, Moldavia; Yerevan, Armenia; and Khabarovsk, Russia or another suitable nearby location in the Russian Far East. Such report shall include the number of missions and personnel, projected costs, and the ramifications regarding reciprocity for Soviet missions in the United States.

Reports.

**SEC. 133. POSSIBLE MOSCOW EMBASSY SECURITY BREACH.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the extent to which United States assets were compromised by Soviet "firefighters" in the March 1991 fire at the United States Embassy complex in Moscow. Such report shall include an accounting of the Embassy's political, military, communications, and intelligence capabilities, and shall be submitted in classified, as well as unclassified, form.

Reports.  
Classified  
information.

**SEC. 134. SPECIAL AGENTS.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this act, the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary and Foreign Relations of the Senate and the Committees on the Judiciary and Foreign Affairs of the House of Representatives a report and rec-

ommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) **TERMS OF REFERENCE.**—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshals, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest.

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority.

(3) Disadvantages which would be likely to result from granting of such authority, including disadvantages in terms of protection of civil liberties.

(4) Proposed statutory language which would if enacted provide any such authority recommended.

(5) Proposed regulations to implement any such enacted authority.

#### SEC. 135. PROTECTION FOR UNITED NATIONS FACILITIES AND MISSIONS.

##### (a) **PERMANENT AUTHORIZATION.**—

(1) Section 208(b)(1) of title 3, United States Code, is amended—

(A) by striking out “\$7,000,000” and inserting in lieu thereof “\$10,000,000”;

(B) by striking out “1982” and inserting in lieu thereof “1991”; and

(C) by striking out “after such date” and inserting in lieu thereof “without regard to the fiscal year such obligations were entered into, including obligations entered into before such date”.

(2) Section 208(b)(2) of title 3, United States Code, is amended—

(A) by striking out “\$17,700,000” and inserting in lieu thereof “\$8,000,000”;

(B) by striking out “1982” and inserting in lieu thereof “1991”; and

(C) by inserting before the period at the end thereof the following: “, except that not more than \$4,000,000 of this amount shall be obligated or expended during fiscal year 1992”.

(3) The amendments made by this subsection shall take effect on October 1, 1991.

##### (b) **PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.**—

(1) Section 202(8)(C) of title 3, United States Code, is amended to read as follows: “(C) when the extraordinary protective need arises at or in association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with

any such visit and may be extended at places of temporary domicile in connection with any such visit;”.

(2) Section 202(9) of title 3, United States Code, is amended to read as follows:

“(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and”.

(3) Section 202 of title 3, United States Code, is amended by adding after paragraph (9) the following:

“(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits, pursuant to invitations of the United States Government.”.

(4)(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect October 1, 1991.

(B) The amendments made by paragraph (1) shall be deemed to have become effective as of January 1, 1989.

(5) Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection was in effect during that period and the services had been requested by the Secretary of State.

(c) CONFORMING AMENDMENTS.—Section 208(a) of title 3, United States Code, is amended by striking out “section 202(7)” each place it appears and inserting in lieu thereof “sections 202(8) and 202(10)”.

#### SEC. 136. STUDY OF CONSTRUCTION SECURITY NEEDS.

Not more than one year after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report and recommendations regarding security needs for diplomatic construction. The Secretary of State shall review priorities, recommendations, and plans, generally known as the “Inman Report”, and address specifically whether changing budgetary and foreign policy priorities since the “Inman Report” continue to justify the “Inman” recommendations. The report should also assess whether authorizations for “Inman” security activities should be modified or repealed in light of changed conditions.

### PART D—PERSONNEL

#### SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in subsection (a)(1) by inserting “as an ambassador,” after “ambassador at large,”.

#### SEC. 142. CHIEF OF MISSION SALARY.

(a) ELECTION.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in the second sentence of subsection (b) by striking out all that follows “assignment” and inserting in lieu

Effective dates.  
3 USC 202 note.

Inter-  
governmental  
relations.  
3 USC 202 note.

Reports.

thereof "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President."

(b) **PAY CAP.**—Section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961) is amended in subsection (a) by—

(1) striking out "Each" and inserting in lieu thereof "Except as provided in section 302(b), each"; and

(2) striking out "level II of such" and inserting in lieu thereof "level I of such".

#### **SEC. 143. AUTHORITY OF SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES.**

(a) **SEPARATION FOR CAUSE.**—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (3) by striking out "there is reasonable cause to believe that a member has committed a crime" and inserting in lieu thereof "a member has been convicted of a crime";

(2) in paragraph (4)(A) by striking out "suspension, including the grounds for reasonable cause to believe a crime has been committed" and inserting in lieu thereof "suspension"; and

(3) in the second sentence of paragraph (5) by striking out "there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed" and inserting in lieu thereof "the conviction requirements of subsection (a)(3) have been fulfilled".

(b) **FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.**—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the third sentence of paragraph (8) by striking out "determined that" and all that follows through the period and inserting in lieu thereof "exercised his authority under subsection (a)(3) of section 610."

(c) **CONFORMING AMENDMENT.**—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking out subsection (c).

22 USC 4010  
note.

#### **SEC. 144. COMMISSARY ACCESS.**

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703(c)) is amended by adding before the period at the end of the first sentence " , and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad".

#### **SEC. 145. STORAGE OF PERSONAL EFFECTS.**

Section 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended—

(1) in subparagraph (B) by inserting immediately before the semicolon " , except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days"; and

(2) in subparagraph (C) by inserting immediately before the semicolon " , except that in extraordinary circumstances the

Secretary may extend this period for not more than an additional 90 days”.

#### SEC. 146. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10)) is amended by inserting immediately before the semicolon “or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant”.

#### SEC. 147. AMENDMENTS TO TITLE 5.

Government  
employees.

(a) **DURATION OF PAYMENTS; RATES; ACTIVE SERVICE PERIOD.**—Section 5523(a)(1) of title 5, United States Code, is amended by striking “agency)—” and all that follows thereafter and inserting the following: “agency) whose departure (or that of the employee’s dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and”.

(b) **LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.**—(1) Section 5551(a) of title 5, United States Code, is amended by inserting “(excluding any differential under section 5925 and any allowance under section 5928)” after “pay” in the second sentence.

(2) The amendment made by paragraph (1) shall apply with respect to service as part of a tour of duty or extension thereof commencing on or after the date of enactment of this Act.

5 USC 5551 note.

(c) **GENERAL PROVISIONS.**—Section 5922 of title 5, United States Code, is amended by adding at the end the following:

“(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee’s death.

“(e) When an allowance related to education away from post under this subchapter would be authorized with respect to an employee but for the evacuation or authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent children of such employee to complete the current school year.”.

(d) **QUARTERS ALLOWANCE.**—Section 5923 of title 5, United States Code, is amended—

(1) by striking out “When” and inserting in lieu thereof “(a) When”;

(2) in paragraph (1) (in the matter before subparagraph (A))—

(A) by striking “lodging” and inserting “subsistence”; and

(B) by inserting “(including meals and laundry expenses)” after “quarters”;

(3) in paragraph (1)(A), by striking “3 months” and inserting “90 days”;

(4) in paragraph (1)(B), by striking “1 month” and inserting “30 days”; and

(5) by adding at the end the following:

“(b) The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the



control of the employee for the continued occupancy of temporary quarters.”.

(e) **COST-OF-LIVING ALLOWANCES.**—Section 5924 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “Columbia.” and inserting “Columbia, except that employees receiving the temporary subsistence allowance under section 5923(1) are ineligible for a post allowance under this paragraph.”;

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking “expenses,” and inserting “subsistence and other relocation expenses (including unavoidable lease penalties),”;

(B) in subparagraph (A), by inserting “the Commonwealth of the Northern Mariana Islands,” after “Puerto Rico,”; and

(C) in subparagraph (B), by striking “between assignments to posts in foreign areas.” and inserting “after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned.”; and

(3) in paragraph (4)—

(A) in the matter before subparagraph (A), by striking “dependents,” and inserting “dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas),”;

(B) in subparagraph (A), by striking “United States,” and inserting “United States (including such educational services as are provided by the States under the Individuals with Disabilities Education Act),”;

(C) in subparagraph (B)—

(i) in the first sentence by striking “undergraduate college education” and inserting “postsecondary educational institution education (other than a program of post-baccalaureate education)”;

(ii) in the third sentence by striking “undergraduate college education” and inserting “postsecondary educational institution education (other than a program of post-baccalaureate education)”;

(iii) by adding at the end the following: “For the purposes of this subparagraph, the term ‘educational institution’ has the meaning defined under section 1701(a)(6) of title 38.”.

#### SEC. 148. VOLUNTARY LEAVE BANK PROGRAM.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking out “and (B)” and inserting in lieu thereof “(B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C)”.

#### SEC. 149. REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL AP- POINTEES.

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

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) Except as provided under subsection (b), a participant, who completes an assignment under section 302(b) in a position to which he or she was appointed by the President, shall be offered reassignment within 90 days after the termination of such assignment and any period of authorized leave.

"(b) Subsection (a) shall not apply with respect to a participant, if the Secretary of State determines that reassignment of the participant is not in the interest of the United States and the Foreign Service.

"(c) A participant who is not reassigned under subsection (a) shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate."

SEC. 150. COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE.

(a) MEMBERSHIP.—

(1) Within 90 days of the date of enactment of this Act, the Secretary of State shall appoint seven distinguished members, at least six of whom shall have a minimum of ten years experience in personnel management, to examine personnel issues affecting both Foreign Service and Civil Service employees at the Department of State.

(2) Appointments to the Commission shall be made in consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Post Office and Civil Service of the House of Representatives, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

(3) The Secretary of State may reappoint members who served on the Commission authorized under section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(4) At least two members of the Commission shall have specialized knowledge of the Civil Service in the Department of State.

(b) IMPLEMENTATION REPORT.—Not later than one year after the date of enactment of this Act, the Commission shall report to the Chairmen and ranking Members of the appropriate committees of the Congress on the extent to which the Department of State has implemented recommendations of the Commission authorized in section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(c) REPORT ON PERSONNEL MATTERS AND CONDITIONS.—

(1) Not more than one year after the date of enactment of this Act, the Commission shall issue a written report to the appropriate committees of the Congress on State Department personnel questions affecting the effective conduct of foreign policy and the efficiency, cost effectiveness, and morale of State Department employees.

(2) The Commission report required under this subsection shall include the following topics:

(A) Matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) relating to senior Foreign Service Officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied



them, were involuntarily retired under section 607 after June 2, 1990.

