HOUSE OF REPRESENTATIVES—*Friday, March 8, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 8, 1996.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With thanksgiving for the bounteous gifts that touch our lives and for the grace and peace with which You enhance our very beings, we pause in their brief moment to laud Your name and offer gratitude for Your benevolence. May Your abiding spirit, O God, be with us and every person in the good times and bad, in our laughter and in our tears, in our joy and in our sorrows, in our public ambitions and in our private petitions, so that we will be Your people and be known as good stewards of the gift of life. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 1561, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997

Mr. SMITH of New Jersey submitted the following conference report and statement on the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-478)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1561), to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1996 and 1997".

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

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Congressional findings.
Sec. 103. Purposes.
Sec. 104. Definitions.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Coordinator for Arms Control and Disarmament.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Authorities of Secretary of State.
Sec. 225. Conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 321. References in law.
Sec. 322. Amendments to title 5, United States Code.
Sec. 323. Amendments to United States Information and Educational Exchange Act of 1948.
Sec. 324. Amendments to Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act).
Sec. 325. International broadcasting activities.
Sec. 326. Television broadcasting to Cuba.
Sec. 327. Radio broadcasting to Cuba.
Sec. 328. National Endowment for Democracy.
Sec. 329. United States scholarship program for developing countries.
Sec. 330. Fascell Fellowship Board.
Sec. 331. National Security Education Board.
Sec. 332. Center for Cultural and Technical Interchange Between North and South.
Sec. 333. Center for Cultural and Technical Interchange Between East and West.
Sec. 334. Mission of Department of State.
Sec. 335. Consolidation of administrative services.
Sec. 336. Grants.
Sec. 337. Ban on domestic activities.
Sec. 338. Conforming repeal to Arms Control and Disarmament Act.
Sec. 339. Repeal relating to procurement of legal services.
Sec. 340. Repeal relating to payment of subsistence expenses.
Sec. 341. Conforming amendment to SEED Act.
Sec. 342. International Cultural and Trade Center Commission.
Sec. 343. Other laws referenced in Reorganization Plan No. 2 of 1977.
Sec. 344. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 345. Edmund S. Muskie Fellowship Program.
Sec. 346. Implementation of Convention on Cultural Property.
Sec. 347. Mike Mansfield Fellowships.
Sec. 348. United States Advisory Committee for Public Diplomacy.

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of Agency for International Development and United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.
Sec. 413. Under Secretary of State for Development and for Economic and Commercial Affairs.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Sec. 414. Abolition of Office of Inspector General of Agency for International Development and transfer of functions.
Sec. 415. Abolition of Office of Chief Financial Officer of Agency for International Development and transfer of functions.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.
Sec. 422. Exercise of functions by Secretary of State.
Sec. 423. Repeal of positions; employment and contracting authorities.
Sec. 424. Development Loan Committee.
Sec. 425. Development Coordination Committee.
Sec. 426. Public Law 83–480 program.
Sec. 427. Conforming amendments to title 5, United States Code.
Sec. 428. Trade Promotion Coordinating Committee.
Sec. 429. Additional conforming amendments.

TITLE V—OFFICES OF INSPECTORS GENERAL

Sec. 501. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.
Sec. 502. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN AND WAIVER

Sec. 601. Reorganization plan.
Sec. 602. Waiver.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Effect on personnel.
Sec. 615. Transition fund.
Sec. 616. Savings provisions.
Sec. 617. Property and facilities.
Sec. 618. Authority of Secretary of State to facilitate transition.
Sec. 619. Recommendations for additional conforming amendments.
Sec. 620. Final report.
Sec. 621. Transfer of function.
Sec. 622. Severability.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

TITLE X—GENERAL PROVISIONS

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

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

Sec. 1101. Administration of foreign affairs.
Sec. 1102. International organizations, programs, and conferences.
Sec. 1103. International commissions.
Sec. 1104. Migration and refugee assistance.
Sec. 1105. Asia Foundation.
Sec. 1106. United States informational, educational, and cultural programs.
Sec. 1107. United States arms control and disarmament.
Sec. 1108. Administration of foreign assistance.
Sec. 1109. Narcotics control assistance.
Sec. 1110. Peace Corps.
Sec. 1111. Housing guarantee program.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Revision of Department of State rewards program.
Sec. 1202. Buying power maintenance account.
Sec. 1203. Expenses relating to certain international claims and proceedings.
Sec. 1204. Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.
Sec. 1205. Training.
Sec. 1206. Capital Investment Fund.
Sec. 1207. Lease-purchase of overseas property.
Sec. 1208. Fees for commercial services.
Sec. 1209. Reduction of reporting requirements.
Sec. 1210. Fee for use of diplomatic reception rooms.
Sec. 1211. International Center reserve funds.
Sec. 1212. Joint funds under agreements for cooperation in environmental, scientific, cultural, and related areas.
Sec. 1213. Efficiency in procurement.
Sec. 1214. Concerning the use of funds to further normalize relations with Vietnam.
Sec. 1215. Diplomatic Telecommunications Service.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1231. Fees for machine readable visas.
Sec. 1232. Fingerprint check requirement.
Sec. 1233. Use of certain passport processing fees for enhanced passport services.
Sec. 1234. Consular officers.
Sec. 1235. Fee for diversity immigrant lottery.
Sec. 1236. Fee for execution of passport applications.
Sec. 1237. Exclusion from the United States for membership in a terrorist organization.
Sec. 1238. Terrorist Lookout Committees.
Sec. 1239. Incitement as a basis for exclusion from the United States.