(B) An examination of the contribution of Civil Service personnel to the fulfillment of the mission of the Department of State, including—

(i) recommendations as to how the needs and standing of such employees might be more fully recognized by the Department as full partners in the successful conduct of foreign policy; and

(ii) recommendations as to how Civil Service positions may be better utilized or structured in the Department and abroad to enhance the institutional memory on evolving foreign policy issues.

(C) A study of the management and practices at the United States Mission to the United Nations, taking into account the recommendations of recent reports of the Inspector General of the Department of State.

(d) Definition.—As used in this section the term “appropriate committees of the Congress” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Post Office and Civil Service of the House of Representatives.

22 USC 4012a.

#### SEC. 151. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) FUNDING.—There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(c) AVAILABILITY.—Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

#### SEC. 152. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended—

(1) in the first sentence, by inserting after “Service,” the following: “United States citizens employed in the Service abroad who were hired while residing abroad,”; and

(2) in the second sentence, by inserting after “wages” the following: “to United States citizens employed in the Service abroad who were hired while residing abroad”.

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after “foreign nationals” the following: “, are United States citizens employed in the Service abroad who were hired while residing abroad,”.

## SEC. 153. GRIEVANCES BASED ON ALLEGED DISCRIMINATION.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this section referred to as “the Act”) is amended—

(A) by striking “and” at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting “; and”; and

(C) by adding at the end the following:

“(H) any discrimination prohibited by—

“(i) section 717 of the Civil Rights Act of 1964,

“(ii) section 6(d) of the Fair Labor Standards Act of 1938,

“(iii) section 501 of the Rehabilitation Act of 1973,

“(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967, or

“(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv).”.

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking “section 1109(b).” and inserting “section 1109(a)(2).”; and

(B) by adding at the end (as a flush left sentence) the following:

“Nothing in this subsection shall exclude any act, omission, or condition alleged to violate any law, rule, regulation, or policy directive referred to in subsection (a)(1)(H) from such term.”.

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting “under this chapter” before “unless”; and

(2) by adding at the end the following:

“(c)(1) In applying subsection (a) with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), the reference to ‘3 years’ shall be deemed to read ‘180 days’, subject to paragraph (2).

“(2) If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

“(A) the date as of which the grievant is no longer assigned to such post; or

“(B) the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.”.

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

“(f) The Board shall, with respect to any grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging discrimination under such law, rule, regulation, or policy directive had been filed with the commission.”.

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

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

(B) in subsection (b)—

- (i) by striking “(b)” and inserting “(2)”;
- (ii) by striking “subsection (a),” and inserting “paragraph (1),”;
- (iii) by striking “under this section” and inserting “under this subsection”; and
- (iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

“(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies.”; and

(C) by adding at the end the following:

“(b)(1) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), a grievant may either—

“(A) file a grievance under this chapter, or

“(B) initiate in writing a proceeding under another provision of law, regulation, or Executive order that authorizes relief, but not both.

“(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

“(A) files a grievance under this chapter, or

“(B) initiates in writing a proceeding under such other provision of law, regulation, or Executive order.”.

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking “section 1109(b),” and inserting “section 1109(a)(2),”.

(e) JUDICIAL REVIEW.—Section 1110 of the Act (22 U.S.C. 4140) is amended—

(1) by striking “Any” and inserting “(a) Any”;

(2) by adding after the second sentence the following new sentence: “This subsection shall not apply to any grievance with respect to which subsection (b) applies.”; and

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

“(b)(1) For purposes of this subsection, the term ‘aggrieved party’ means a grievant.

“(2) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the Secretary or the Board, in an appropriate district court of the United States for de novo review.”.

(f) APPLICABILITY.—The amendments made by this section shall not apply with respect to any grievance (within the meaning of section 1101 of the Act, as amended by this section) arising before the date of enactment of this Act.

22 USC 4115  
note.

Reports.

#### SEC. 154. COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE.

Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and

whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

**SEC. 155. LANGUAGE TRAINING IN THE FOREIGN SERVICE.**

22 USC 4001  
note.

The Department of State, the Department of Commerce, and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

**PART E—INTERNATIONAL ORGANIZATIONS**

**SEC. 161. MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.**

It is the sense of the Congress that the Permanent Representative of the United States to the United Nations should work to ensure that in-kind contributions by the United States and other nations to the United Nations peacekeeping forces are included at their full value when calculating the contributions to United Nations peacekeeping forces.

**SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.**

22 USC 287e  
note.

(a) **ASSESSED CONTRIBUTIONS.**—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) **NOTICE TO CONGRESS.**—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

President.

(c) **CONTRIBUTIONS FOR PRIOR YEARS.**—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) if such payment would further United States interests in that organization.

(d) **REPORT TO CONGRESS.**—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the

President.

payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) **REPEAL OF EXISTING LAW.**—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, are repealed.

22 USC 287e  
note.

**SEC. 163. REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT.**

Section 701 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 287e note) is amended—

- (1) by striking out subsection (b); and
- (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

**SEC. 164. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.**

President.  
22 USC 269.

(a) **REPEAL.**—The Act of June 18, 1926 (22 U.S.C. 269) is repealed.

(b) **AUTHORITY.**—The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

**SEC. 165. INTERNATIONAL BOUNDARY AND WATER COMMISSION.**

Section 103 of the Act of September 13, 1950 (22 U.S.C. 277d-3), is amended—

(1) by inserting “official entertainment and other representation expenses within the United States for the United States section,” after “guard purposes;”; and

Reports.

(2) by striking out the period at end thereof and inserting in lieu thereof “: *Provided further*, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.”.

**SEC. 166. INTERNATIONAL FISHERIES COMMISSIONS ADVANCE PAYMENTS.**

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

- (1) at the end of subsection (j) by striking out “and”;
- (2) in subsection (k) by striking out the period and inserting in lieu thereof “; and”; and
- (3) by adding after subsection (k) the following new subsection:

“(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose.”.

**SEC. 167. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.**

Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended in paragraph (4) by inserting “or for not more than 50 percent of administrative expenses in the United States” after “Japan”.

22 USC 2761.

**SEC. 168. BRITISH-AMERICAN INTERPARLIAMENTARY GROUP.**

(a) **ESTABLISHMENT AND MEETINGS.**—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Con-



gress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) **APPOINTMENT OF MEMBERS.**—Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) **CHAIR AND VICE CHAIR.**—(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) **FUNDING.**—There is authorized to be appropriated \$50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) **CERTIFICATION OF EXPENDITURES.**—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) **ANNUAL REPORT.**—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) **INTERPARLIAMENTARY CONFERENCE OF NORTH ATLANTIC ASSEMBLY.**—Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to amounts authorized by section 2, there is authorized to be appropriated \$550,000 for fiscal year 1994 to meet the expenses incurred by the United States group in hosting the fortieth annual meeting of the North Atlantic Assembly."

**SEC. 169. UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).**

22 USC 276m.

(a) **ESTABLISHMENT.**—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as

the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) **APPOINTMENT OF DELEGATION.**—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) **ADMINISTRATIVE SUPPORT.**—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) **FUNDING.**—

(1) **UNITED STATES PARTICIPATION.**—There is authorized to be appropriated for each fiscal year \$80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) **AVAILABILITY OF APPROPRIATIONS.**—Amounts appropriated pursuant to this subsection are authorized to be available until expended.



(e) **ANNUAL REPORT.**—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

**SEC. 170. REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.**

Not later than 270 days after the date of the enactment of this Act, the Secretary of State (in consultation with the heads of all appropriate bureaus and offices of the Department of State) shall prepare and submit to the Congress a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

**SEC. 171. REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE.**

Section 5 of the Act entitled “An Act establishing a Commission on Security and Cooperation in Europe”, approved June 3, 1976 (22 U.S.C. 3005), is amended—

- (1) by striking out “a semiannual” before “report” and inserting in lieu thereof “an annual”; and
- (2) by striking out “the first one to be submitted six months after the date of enactment of this Act” after “report”.

**SEC. 172. INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT.**

It is the sense of the Congress regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

- (1) improved coordination of research activities and monitoring of global climate change;
- (2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;
- (3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;
- (4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and
- (5) the development of plans by each country to reach those goals.

**SEC. 173. INTER-AMERICAN FOUNDATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: “There are authorized to be appropriated \$28,800,000 for fiscal year 1992 and \$31,000,000 for fiscal year 1993 to carry out this section.”

22 USC 290f.

(b) **BOARD OF DIRECTORS.**—

- (1) **QUALIFICATIONS.**—Section 401(g) of that Act is amended by adding at the end the following: “All individuals appointed to the Board shall possess an understanding of and sensitivity to

community level development processes. No more than 5 members of the Board may be members of any one political party.”.

22 USC 290f  
note.

(2) **TRANSITION RULE.**—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

22 USC 290f.

(c) **PRINCIPAL OFFICE.**—Section 401(q) of that Act is amended to read as follows:

“(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.”.

(d) **EXPENSES FOR MEETINGS AND PRINTING.**—Section 401 of that Act is amended by adding at the end the following:

“(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

“(w) Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44, United States Code.”.

(e) **RELATION TO AMENDMENTS IN FOREIGN RELATIONS AUTHORIZATION ACT.**—If the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, contains amendments to section 401 of the Foreign Assistance Act of 1961 that are identical to the amendments described in this section, then whichever of such amendments are enacted later shall not be effective.

#### SEC. 174. HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS.

(a) **REVIEW.**—The Secretary of State shall conduct a review and evaluation of policies and procedures for the provision of housing benefits (including leased housing, housing allowances, differential payments, or any comparable benefit) to United States Government personnel assigned to the United States Mission to the United Nations. Such review shall consider the December 1989 recommendations of the Inspector General of the Department of State concerning housing benefits, and other recommendations as appropriate.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a comprehensive report of the findings of such review and evaluation to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include, but not be limited to—

(1) a summary of all leased housing policy changes;

(2) information concerning implementation of recommendations of the Inspector General for the Department of State, including an explanation for not implementing any recommendation made by the Inspector General; and

(3) designation of positions at the United States Mission to the United Nations which require the incumbent to live in the Borough of Manhattan, and specific justification for such designation.

**SEC. 175. ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING.**

(a) **ACTIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS.**—The Secretary of State, through the United States Representative to the United Nations, should propose to the Secretary General of the United Nations that the United Nations should explore means, including procedures and organizational initiative, for expediting the implementation of peacekeeping operations authorized by the Security Council.

(b) **REPORT OF THE SECRETARY OF STATE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report which makes recommendations concerning changes in United States law which would enhance the United States participation in peacekeeping operations authorized by the United Nations. Such report shall include legislative recommendations to expedite the use of appropriated funds for peacekeeping purposes on an emergency basis.

**SEC. 176. SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated under section 101(a)(1) for “Salaries and Expenses” of the Department of State, \$1,000,000 shall be available only after the submission of the report under subsection (b).

(b) **REPORT TO CONGRESS.**—Not later than March 1, 1992, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the international organizations listed in subsection (c). Such report shall include the following information with respect to each international organization:

- (1) The purpose and activities of the organization.
- (2) The political and economic benefits to the United States of membership in the organization.
- (3) The effect on United States consumers and importers of the activities and policies of the organization.

(c) **SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.**—The following international organizations shall be included in the report under this section:

- (1) International Center for the Study of Preservation and Restoration of Cultural Property.
- (2) International Coffee Organization.
- (3) International Cotton Advisory Committee.
- (4) International Hydrographic Organization.
- (5) International Jute Organization.
- (6) International Lead and Zinc Study Group.
- (7) International Rubber Organization.
- (8) International Office of Epizootics.
- (9) International Organization for Legal Metrology.
- (10) International Rubber Study Group.
- (11) International Sugar Organization.
- (12) International Tropical Timber Organization.
- (13) International Union for the Conservation of Nature and Natural Resources.
- (14) Permanent International Association of Road Congresses.
- (15) World Tourism Organization.

**SEC. 177. GREAT LAKES FISHERY COMMISSION.**

Of the amounts authorized to be appropriated by section 103(4) of this Act, there is authorized to be appropriated up to \$8,200,000 for fiscal year 1992 and up to \$12,300,000 for fiscal year 1993 for the purpose of enabling the Department of State to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission.

**SEC. 178. INTER-AMERICAN ORGANIZATIONS.**

(a) **POLICY.**—Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Congress believes that the Secretary of State, in allocating the level of resources for the “International Organizations and Commissions” account, should pay particular attention to funding levels of the Inter-American organizations.

(b) **FINDING.**—The Congress finds that the work done by these organizations has been of great benefit to the region, and the United States itself has experienced a positive return from their efforts.

**SEC. 179. INTERNATIONAL COFFEE ORGANIZATION.**

It is the sense of the Congress that the President should give the highest priority to the interests of United States consumers in shaping United States policy toward a new international coffee agreement.

22 USC 2686a.

**SEC. 180. APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY.**

(a) **DESIGNATION.**—The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) **OTHER RESPONSIBILITIES.**—The individual designated under subsection (a) may carry out the functions of subsection (a) in addition to other assigned responsibilities.

Reports.

22 USC 276c-4.

**SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.**

Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

**PART F—MISCELLANEOUS PROVISIONS****SEC. 191. TRAVEL ADVISORY FOR JALISCO, MEXICO.**

Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 is repealed.

99 Stat. 421.

**SEC. 192. IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN.**

(a) **REPORT TO CONGRESS.**—Two years after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the progress of the United States implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies), as adopted by the 40th session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

(b) **FINAL REPORT.**—Not later than 90 days prior to the 1995 deadline for submission of the report to the United Nations Secretary General on the United States implementation of the Nairobi Strategies, the Secretary of State shall submit to the Congress a preliminary version of such report.

**SEC. 193. STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPABILITIES.**

(a) **STUDY BY INSPECTOR GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of State shall initiate, with the cooperation of other appropriate Federal agencies, a study of the overseas technical security and counterintelligence capabilities and practices of the Department of State. The study shall be completed not later than one year after the date of enactment of this Act.

(b) **CONTENT.**—The study shall evaluate—

(1) the overseas technical security and counterintelligence capabilities of the Department of State since the enactment of the Omnibus Diplomatic Security and Antiterrorism Act of 1986;

(2) the level of the State Department's capabilities in technical security and counterintelligence relative to the technical and human intelligence threats identified by other appropriate Federal agencies; and

(3) whether the Department of State is the most appropriate Federal agency to carry out overseas technical security and counterintelligence functions.

(c) **REPORT TO CONGRESS.**—Not later than 400 days after the date of the enactment of this Act, the Inspector General of the Department of State shall prepare and submit, with the cooperation of other appropriate Federal agencies, a written report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The Inspector General may submit such report in classified form.

**SEC. 194. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State has been negligent in carrying out section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, "Study of Sexual Harassment at the Department of State".

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the reasons for the Department's negligence in adhering to deadlines required by law in implementing section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and what steps, if any, the Department has taken to prevent such a failure from recurring.

22 USC 2679b.

**SEC. 195. PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.**

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

22 USC 2680-1.

**SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES.**

(a) **IN GENERAL.**—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) **SPECIFIED COMMITTEES.**—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

22 USC 2656h.

**SEC. 197. INTERNATIONAL CREDIT REPORTS.**

(a) **REPORT ON LOAN CRITERIA.**—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

- (1) assessing country risk;
- (2) projecting loan repayments; and
- (3) estimating subsidy levels.

(b) **REPORTS ON LOANS.**—Beginning 180 days after the submission of the report in subsection (a) and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.



**SEC. 198. THE FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES.**

(a) **AMENDMENT.**—The State Department Basic Authorities Act of 1956 is amended by adding at the end thereof the following new title:

**“TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES****“SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION.**

22 USC 4351.

“(a) **CHARTER OF THE PUBLICATION.**—The Department of State shall continue to publish the ‘Foreign Relations of the United States historical series’ (hereafter in this title referred to as the ‘FRUS series’), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

“(b) **EDITING PRINCIPLES.**—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

“(c) **DEADLINE FOR PUBLICATION OF RECORDS.**—The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

**“SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES.**

22 USC 4352.

**“(a) IN GENERAL.—**

“(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

“(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

“(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

“(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

22 USC 4353.

“SEC. 403. PROCEDURES FOR IDENTIFYING RECORDS FOR THE FRUS SERIES; DECLASSIFICATION, REVISIONS, AND SUMMARIES.

“(a) DEVELOPMENT OF PROCEDURES.—Not later than 180 days after the date of enactment of this title, each department, agency, or other entity of the United States Government engaged in foreign policy formulation, execution, or support shall develop procedures for its historical office (or a designated individual in the event that there is no historical office)—

“(1) to coordinate with the State Department’s Office of the Historian in selecting records for possible inclusion in the FRUS series;

“(2) to permit full access to the original, unrevised records by such individuals holding appropriate security clearances as have been designated by the Historian as liaison to that department, agency, or entity, for purposes of this title, and by members of the Advisory Committee; and

“(3) to permit access to specific types of records not selected for inclusion in the FRUS series by the individuals identified in paragraph (2) when requested by the Historian in order to confirm that records selected by that department, agency, or entity accurately represent the policymaking process reflected in the relevant part of the FRUS series.

“(b) DECLASSIFICATION REVIEW.—

“(1) Subject to the provisions of this subsection, records selected by the Historian for inclusion in the FRUS series shall be submitted to the respective originating agency for declassification review in accordance with that agency’s procedures for such review, except that such declassification review shall be completed by the originating agency within 120 days after such records are submitted for review. If the originating agency determines that any such record is not declassifiable because of a continuing need to protect sources and methods for the collection of intelligence information or to protect other sensitive national security information, then the originating agency shall attempt to make such deletions in the text as will make the record declassifiable.

“(2) If the Historian determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1) that publication in that condition could be misleading or lead to an inaccurate or incomplete historical record, then the Historian shall take steps to achieve a satisfactory resolution of the problem with the originating agency. Within 60 days of receiving a proposed solution from the Historian, the originating agency shall furnish the Historian a written response agreeing to the solution or explaining the reasons for the alteration or deletion.

"(3) The Historian shall inform the Advisory Committee of any failure by an originating agency to complete its declassification review of a record within 120 days and of any steps taken under paragraph (2).

"(4) If the Advisory Committee determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1), or if the Advisory Committee determines as a result of inspection of other documents under subsection (a)(3) that the selection of documents could be misleading or lead to an inaccurate or incomplete historical record, then the Advisory Committee shall so advise the Secretary of State and submit recommendations to resolve the issue.

"(5)(A) The Advisory Committee shall have full and complete access to the original text of any record in which deletions have been made. In the event that the head of any originating agency considers it necessary to deny access by the Advisory Committee to the original text of any record, that agency head shall promptly notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.

"(B) The Historian shall provide the Advisory Committee with a complete list of the records described in subparagraph (A).

"(6) If a record is deleted in whole or in part as a result of review under this subsection then a note to that effect shall be inserted at the appropriate place in the FRUS volume.

**"SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.**

22 USC 4354.

**"(a) DEADLINE FOR DECLASSIFICATION.—**

"(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than 30 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

"(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

**"(b) EXEMPTED RECORDS.—**Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of State, in coordination with any agency that originated information in the records, determines—

"(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

"(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

"(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States

Government or would demonstrably impair the national security of the United States; or

“(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

“(c) REVIEW.—

“(1) The Advisory Committee shall review—

“(A) the State Department’s declassification procedures,

“(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

“(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after 30 years.

“(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

“(d) REPORTING REQUIREMENT.—The Advisory Committee shall annually submit to the Secretary of State a report setting forth its findings from the review conducted under subsection (c).

“(e) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.

22 USC 4355.

“SEC. 405. RELATIONSHIP TO THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT.

“(a) PRIVACY ACT.—Nothing in this title may be construed as requiring the public disclosure of records or portions of records protected under section 552a of title 5, United States Code (relating to the privacy of personal records).

“(b) FREEDOM OF INFORMATION ACT.—

“(1) Except as provided in paragraph (2), no record (or portion thereof) shall be excluded from publication in the FRUS series under section 403, or exempted from the declassification requirement of section 404, solely by virtue of the application of section 552(b) of title 5, United States Code (relating to the exemption of certain matters from freedom of information requirements).

“(2) Records described in section 222(f) of the Immigration and Nationality Act (relating to visa records) shall be excluded from publication in the FRUS series under section 403 and, to the extent applicable, exempted from the declassification requirement of section 404.

22 USC 4356.

“SEC. 406. ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

"(1) There is established on a permanent basis the Advisory Committee on Historical Diplomatic Documentation for the Department of State. The activities of the Advisory Committee shall be coordinated by the Office of the Historian of the Department of State.