CHAPTER 3—REFUGEES AND MIGRATION

Sec. 1251. Report to Congress concerning Cuban emigration policies.
Sec. 1252. Extension of certain adjudication provisions.
Sec. 1253. United States policy regarding the involuntary return of refugees.
Sec. 1254. Report on Iraqi refugees.
Sec. 1255. Persecution for resistance to coercive population control methods.
Sec. 1256. United States policy with respect to the involuntary return of persons in danger of subjection to torture.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for Counterterrorism.
Sec. 1302. Authority of United States Permanent Representative to the United Nations.
Sec. 1303. Special Envoy for Tibet.
Sec. 1304. Responsibilities of bureau charged with migration and refugee assistance.
Sec. 1305. Elimination of statutory establishment of certain positions of the Department of State.
Sec. 1306. Management of the human resources of the Department of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1351. Authorized strength of the Foreign Service.
Sec. 1352. Restriction on lobbying activities of former United States chiefs of mission.
Sec. 1353. Limitations on management assignments.
Sec. 1354. Nonovertime differential pay.
Sec. 1355. Recovery of costs of health care services.
Sec. 1356. Report on promotion and retention of personnel.
Sec. 1357. Foreign Service reform.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Sec. 1401. Availability of Voice of America and Radio Marti multilingual computer readable text and voice recordings.
Sec. 1402. Center for Cultural and Technical Interchange Between North and South.
Sec. 1403. Expansion of Muskie Fellowship Program.
Sec. 1404. Mansfield Fellowship Program requirements.
Sec. 1405. Pilot program on advertising on USIA television and radio broadcasts.
Sec. 1406. Changes in administrative authorities.
Sec. 1407. Retention of interest.
Sec. 1408. Conduct of certain educational and cultural exchange programs.
Sec. 1409. Extension of Au Pair programs.
Sec. 1410. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1411. Initiation of broadcasts by Radio Free Asia.
Sec. 1412. Distribution within the United States of the United States Information Agency film entitled "The Fragile Ring of Life".

TITLE XV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Termination of United States participation in certain international organizations.
Sec. 1502. International Boundary and Water Commission.
Sec. 1503. Prohibition on assistance to international organizations espousing world government.
Sec. 1504. International Covenant on Civil and Political Rights.
Sec. 1505. United States participation in single commodity international organizations.

CHAPTER 2—UNITED NATIONS AND AFFILIATED AGENCIES AND ORGANIZATIONS

Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 1522. Report on UNICEF.
Sec. 1523. United Nations budgetary and management reform.
Sec. 1524. Limitation on assessment percentage for peacekeeping activities.
Sec. 1525. Annual report on United States contributions to United Nations peacekeeping activities.
Sec. 1526. Prior congressional notification of Security Council votes on United Nations peacekeeping activities.
Sec. 1527. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 1528. Restrictions on intelligence sharing with the United Nations.

TITLE XVI—FOREIGN POLICY PROVISIONS

Sec. 1601. Applicability of Taiwan Relations Act.
Sec. 1602. Report on occupied Tibet.
Sec. 1603. Taipei Representative Office.
Sec. 1604. Efforts against emerging infectious diseases.
Sec. 1605. Statutory construction.
Sec. 1606. Reports regarding Hong Kong.

Sec. 1607. The United States-North Korea Agreed Framework of October 21, 1994, and the Korean Peninsula Energy Development Organization (KEDO).
Sec. 1608. International criminal court participation.
Sec. 1609. Prohibition on the transfer of arms to Indonesia.
Sec. 1610. Bosnia and Herzegovina Self-Defense Fund.
Sec. 1611. Reports to Congress on aspects of implementation of the General Framework Agreement.
Sec. 1612. Verification of Missile Technology Control Regime.
Sec. 1613. Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994.
Sec. 1614. Payment of Iraqi claims.
Sec. 1615. International Fund for Ireland.
Sec. 1616. Deobligation of certain unexpended economic assistance funds.
Sec. 1617. Limitation on assistance to countries that restrict the transport or delivery of United States humanitarian assistance.