"(2) The Advisory Committee shall be composed of 9 members and an executive secretary. The Historian shall serve as executive secretary.

"(3)(A) The members of the Advisory Committee shall be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

"(B)(i) Six members of the Advisory Committee shall be appointed from lists of individuals nominated by the American Historical Association, the Organization of American Historians, the American Political Science Association, Society of American Archivists, the American Society of International Law, and the Society for Historians of American Foreign Relations. One member shall be appointed from each list.

"(ii) If an organization does not submit a list of nominees under clause (i) in a timely fashion, the Secretary of State shall make an appointment from among the nominees on other lists.

"(b) TERMS OF SERVICE FOR APPOINTMENTS.—

"(1) Except as provided in paragraph (2), members of the Advisory Committee shall be appointed for terms of three years.

"(2) Of the members first appointed, as designated by the Secretary of State at the time of their appointment (after consultation with the appropriate organizations) three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years.

"(3) Each term of service under paragraph (1) shall begin on September 1 of the year in which the appointment is made.

"(4) A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment. A member appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of that term. A member may continue to serve when his or her term expires until a successor is appointed. A member may be appointed to a new term upon the expiration of his or her term.

"(c) SELECTION OF CHAIRPERSON.—The Advisory Committee shall select, from among its members, a chairperson to serve a term of 1 year. A chairperson may be reelected upon expiration of his or her term as chairperson.

"(d) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least quarterly or as frequently as may be necessary to carry out its duties.

"(e) SECURITY CLEARANCES.—

"(1) All members of the Advisory Committee shall be granted the necessary security clearances, subject to the standard procedures for granting such clearances.



"(2) For purposes of any law or regulation governing access to classified records, a member of the Advisory Committee seeking access under this paragraph to a record shall be deemed to have a need to know.

"(f) COMPENSATION.—

"(1) Members of the Advisory Committee—

"(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Advisory Committee; and

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

"(2) The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Advisory Committee.

"(3) The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this title are inconsistent with that Act.

22 USC 4357.

"SEC. 407. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Advisory Committee' means the Advisory Committee on Historical Diplomatic Documentation for the Department of State;

"(2) the term 'Historian' means the Historian of the Department of State or any successor officer of the Department of State responsible for carrying out the functions of the Office of the Historian, Bureau of Public Affairs, of the Department of State, as in effect on the date of enactment of this title;

"(3) the term 'originating agency' means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

"(4) the term 'record' includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents."



(b) **PREVIOUS ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION.**—The Advisory Committee on Historical Documentation for the Department of State established before the date of enactment of this Act shall terminate on such date.

22 USC 4356  
note.

(c) **COMPLIANCE.**—

(1) The Secretary of State shall ensure that the requirements of section 404 of the State Department Basic Authorities Act of 1956 (as amended by this section) are met not later than one year after the date of enactment of this Act. If the Secretary cannot reasonably meet the requirements of such section, he shall so notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and describe how the Department of State intends to meet the requirements of that section. In no event shall full compliance with the requirements of such section take place later than 2 years after the date of enactment of this Act.

22 USC 4354  
note.

(2)(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act, all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published.

22 USC 4351  
note.

(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.

## **TITLE II—UNITED STATES INFORMATION- AL, EDUCATIONAL, AND CULTURAL PROGRAMS**

### **PART A—UNITED STATES INFORMATION AGENCY**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and to carry out other authorities in law consistent with such purposes:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$423,827,500 for the fiscal year 1992 and \$451,294,000 for the fiscal year 1993.

(2) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General” \$4,206,000 for the fiscal year 1992 and \$4,420,000 for the fiscal year 1993.

(3) NATIONAL ENDOWMENT FOR DEMOCRACY.—For “National Endowment for Democracy”, \$25,000,000 for the fiscal year 1992 and \$31,250,000 for the fiscal year 1993.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For “Center for Cultural and Technical Interchange between East and West”, \$24,500,000 for the fiscal year 1992 and \$26,000,000 for the fiscal year 1993.

(b) AUTHORIZATION WITHIN “SALARIES AND EXPENSES” ACCOUNT.—Of the amount authorized to be appropriated by subsection (a)(1), \$284,000 is authorized for the fiscal year 1992 for the establishment and operation of a United States Information Agency office in Vientiane, Laos, pursuant to section 216 of this Act, and \$307,000 is authorized for fiscal year 1993 for the continued operation of such office.

#### SEC. 202. REPROGRAMMING OF FUNDS.

Section 705(a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(a)(7)) is amended by striking out “\$250,000” and inserting in lieu thereof “\$500,000”.

#### SEC. 203. AUTHORITY OF THE SECRETARY.

Paragraph (3) of section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting “and television” after “radio”.

#### SEC. 204. BASIC AUTHORITY.

Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

- (1) by striking out “and” at the end of paragraph (19);
- (2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and
- (3) by adding at the end thereof the following new paragraphs:
  - “(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);
  - “(22) furnish living quarters as authorized by section 5912 of title 5, United States Code; and
  - “(23) provide allowances as authorized by sections 5921 through 5928 of title 5, United States Code.”.

#### SEC. 205. PAYMENT OF CERTAIN EXPENSES FOR PARTICIPANTS.

Paragraph (9) of section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended to read as follows:

“(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;”.

## SEC. 206. USIA POSTS AND PERSONNEL OVERSEAS.

(a) USIA POSTS AND PERSONNEL OVERSEAS.—The United States Information and Educational Exchange Act of 1948 is amended by adding after section 811 the following:

“USIA POSTS AND PERSONNEL OVERSEAS

“SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad.

22 USC 1475g.

“(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(c) EXCEPTIONS.—This section shall not apply to any United States Information Agency post closed—

“(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

“(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.”.

(b) REDUCTIONS IN AMERICAN EMPLOYEES.—Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981.

22 USC 1475g  
note.

(c) REPEAL.—Section 204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 1461 note) is repealed.

## SEC. 207. IMPLEMENTATION OF BEIRUT AGREEMENT.

The first section of the joint resolution entitled “Joint resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948”, approved October 8, 1966 (19 U.S.C. 2051), is amended by adding at the end the following: “In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

“(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

“(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

“(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

“(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an

aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

“(5) because in the opinion of the agency the material is propaganda.

“Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.”.

North/South  
Center Act of  
1991.  
22 USC 2075.

#### SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

(a) **SHORT TITLE.**—This section may be cited as the “North/South Center Act of 1991”.

(b) **PURPOSE.**—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objectives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) **NORTH/SOUTH CENTER.**—In order to carry out the purpose of this section, the Director of the United States Information Agency shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) **AUTHORITIES.**—The Director of the United States Information Agency, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for fiscal year 1992 and \$10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

Effective date.

(f) **REPEAL.**—Effective October 1, 1991, the section enacted by the third proviso under the heading “EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is repealed.

22 USC 2075.

#### SEC. 209. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

Section 810 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4509) is repealed.

22 USC 2452  
note.

#### SEC. 210. CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM.

(a) **PURPOSE.**—It is the purpose of this section to provide Federal financial assistance to facilitate a program to enable high school and college students from emerging democracies, who are visiting the United States, to spend from one to two weeks in Washington, District of Columbia, observing and studying the workings and

operations of the democratic form of government of the United States.

(b) **GRANTS.**—The Director of the United States Information Agency is authorized to make grants to the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to carry out the purpose specified in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 for fiscal year 1992 to carry out this section, of which not more than \$500,000 is authorized to be available for obligation or expenditure during that fiscal year. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

#### SEC. 211. PROGRAM REVIEW OF NED.

(a) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated under section 201(3), after the submission of the report under subsection (b), there are authorized to be appropriated for the National Endowment for Democracy \$5,000,000 for fiscal year 1992.

(b) **REPORTING REQUIREMENT.**—The National Endowment for Democracy shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a comprehensive report concerning the actions of the National Endowment for Democracy and certain grantees (the Free Trade Union Institute, the Center for International Private Enterprise, the National Republican Institute for International Affairs, and the National Democratic Institute for International Affairs) to comply with the recommendations of the General Accounting Office report of March 1991, entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement".

(c) **GENERAL ACCOUNTING OFFICE REPORT.**—Not more than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives an evaluation of the actions taken by the National Endowment for Democracy and certain grantees to comply with the General Accounting Office report of March 1991.

(d) **ANNUAL AUDIT.**—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by striking out "may also" and inserting in lieu thereof "shall".

(e) **SENSE OF CONGRESS ON PRIVATE DONATIONS.**—It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act.

#### SEC. 212. USIA GRANTS.

22 USC 1475h.

(a) **COMPETITIVE GRANT PROCEDURES.**—Except as provided in subsection (b), the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) **EXCEPTIONS.**—The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) or any statute which expressly authorizes or requires that a grant be made with a specified entity;



(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) **COMPLIANCE WITH GRANT GUIDELINES.**—

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).

**SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY PHOTOGRAPHIC WORKS OF RICHARD SAUNDERS.**

(a) **DISTRIBUTION TO THE SCHOMBURG CENTER FOR BLACK STUDIES.**—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Schomburg Center for Black Studies, New York, New York, master copies of the United States Information Agency photographic works of Richard Saunders, a former employee of the United States Information Agency; and

(2) the Schomburg Center for Black Studies, New York, New York, shall reimburse the Director of the United States Information Agency for any expenses of the Agency in making such master copies.

(b) **REIMBURSEMENT.**—Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

**SEC. 214. ISRAELI ARAB SCHOLARSHIP PROGRAM.**

(a) **ESTABLISHMENT.**—Subject to the availability of funds under subsection (d), there is established in the United States Information Agency a fund to be known as the Israeli Arab Scholarship Fund (hereinafter in this Act referred to as the “fund”). The income from the fund shall be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States to be known as the Israeli Arab Scholarship Program (hereinafter in



the section referred to as the "program"). The fund and the program shall be administered by the United States Information Agency in accordance with this section and the Mutual Educational and Cultural Exchange Act of 1961. The fund may accept contributions and gifts from public and private sources.

(b) **ADMINISTRATION OF THE FUND.**—It shall be the duty of the Director of the United States Information Agency to invest in full amounts made available to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(c) **APPROPRIATIONS FROM THE FUND.**—For each fiscal year, there is authorized to be appropriated from the fund for the Israeli Arab Scholarship Program the interest and earnings of the fund.

(d) **FUNDING.**—Amounts made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (as amended by section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), are authorized to be appropriated to the fund.

#### **SEC. 215. ELIGIBILITY OF NED FOR GRANTS.**

Section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by adding at the end thereof the following:

"(j) After January 31, 1993, no member of the Board of the Endowment may be a member of the board of directors or an officer of any grantee of the National Endowment for Democracy which receives more than 5 percent of the funds of the Endowment for any fiscal year."

#### **SEC. 216. ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS.**

The Director of the United States Information Agency shall establish an office in Vientiane, Laos, to assist in the propagation of American economic and political values.

## **PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS**

#### **SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) **SALARIES AND EXPENSES.**—For "Salaries and Expenses", \$37,749,000 for the fiscal year 1992 and \$39,308,000 for the fiscal year 1993.

(2) **FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.**—For the "Fulbright Academic Exchange Programs", \$110,454,000 for the fiscal year 1992 and \$117,297,000 for the fiscal year 1993.

(3) **HUBERT H. HUMPHREY FELLOWSHIP PROGRAM.**—For the "Hubert H. Humphrey Fellowship Program", \$5,682,000 for the fiscal year 1992 and \$6,000,000 for the fiscal year 1993.

(4) **INTERNATIONAL VISITORS PROGRAM.**—For the “International Visitors Program”, \$45,366,000 for the fiscal year 1992 and \$47,650,000 for the fiscal year 1993.

(5) **OTHER PROGRAMS.**—For “East Europe Training Projects”, “Citizen Exchange Programs”, and the “Congress-Bundestag Exchange Program”, \$14,028,000 for the fiscal year 1992 and \$14,700,000 for the fiscal year 1993.

(6) **WORLD UNIVERSITY GAMES.**—For cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York, \$2,000,000 for fiscal year 1992 and \$2,000,000 for fiscal year 1993, provided that amounts authorized under this subsection are subject to all requirements governing United States Information Agency assistance to private organizations.

(7) **NEAR AND MIDDLE EAST PROGRAMS.**—For “Near and Middle East Programs”, \$3,000,000 for fiscal year 1993.

(8) **VIETNAM SCHOLARSHIP PROGRAM.**—For the “Vietnam Scholarship Program” established by section 229, \$300,000 for each of the fiscal years 1992 and 1993.

(9) **SOVIET-AMERICAN INTERPARLIAMENTARY EXCHANGES.**—For the expenses of Soviet-American Interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress, after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency, there are authorized to be appropriated \$2,000,000 for the fiscal year 1992, of which not more than \$1,000,000 shall be available for obligation or expenditure during that fiscal year. Amounts appropriated under this subsection are authorized to be available until expended.

#### **SEC. 222. FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT.**

In addition to amounts authorized to be appropriated by section 221(2) for the Fulbright Academic Exchange Programs, \$2,700,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 to increase amounts otherwise available for Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

Yugoslavia.

#### **SEC. 223. USIA CULTURAL CENTER IN KOSOVO.**

(a) **ESTABLISHMENT.**—The Director of the United States Information Agency shall establish a cultural center in the capital of Kosovo in Yugoslavia when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a center is established under subsection (a), the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives on progress toward establishment of a center pursuant to subsection (a), including an assessment by the Secretary of State of the risks to physical and personal security of the establishment of such a center.

#### **SEC. 224. CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS.**

Section 225(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) by striking out "Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991," and inserting in lieu thereof "Of funds made available to the Bureau of Education and Cultural Affairs to carry out the Mutual Educational and Cultural Exchange Act of 1961, for each of the fiscal years 1992 and 1993"; and

(2) by striking out "shall" each place it appears and inserting in lieu thereof "are authorized to".

**SEC. 225. EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND.**

22 USC 2452  
note.

(a) **ESTABLISHMENT OF FEDERAL ENDOWMENT.**—The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Director may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) **TRANSFER.**—

(1) **APPROPRIATIONS AND OTHER AVAILABLE FUNDS.**—The Director shall transfer to the fund the amounts appropriated pursuant to the authority of subsection (f) to carry out the exchange program under this section.

(2) **GIFTS.**—(A) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any sums received by the Director pursuant to subparagraph (A) shall be transferred to the fund.

(3) **IN GENERAL.**—The Director in investing the corpus and income of the fund, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) **SPECIAL RULE.**—The fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(c) **WITHDRAWALS AND EXPENDITURES.**—The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the exchange program described in subsection (a).

(d) **DEFINITIONS.**—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this subsection are authorized to be available until expended.

**SEC. 226. ENHANCED EDUCATIONAL EXCHANGE PROGRAM.**

22 USC 2452  
note.

(a) **PROGRAMS FOR FOREIGN STUDENTS AND SCHOLARS.**—

(1) Not later than September 30, 1993, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only—

(A) to students and scholars from the new democracies of Eastern Europe,

(B) to students and scholars from the Soviet Union;

(C) to students and scholars from countries determined by the Associate Director of the Bureau of Educational and Cultural Affairs to be not adequately represented in the foreign student population in the United States.

(b) **PROGRAMS FOR UNITED STATES STUDENTS AND SCHOLARS.—**

(1) Not later than September 30, 1993, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

(c) **DEFINITION.**—For the purposes of this section, the term “scholarship” means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books and supplies, equipment required for courses at an educational institution, and living expenses at a United States or foreign educational institution.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated for the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated \$2,000,000 for fiscal year 1992 and \$2,000,000 for fiscal year 1993 to carry out the purposes of this section. Amounts appropriated under this subsection are authorized to be available until expended.

22 USC 2452  
note.

**SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.**

(a) **STATEMENT OF PURPOSE.**—The purpose of this section is to establish a scholarship program designed to bring students from the Soviet Union, Lithuania, Latvia, and Estonia to the United States for study in the United States.

President.

(b) **SCHOLARSHIP PROGRAM AUTHORITY.**—Subject to the availability of appropriations under subsection (d), the President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the Soviet Union, Lithuania, Latvia, and Estonia who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(c) **GUIDELINES.**—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency should develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics, Lithuania, Latvia, and Estonia.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this section that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

(d) **FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.**—There are authorized to be appropriated to the United States Information Agency \$7,000,000 for fiscal year 1992, and \$7,000,000 for fiscal year 1993, to carry out this section.

(e) **COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.**—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.



22 USC 2452  
note.

#### SEC. 228. NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

(a) **NEAR AND MIDDLE EAST STUDIES.**—The Director of the United States Information Agency may expend from the amount authorized for the Bureau of Educational and Cultural Affairs, such sums as are appropriate to assist graduate and postdoctoral studies by United States scholars on the Near and Middle East.

(b) **REPORT.**—The Director of the United States Information Agency shall prepare and submit to the President and the Congress at the end of each fiscal year in which assistance is provided under subsection (a) a report concerning such assistance.

(c) **RECOMMENDATIONS.**—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency, in consultation with qualified government agencies and appropriate private organizations and individuals, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives recommendations concerning the conduct of educational and cultural exchange programs administered and funded by the Agency.

(d) **DEFINITION.**—For purposes of this section, the term “Near and Middle East” refers to the region consisting of those countries and peoples covered by the Bureau of Near Eastern and South Asian Affairs of the Department of State on the day before the date of the enactment of this Act.

22 USC 2452  
note.

#### SEC. 229. SCHOLARSHIPS FOR VIETNAMESE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1992 and 1993, 15 scholarships for Vietnamese residents in Vietnam qualified to study in the United States for the purpose of studying in the United States. Each scholarship made available under this subsection shall be for not less than one semester of study in a United States college or university.

(b) **PREFERENCE IN AWARDING SCHOLARSHIPS.**—In awarding scholarships under this section, preference shall be given to candidates intending to pursue studies in economics and commercial law.

### PART C—BUREAU OF BROADCASTING

#### SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Bureau of Broadcasting for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$196,942,000 for the fiscal year 1992 and \$216,815,000 for the fiscal year 1993.

(2) **TELEVISION AND FILM SERVICE.**—For “Television and Film Service”, \$33,185,000 for the fiscal year 1992 and \$34,476,000 for the fiscal year 1993.

(3) **ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.**—For “Acquisition and Construction of Radio Facilities”, \$98,043,000 for the fiscal year 1992 and \$103,000,000 for the fiscal year 1993.



(4) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$38,988,000 for the fiscal year 1992 and \$34,525,000 for the fiscal year 1993.

**SEC. 232. TELEVISION BROADCASTING TO CUBA ACT.**

Section 247 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465ee) is amended by adding at the end thereof the following:

“(c) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the purposes of this part are authorized to be available until expended.”.

**SEC. 233. YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA.**

The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America.

**SEC. 234. VOICE OF AMERICA BROADCASTS IN KURDISH.**

(a) FINDINGS.—The Congress finds that—

(1) more than 20 million Kurds have no source of reliable and accurate news and information in their own language;

(2) the Kurdish people have been subject to extreme repression, including the denial of fundamental cultural and human rights, the extensive destruction of villages, and the mass killing of Kurds by the Iraqi regime; and

(3) the Voice of America provides an effective means by which the Kurdish people may be informed of events in the free world and pertaining to their own situation.

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than 1 hour each day.

(d) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than 90 days after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

Reports.

(e) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(f) SURROGATE HOME SERVICE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of

Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than 2 hours a day.

**SEC. 235. REPORTS ON THE FUTURE OF INTERNATIONAL BROADCASTING.**

(a) **REPORT ON INTERNATIONAL BROADCASTING.**—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives the report of the Policy Coordinating Committee on International Broadcasting.

(b) **REPORT ON UNITED STATES GOVERNMENT BROADCASTING.**—The President's Task Force on United States Government International Broadcasting shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a complete text of its report to the President on United States Government Broadcasting.

## **PART D—BOARD FOR INTERNATIONAL BROADCASTING**

**SEC. 241. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

“(1) There are authorized to be appropriated to carry out the purposes of this Act and the Inspector General Act of 1978—

“(A) \$212,491,000 for fiscal year 1992 and \$221,203,000 for fiscal year 1993 (at April 2, 1991 exchange rates) and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and

“(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.”.

(b) **BUDGET ACT COMPLIANCE.**—Section 8(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(4) The authorities of paragraph (1) may be exercised only in such amounts and to such extent as provided for in advance in an appropriations Act.”.

**SEC. 242. BOARD FOR INTERNATIONAL BROADCASTING ACT.**

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

“(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1), which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated, shall be certified to the Congress by the Director of the Office of Management and Budget and shall—

“(1) be placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year; or

“(2) be used to make payments to RFE/RL’s United States and German pension plans in order to avoid future pension liabilities.

Any such amount placed in reserve may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.”.

#### SEC. 243. BROADCASTING TO CHINA.

(a) COMMISSION ON BROADCASTING TO THE PEOPLE’S REPUBLIC OF CHINA.—

(1) ESTABLISHMENT.—There is established a Commission on Broadcasting to the People’s Republic of China (hereafter in this title referred to as the “Commission”) which shall be an independent commission in the executive branch.

(2) MEMBERSHIP.—The Commission shall be composed of 11 members from among citizens of the United States who shall, within 45 days of the enactment of this Act, be appointed in the following manner:

(A) The President shall appoint 3 members of the Commission. President.

(B) The Speaker of the House of Representatives shall appoint 2 members of the Commission.

(C) The Majority Leader of the Senate shall appoint 2 members of the Commission.

(D) The Minority Leader of the House of Representatives shall appoint 2 members of the Commission.

(E) The Minority Leader of the Senate shall appoint 2 members of the Commission.

(3) CHAIRPERSON.—The President, in consultation with the congressional leaders referred to in subsection (b), shall designate 1 of the members to be the Chairperson.

(4) QUORUM.—A quorum, consisting of at least half of the members who have been appointed, shall be required for the transaction of business.

(5) VACANCIES.—Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

(b) FUNCTIONS.—

(1) PURPOSE.—The Commission shall examine the feasibility, effect, and implications for United States foreign policy of instituting a radio broadcasting service to the People’s Republic of China, as well as to other communist countries in Asia, to promote the dissemination of information and ideas, with particular emphasis on developments within each of those nations.

(2) SPECIFIC ISSUES TO BE EXAMINED.—The Commission shall examine all issues related to instituting such a service, including—

(A) program content;

(B) staffing and legal structure;

(C) transmitter and headquarters requirements;

(D) costs;

(E) expected effect on developments within China and on Sino-American relations; and

(F) expected effect on developments within other communist countries in Asia and on their relations with the United States.

(3) **METHODOLOGY.**—The Commission shall conduct such studies, inquires, hearings, and meetings as it considers necessary.

(4) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President of the Senate a report describing its activities in carrying out the purpose of paragraph (1) and including recommendations regarding the issues of paragraph (2).

(c) **ADMINISTRATION.**—

(1) **COMPENSATION AND TRAVEL EXPENSES.**—

(A) **GENERAL PROVISION.**—

(i) Except as provided in subparagraph (B), members shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

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

(B) **LIMITATION.**—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

(2) **SUPPORT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.**—

(A) **EXECUTIVE AGENCIES.**—Executive agencies shall, to the extent the President considers appropriate and as permitted by law, provide the Commission with appropriate information, advice, and assistance.

(B) **CONGRESSIONAL COMMITTEES.**—As may be considered appropriate by the chairpersons, committees of Congress may provide appropriate information, advice, and assistance to the Commission.

(3) **EXPENSES.**—Expenses of the Commission shall be paid from funds available to the Department of State.

(d) **TERMINATION.**—The Commission shall terminate upon submission of the report under subsection (b).

**SEC. 244. POLICY ON RADIO FREE EUROPE.**

It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should maintain its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

## TITLE III— MISCELLANEOUS FOREIGN POLICY PROVISIONS

## PART A—FOREIGN POLICY PROVISIONS

## SEC. 301. PERSIAN GULF WAR CRIMINALS

## (a) INTERNATIONAL CRIMINAL TRIBUNAL.—

(1) PROPOSAL FOR ESTABLISHMENT.—It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

(2) ALTERNATIVE MEANS FOR ESTABLISHMENT.—If the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, it is the sense of the Congress that the President should work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

(b) DESIGNATION OF RESPONSIBILITY AT STATE DEPARTMENT.—The Secretary of State shall designate a high level official with responsibility for—

(1) the development of a proposal for the prosecution of Persian Gulf War criminals in an international tribunal, including proposing in the United Nations the establishment of such a tribunal, and advising the United States Permanent Representative to the United Nations in any discussion or negotiations concerning such matters;

(2) advising the President on the appropriate jurisdiction for the prosecution of Persian Gulf war criminals; and

(3) supporting and facilitating United States implementation of its duties and responsibilities with respect to any tribunal which may be established for the prosecution of Persian Gulf war criminals.

(c) PRESIDENTIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed under subsection (b)(1);

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

## SEC. 302. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended—

5 USC 5561 note.

(1) in subsection (a), by adding at the end of the first sentence “during fiscal year 1991 and hereafter”;

(2) in paragraphs (3) and (4) of subsection (b), by striking out “During” each place it appears and inserting in lieu thereof “Except as provided in paragraph (5), during”;

(3) by adding at the end of subsection (b) the following new paragraph:

“(5) For purposes of the application of paragraphs (3) and (4) to United States hostages captured in Lebanon, the period of entitlement of benefits, subject to the availability of funds, shall be the period of an individual’s hostage status, plus a 60-month period following the termination of the hostage status of that individual.”;

(4) in subsection (d), by amending paragraph (4)(B) to read as follows:

“(B) the term ‘United States hostages captured in Lebanon’ means United States nationals, including lawful permanent residents of the United States, who have been forcibly detained, held hostage, or interned for any period of time after June 1, 1982, by any government (including the agents thereof) or group in Lebanon for the purpose of coercing the United States Government or any other government.”; and

(5) in subsection (e), by amending paragraph (2) to read as follows:

“(2) Notwithstanding any other provision of law, funds allocated under paragraph (1) are authorized to remain available until expended.”.

5 USC 5561 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

President.

#### SEC. 303. REPORTS CONCERNING CHINA.

(a) **REPORT TO CONGRESS.**—Not later than May 1, 1992 and May 1, 1993, the President shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People’s Republic of China in the following areas:

(1) Human rights, including—

(A) the surveillance, intimidation, and harassment of Chinese citizens living within China because of their pro-democracy activities;

(B) the surveillance, intimidation, and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities;

(C) the use of torture or other cruel, inhuman, or degrading treatment or punishment;

(D) political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese Government for their pro-democracy activities;

(E) prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(F) the use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(G) the Chinese Government’s willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and



(H) the detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religious belief.

(2) Weapons proliferation—

(A) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(i) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(ii) technologies capable of producing weapons-grade nuclear material; and

(iii) technology and materials needed for the production or use of chemical and biological arms.

(B) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(i) the Missile Technology Control Regime;

(ii) the Australia Group on Chemical and Biological arms proliferation; and

(iii) the Nuclear Suppliers Group.

(3) Restrictions on trade between the United States and China, which are not described in the National Trade Estimate Report required under section 181 of the Trade Act of 1974, including—

(A) internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(B) regulations established since 1988 to ensure strict control over more than 100 categories of products;

(C) excessive duties imposed on imports to China;

(D) excessive licensing requirements for imported goods;

(E) restrictions on private ownership of property, including capital;

(F) section 301 violations, including attempts to evade United States import quotas; and

(G) protection for intellectual property.

(b) HISTORICAL BACKGROUND.—The report shall also include—

(1) a compendium of the most significant actions taken by the Chinese government since the Tiananmen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade); and

(2) a list of the most significant United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(c) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The “appropriate congressional committees” referred to in subsection (a) shall include the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

**SEC. 304. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.**

(a) **REPORTS TO CONGRESS.**—Beginning 90 days after the date of enactment of this Act and every 365 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism.

(b) **DEFINITIONS.**—For purposes of this section—

(1) the term “terrorist countries”, refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act; and

(2) the term “international terrorism” has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

**PART B—ARMS CONTROL AND PROLIFERATION****SEC. 321. LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES.**

Section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of each of paragraphs (1) and (2) as clauses (i), (ii), and (iii), respectively;

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

(3) by inserting “(1)” immediately after “(f) RESCISSION.—”; and

(4) by adding at the end thereof the following new paragraph:  
 “(2)(A) No rescission under paragraph (1)(B) of a determination under subsection (d) may be made if the Congress, within 45 days after receipt of a report under paragraph (1)(B), enacts a joint resolution the matter after the resolving clause of which is as follows: ‘That the proposed rescission of the determination under section 40(d) of the Arms Export Control Act pursuant to the report submitted to the Congress on \_\_\_\_\_ is hereby prohibited.’, the blank to be completed with the appropriate date.

“(B) A joint resolution described in subparagraph (A) and introduced within the appropriate 45-day period shall be considered in the Senate and the House of Representatives in accordance with paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act (as contained in Public Law 98-473), except that references in such paragraphs to the Committees on Appropriations of the House of Representatives and the Senate shall be deemed to be references to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.”.

**SEC. 322. POLICY ON MIDDLE EAST ARMS SALES.**

In recognition of the particular volatility of the Middle East, the tremendous cost in human lives and suffering in the aftermath of the aggression by Iraq, and imperative that stability be maintained in the region while the course toward lasting peace is pursued, the authority to make sales under the Arms Export Control Act or to furnish military assistance under chapter 2 of part II of the Foreign

Assistance Act of 1961 shall be exercised with regard to the Middle East for the objectives set forth in law and that the President should—

(1) transfer defense articles and services only to those nations that have given reliable assurances that such articles will be used only for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security;

(2) transfer defense articles and services to nations in the region only after it has been determined that such transfers will not contribute to an arms race, will not increase the possibility of outbreak or escalation of conflict and will not prejudice the development of bilateral or multilateral arms control arrangements; and

(3) take steps to ensure that each nation of the Middle East that is a recipient of United States defense articles and services—

(A) affirms the right of all nations in the region to exist within safe and secure borders; and

(B) supports or is engaged in direct regional peace negotiations.

#### SEC. 323. MISSILE TECHNOLOGY.

(a) **ACQUISITION.**—Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting “acquisition,” before “design,”.

22 USC 2797b.

(b) **NONMARKET ECONOMIES.**—Section 74(8)(B) of the Arms Export Control Act is amended by striking “countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)” and inserting in lieu thereof “countries with non-market economies (excluding former members of the Warsaw Pact)”.

22 USC 2797c.

(c) **MILITARY AIRCRAFT.**—Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking “aircraft, electronics, and space systems or equipment” and inserting in lieu thereof: “electronics, space systems or equipment, and military aircraft”.

#### SEC. 324. REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES.

President.

(a) **REQUIREMENT.**—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on “Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices”.

(b) **CONTENT.**—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People’s Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

**SEC. 325. REPORT ON SS-23 MISSILES.**

Pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide a classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.

**PART C—DECLARATIONS OF CONGRESS**

**SEC. 351. RECIPROCAL DIPLOMATIC STATUS WITH MEXICO.**

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited in the same manner and accorded the same status as United States diplomatic and consular personnel serving as official representatives at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accredited in the same manner and accorded the same diplomatic and consular status as United States Drug Enforcement Administration personnel serving in Mexico.

**SEC. 352. UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA.**

It is the sense of the Congress that in the aftermath of the reestablishment of full diplomatic relations between the United States and Lithuania, Latvia, and Estonia, the United States Government, including the Secretary of State, the Director of the United States Information Agency, and the Director of the Foreign Commercial Service, should provide in Lithuania, Latvia, and Estonia—

(1) an embassy and full complement of embassy staff and personnel;

(2) cultural and information officers for the purpose of expanding cultural contacts and promoting citizen, academic, professional, and other exchange programs between the United States and Lithuania, Latvia, and Estonia; and

(3) commercial representatives for the purpose of expanding commercial and trade relations between the United States and Lithuania, Latvia, and Estonia.

**SEC. 353. LAOTIAN-AMERICAN RELATIONS.**

It is the sense of the Congress that the President, in recognition of the constructive changes taking place in Laos, should—

(1) upgrade the current American diplomatic representation in Vientiane, Laos, from Charge d'Affaires to the level of Ambassador;

(2) ensure that an American military attache is permanently assigned to the United States mission in Vientiane to assist the recovery of American prisoners of war and missing in action; and

(3) ensure that Drug Enforcement Agency personnel are permanently assigned, when practicable, to the United States mission in Vientiane for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

#### SEC. 354. POW/MIA STATUS.

It is the sense of the Congress that—

(1) the United States should continue to give the highest national priority to accounting as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) the United States should ensure that there is a viable sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including primary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) the United States should encourage and provide all necessary assistance to the families of POW/MIAs and to American veterans organizations, such as the American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America in their efforts to account for POW/MIAs;

(4) General John Vessey should be highly commended for his personal commitment to resolving the POW/MIA issue;

John Vessey.

(5) the United States should develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(6) the United States should heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.

#### SEC. 355. CHINA'S ILLEGAL CONTROL OF TIBET.

It is the sense of the Congress that—

(1) Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, is an occupied country under the established principles of international law;

(2) Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people;

(3) Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese

occupation, has maintained a separate and sovereign political and territorial identity;

(4) historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government;

(5) in 1949-1950, China launched an armed invasion of Tibet in contravention of international law;

(6) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another; and

(7) numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet.

#### SEC. 356. RELEASE OF PRISONERS HELD IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in addition to other requirements of law, the President should not lift United States economic sanctions currently in place against the Iraqi government, and should continue to make every effort to ensure the multinational coalition maintains the full range of economic sanctions as embodied in the appropriate United Nations Security Council resolutions; and

(2) such sanctions should remain in effect until the Iraqi government has released all individuals held prisoner and has accounted as fully as possible for all those missing as a result of Iraq's invasion of Kuwait, including those Kuwaiti citizens and other Kuwaiti residents captured or detained by Iraq.

(b) REPORT TO CONGRESS.—The Secretary of State shall—

(1) continue to consult with the International Committee of the Red Cross (ICRC) on the status of a detailed list of all Kuwaiti citizens and other residents of Kuwait believed to have been captured or detained by the government of Iraq; and

(2) to the extent such information is available, submit a report on the steps which have been taken and planned actions to effect the release of remaining prisoners held by Iraq to the appropriate committees of the Congress not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION.—For the purposes of this section the term "appropriate committees of the Congress" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### SEC. 357. POLICY TOWARD HONG KONG.

It is the sense of the Congress that the United States should encourage the Government of the United Kingdom to provide the people of Hong Kong all possible civil liberties, including popular election of the territory's Legislative Council, so that it will bequeath a fully functioning, self-governing democracy to China in 1997.



## SEC. 358. POLICY TOWARD TAIWAN.

It is the sense of Congress that—

(1) Taiwan's economic dynamism is a tribute to the success of the postwar United States assistance program and to Taiwan's commitment to an international system of free trade;

(2) Taiwan's economic growth has made it in recent years an indispensable part of regional and international networks of trade, investment, and finance; and

(3) the United States should support Taiwan's interest in playing a role in international and regional economic organizations.

## SEC. 359. HUMAN RIGHTS ABUSES IN EAST TIMOR.

(a) FINDINGS.—The Congress finds that—

(1) many tens of thousands out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;

(2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;

(3) serious medical, nutritional, and humanitarian problems persist in East Timor;

(4) a state of intermittent conflict continues to exist in East Timor; and

(5) the Governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;

(2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to continue and expand cooperation with international humanitarian relief and development organizations seeking to work in East Timor; and

(3) the Administration should encourage the Secretary General of the United Nations and the governments of Indonesia, Portugal, and other involved parties, to arrive at an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

## SEC. 360. SUPPORT FOR NEW DEMOCRACIES.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations, particularly the Conference on Security and Cooperation in Europe (CSCE) and independence for all republic-level governments which seek such status;

(2) to shape its foreign assistance and other programs to support those republics that pursue a democratic and market-

oriented course of development, and demonstrate a commitment to abide by the rule of law;

(3) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and Lithuania, Latvia, and Estonia and republic-level governments;

(4) to condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination; and

(5) to view the threatened and actual use of force to suppress the self-determination of republic-level governments and Lithuania, Latvia, and Estonia as an obstacle to fully normalized United States-Soviet relations.

**SEC. 361. POLICY REGARDING UNITED STATES ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA.**

(a) **CONGRESSIONAL STATEMENT.**—An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions.

(b) **DECLARATION OF UNITED STATES POLICY.**—It is the policy of the United States, to the extent feasible and consistent with United States national interest, that—

(1) assistance to the Soviet Union and Yugoslavia, including their successor entities or any constituent part, shall be conditioned on significant steps toward political pluralism based on a democratic multi-party political system, economic reform based on a market-oriented economy, respect for internationally recognized human rights and a willingness to build a friendly relationship with the United States; and

(2) expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

**SEC. 362. POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.**

It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the release of all political prisoners and the resolution of controversy about who is eligible for release as a political prisoner;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners in South Africa; and

(3) satisfactory resolution between the South African government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

**SEC. 363. UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.**

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

Reports.

- (1) the Warsaw Pact military alliance no longer exists;
- (2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and
- (3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) **POLICY.**—It is the sense of the Congress that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the Council of the North Atlantic Treaty Organization has officially announced how, when, and where such tactical nuclear systems will be deployed.

**SEC. 364. UNITED STATES SUPPORT FOR UNCED.**

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

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janeiro, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

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

(1) the United States should seek to integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should accord the UNCED process high-level attention and priority within the executive branch;

(3) the United States should exercise a leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross-sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are

commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

22 USC 2778  
note.

#### **TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION**

##### **SEC. 401. FINDINGS.**

The Congress finds that—

(1) nations in the Middle East and Persian Gulf region, which accounted for over 40 percent of the international trade in weapons and related equipment and services during the decade of the 1980's, are the principal market for the worldwide arms trade;

(2) regional instability, large financial resources, and the desire of arms-supplying governments to gain influence in the Middle East and Persian Gulf region, contribute to a regional arms race;

(3) the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East and Persian Gulf region that is politically, economically, and militarily destabilizing;

(4) the continued proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons, poses an urgent threat to security and stability in the Middle East and Persian Gulf region;

(5) the continued proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads undermines security and stability in the Middle East and Persian Gulf region;

(6) future security and stability in the Middle East and Persian Gulf region would be enhanced by establishing a stable military balance among regional powers by restraining and reducing both conventional and unconventional weapons;

(7) security, stability, peace, and prosperity in the Middle East and Persian Gulf region are important to the welfare of the international economy and to the national security interests of the United States;

(8) future security and stability in the Middle East and Persian Gulf region would be enhanced through the development of a multilateral arms transfer and control regime similar to those of the Nuclear Suppliers' Group, the Missile Technology Control Regime, and the Australia Chemical Weapons Suppliers Group;

(9) such a regime should be developed, implemented, and agreed to through multilateral negotiations, including under the auspices of the 5 permanent members of the United Nations Security Council;

(10) confidence-building arms control measures such as the establishment of a centralized arms trade registry at the United Nations, greater multinational transparency on the transfer of defense articles and services prior to agreement or transfer, cooperative verification measures, advanced notification of military exercises, information exchanges, on-site inspections, and creation of a Middle East and Persian Gulf Conflict Prevention

Center, are important to implement an effective multilateral arms transfer and control regime;

(11) as an interim step, the United States should consider introducing, during the ongoing negotiations on confidence security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major military equipment, particularly to the Middle East and Persian Gulf region; and

(12) such a regime should be applied to other regions with the ultimate objective of achieving an effective global arms transfer and control regime, implemented and enforced through the United Nations Security Council, that—

(A) includes a linkage of humanitarian and developmental objectives with security objectives in Third World countries, particularly the poorest of the poor countries; and

(B) encourages countries selling military equipment and services to consider the following factors before making conventional arms sales: the security needs of the purchasing countries, the level of defense expenditures by the purchasing countries, and the level of indigenous production of the purchasing countries.

#### SEC. 402. MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.

##### (a) IMPLEMENTATION OF THE REGIME.—

President.

(1) CONTINUING NEGOTIATIONS.—The President shall continue negotiations among the 5 permanent members of the United Nations Security Council and commit the United States to a multilateral arms transfer and control regime for the Middle East and Persian Gulf region.

(2) PROPOSING A TEMPORARY MORATORIUM DURING NEGOTIATIONS.—In the context of these negotiations, the President should propose to the 5 permanent members of the United Nations Security Council a temporary moratorium on the sale and transfer of major military equipment to nations in the Middle East and Persian Gulf region until such time as the 5 permanent members agree to a multilateral arms transfer and control regime.

(b) PURPOSE OF THE REGIME.—The purpose of the multilateral arms transfer and control regime should be—

(1) to slow and limit the proliferation of conventional weapons in the Middle East and Persian Gulf region with the aim of preventing destabilizing transfers by—

(A) controlling the transfer of conventional major military equipment;

(B) achieving transparency among arms suppliers nations through advanced notification of agreement to, or transfer of, conventional major military equipment; and

(C) developing and adopting common and comprehensive control guidelines on the sale and transfer of conventional major military equipment to the region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons and the technologies necessary to produce or assemble such weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of

delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

(c) **ACHIEVING THE PURPOSES OF THE REGIME.—**

(1) **CONTROLLING PROLIFERATION OF CONVENTIONAL WEAPONS.—**

In order to achieve the purposes described in subsection (b)(1), the United States should pursue the development of a multilateral arms transfer and control regime which includes—

(A) greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East and Persian Gulf region;

(B) applying, for the control of conventional major military equipment, procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR); and

(C) other strict controls on the proliferation of conventional major military equipment to the Middle East and Persian Gulf region.

(2) **HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—**

In order to achieve the purposes described in subsections (b) (2) and (3), the United States should build on existing and future agreements among supplier nations by pursuing the development of a multilateral arms transfer and control regime which includes—

(A) limitations and controls contained in the Enhanced Proliferation Control Initiative;

(B) limitations and controls contained in the Missile Technology Control Regime (MTCR);

(C) guidelines followed by the Australia Group on chemical and biological arms proliferation;

(D) guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(E) other appropriate controls that serve to halt the flow of unconditional weapons to the Middle East and Persian Gulf region.

(3) **PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—**

In order to achieve the purposes described in subsections (b) (4) and (5), the United States should pursue with nations in the Middle East and Persian Gulf region—

(A) the maintenance of the military balance within the region, while eliminating nuclear, biological, and chemical weapons and associated delivery systems, and ballistic missiles;

(B) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises in the Middle East and the Persian Gulf; and

(C) other useful arms control measures.

(d) **MAJOR MILITARY EQUIPMENT.—**As used in this title, the term “major military equipment” means—

(1) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;



- (2) turbine-powered military aircraft;
- (3) attack helicopters;
- (4) main battle tanks;
- (5) submarines and major naval surface combatants;
- (6) nuclear, biological, and chemical weapons; and
- (7) such other defense articles and defense services as the President may determine.

#### SEC. 403. LIMITATION ON UNITED STATES ARMS SALES TO THE REGION.

Beginning 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, no sale of any defense article or defense service may be made to any nation in the Middle East and Persian Gulf region, and no license may be issued for the export of any defense article or defense service to any nation in the Middle East and Persian Gulf region, unless the President—

- (1) certifies in writing to the relevant congressional committees that the President has undertaken good faith efforts to convene a conference for the establishment of an arms suppliers regime having elements described in section 402; and
- (2) submits to the relevant congressional committees a report setting forth a United States plan for leading the world community in establishing such a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East and Persian Gulf region.

#### SEC. 404. REPORTS TO THE CONGRESS.

President.

(a) **QUARTERLY REPORTS.**—Beginning on January 15, 1992, and quarterly thereafter through October 15, 1993, the President shall submit to the relevant congressional committees a report—

- (1) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and
- (2) describing efforts by the United States and progress made to induce other countries to curtail significantly the volume of their arms sales to the Middle East and Persian Gulf region, and if such efforts were not made, the justification for not making such efforts.

(b) **INITIAL REPORT ON TRANSFERS AND REGIONAL MILITARY BALANCE.**—Not later than 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, the President shall submit to the relevant congressional committee a report—

- (1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year and the previous 5 calendar years, including sources, types, and recipient nations of weapons;
- (2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);
- (3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b);
- (4) describing any agreements establishing such a regime; and

(5) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

(c) **ANNUAL REPORTS ON TRANSFERS AND REGIONAL MILITARY BALANCE.**—Beginning July 15, 1992, and every 12 months thereafter, the President shall submit to the relevant congressional committees a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfer documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(4) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

#### **SEC. 405. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.**

As used in this title, the term “relevant congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

## **TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL**

#### **SEC. 501. SHORT TITLE.**

This title may be cited as the “Chemical and Biological Weapons Control and Warfare Elimination Act of 1991”.

#### **SEC. 502. PURPOSES.**

The purposes of title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Chemical and  
Biological  
Weapons  
Control and  
Warfare  
Elimination Act  
of 1991.  
22 USC 5601  
note.

22 USC 5601.

## SEC. 503. MULTILATERAL EFFORTS.

22 USC 5602.

(a) **MULTILATERAL CONTROLS ON PROLIFERATION.**—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing “appropriate and effective” sanctions against any country which uses chemical weapons in violation of international law.

(b) **MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.**—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group’s objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group’s domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group’s coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a “denial” list of firms and individuals who violate the Australia Group’s export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

22 USC 5603.

President.

## SEC. 504. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology, that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

“(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

“(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

“(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

“(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term ‘country of concern’ means any country other than—

“(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

“(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.”.

President.

## SEC. 505. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

“CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

“SEC. 11C. (a) IMPOSITION OF SANCTION.—

“(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction de-

50 USC app.  
2410c.

scribed in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

“(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

“(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

“(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

“(A) any foreign country that the President determines has, at any time after January 1, 1980—

“(i) used chemical or biological weapons in violation of international law;

“(ii) used lethal chemical or biological weapons against its own nationals; or

“(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

“(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism; or

“(C) any other foreign country, project, or entity designated by the President for purposes of this section.

“(3) PERSONS AGAINST WHOM SANCTION IS TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

“(A) the foreign person with respect to which the President makes the determination described in that paragraph;

“(B) any successor entity to that foreign person;

“(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

“(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

“(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

“(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

“(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate pen-

alties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

“(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

“(c) SANCTION.—

“(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

“(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

“(A) in the case of procurement of defense articles or defense services—

“(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

“(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

“(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

“(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

“(C) to—

“(i) spare parts,

“(ii) component parts, but not finished products, essential to United States products or production, or

“(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

“(D) to information and technology essential to United States products or production; or

“(E) to medical or other humanitarian items.

“(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its



efforts to acquire chemical or biological weapons capability as described in that subsection.

**“(e) WAIVER.—**

**“(1) CRITERION FOR WAIVER.—**The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

**“(2) NOTIFICATION OF AND REPORT TO CONGRESS.—**If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

**“(f) DEFINITION OF FOREIGN PERSON.—**For purposes of this section, the term ‘foreign person’ means—

**“(1)** an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

**“(2)** a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.”.

**(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—**The Arms Export Control Act is amended by inserting after chapter 7 the following:

**“CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS  
PROLIFERATION**

**“SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.**

22 USC 2798.

**“(a) IMPOSITION OF SANCTION.—**

**“(1) DETERMINATION BY THE PRESIDENT.—**Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

**“(A)** through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

**“(B)** through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

**“(C)** through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979, to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

**“(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—**Paragraph (1) applies in the case of—

**“(A)** any foreign country that the President determines has, at any time after January 1, 1980—

“(i) used chemical or biological weapons in violation of international law;

“(ii) used lethal chemical or biological weapons against its own nationals; or

“(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

“(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

“(C) any other foreign country, project, or entity designated by the President for purposes of this section.

“(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—

A sanction shall be imposed pursuant to paragraph (1) on—

“(A) the foreign person with respect to which the President makes the determination described in that paragraph;

“(B) any successor entity to that foreign person;

“(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

“(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

“(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

“(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

“(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

“(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

“(c) SANCTION.—

“(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall

not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

“(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

“(A) in the case of procurement of defense articles or defense services—

“(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

“(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

“(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

“(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

“(C) to—

“(i) spare parts,

“(ii) component parts, but not finished products, essential to United States products or production, or

“(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

“(D) to information and technology essential to United States products or production; or

“(E) to medical or other humanitarian items.

“(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

“(e) WAIVER.—

“(1) CRITERION FOR WAIVER.—The President may waive the application of a sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

“(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) **DEFINITION OF FOREIGN PERSON.**—For purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States."

President.  
22 USC 5604.

**SEC. 506. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.**

(a) **DETERMINATION BY THE PRESIDENT.**—

(1) **WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.**—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 507 applies if the President determines that that government has so used chemical or biological weapons.

(2) **MATTERS TO BE CONSIDERED.**—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) **DETERMINATION TO BE REPORTED TO CONGRESS.**—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 507.

(b) **CONGRESSIONAL REQUESTS; REPORT.**—

(1) **REQUEST.**—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological

weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) **REPORT TO CONGRESS.**—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

**SEC. 507. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.**

President.  
22 USC 5605.

(a) **INITIAL SANCTIONS.**—If, at any time, the President makes a determination pursuant to section 506(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) **FOREIGN ASSISTANCE.**—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) **ARMS SALES.**—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) **ARMS SALES FINANCING.**—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) **DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.**—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) **EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.**—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) **ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.**—

(1) **PRESIDENTIAL DETERMINATION.**—Unless, within 3 months after making a determination pursuant to section 506(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,



(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (E) of paragraph (2).

(2) **SANCTIONS.**—The sanctions referred to in paragraph (1) are the following:

(A) **MULTILATERAL DEVELOPMENT BANK ASSISTANCE.**—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) **BANK LOANS.**—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) **FURTHER EXPORT RESTRICTIONS.**—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all goods and technology not otherwise prohibited under subsection (a)(5) (excluding food and other agricultural commodities and products).

(D) **DIPLOMATIC RELATIONS.**—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(E) **PRESIDENTIAL ACTION REGARDING AVIATION.**—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 506(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 506(a)(1), in accordance with the provisions of that agreement.



(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, except that such procedures shall not apply to a waiver of the sanction specified in subsection (b)(2)(D) (relating to the downgrading or suspension of diplomatic relations); or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) **REPORT.**—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

**(e) CONTRACT SANCTITY.**—

(1) **SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.**—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (C) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 506(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 504(b) of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) **SANCTIONS APPLIED TO EXISTING CONTRACTS.**—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 506(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

22 USC 5606.

**SEC. 508. PRESIDENTIAL REPORTING REQUIREMENTS.**

(a) **REPORTS TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) **PROTECTION OF CLASSIFIED INFORMATION.**—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

Approved October 28, 1991.

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**LEGISLATIVE HISTORY—H.R. 1415 (S. 1433):**

**HOUSE REPORTS:** Nos. 102-53 (Comm. on Foreign Affairs) and 102-238 (Comm. of Conference).

**SENATE REPORTS:** No. 102-98 accompanying S. 1433 (Comm. on Foreign Relations).  
**CONGRESSIONAL RECORD**, Vol. 137 (1991):

May 14, 15, considered and passed House.

July 29, considered and passed Senate, amended, in lieu of S. 1433.

Oct. 4, Senate agreed to conference report.

Oct. 8, House agreed to conference report.