TITLE XVII—CONGRESSIONAL STATEMENTS

Sec. 1701. The Laogai system of political prisons.
Sec. 1702. Declaration of Congress regarding United States Government human rights policy toward China.
Sec. 1703. United States relations with the Former Yugoslav Republic of Macedonia (FYROM).
Sec. 1704. Displaced persons.
Sec. 1705. Sense of Congress on border crossing fees.
Sec. 1706. Inter-American organizations.
Sec. 1707. Escalating costs for international peacekeeping activities.
Sec. 1708. Visit of the President of the Republic of China on Taiwan.
Sec. 1709. Republic of China on Taiwan's participation in GATT and WTO.
Sec. 1710. Industrial park for Gaza or the West Bank.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1996".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued United States engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) The United States budget deficit requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed for potential savings. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(3) In order to downsize the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. As the official principally responsible for the conduct of foreign policy, the Secretary of State must have the authority to allocate efficiently the resources within the international affairs budget. As a first step in the downsizing process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed, and the functions of these agencies must be restored to the Secretary of State.

(4) A streamlined and reorganized foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States in the next century than the existing structure.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State;

(2) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(3) to provide for the reorganization of the Department of State to maximize the efficient use of resources, eliminate redundancy in functions, effect budget savings, and improve the management of the Department of State;

(4) to ensure that the United States maintains adequate representation abroad within budgetary restraints;

(5) to ensure that programs critical to the promotion of United States national interests be maintained;

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies;

(7) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy; and

(8) to abolish, not later than March 1, 1997, the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and the Agency for International Development.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "AID" means the Agency for International Development.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 213. COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.

(a) ESTABLISHMENT OF COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e) COORDINATOR FOR ARMS CONTROL AND DISARMAMENT.—(1) There shall be within the office of the Secretary of State a Coordinator for Arms Control and Disarmament (hereafter in this subsection referred to as the 'Coordinator)' who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary of State.

"(2)(A) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(B) The Coordinator shall be responsible for arms control and disarmament matters. The Coordinator shall head the Bureau of Arms Control and Disarmament.

"(3) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Coordinator for Arms Control and Disarmament may, in the role of advisor to the National Security Council on arms control and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. AUTHORITIES OF SECRETARY OF STATE.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended by striking "Agency" and "Director" each place it appears and inserting "Department" and "Secretary", respectively.

(2) No amendment shall be made under paragraph (1) to references to the On-Site Inspection Agency or to the Director of Central Intelligence.

(b) PURPOSE.—Section 2 of such Act (22 U.S.C. 2551) is amended—

(1) by striking the second, fourth, fifth, and sixth sentences; and

(2) in the seventh sentence—

(A) by striking "It" and all that follows through "State," and inserting "The Department of State shall have the authority"; and

(B) by striking "primary".

(c) DEFINITIONS.—Section 3 of such Act (22 U.S.C. 2552) is amended by striking paragraph (c) and inserting the following:

"(c) The term 'Department' means the Department of State.

"(d) The term 'Secretary' means the Secretary of State.".

(d) SCIENTIFIC AND POLICY ADVISORY COMMITTEE.—Section 26(b) of such Act (22 U.S.C. 2566(b)) is amended by striking ", the Secretary of State, and the Director" and inserting "and the Secretary of State".

(e) PRESIDENTIAL SPECIAL REPRESENTATIVES.—Section 27 of such Act (22 U.S.C. 2567) is amended by striking ", acting through the Director".

(f) PROGRAM FOR VISITING SCHOLARS.—Section 28 of such Act (22 U.S.C. 2568) is amended—

(1) in the second sentence, by striking "Agency's activities" and inserting "Department's arms control, nonproliferation, and disarmament activities"; and

(2) in the fourth sentence, by striking ", and all former Directors of the Agency".

(g) POLICY FORMULATION.—Section 33(a) of such Act (22 U.S.C. 2573(a)) is amended by striking "shall prepare for the President, the Secretary of State," and inserting "shall prepare for the President".

(h) NEGOTIATION MANAGEMENT.—Section 34 of such Act (22 U.S.C. 2574) is amended—

(1) in subsection (a), by striking "the President and the Secretary of State" and inserting "the President"; and

(2) by striking subsection (b).

(i) VERIFICATION OF COMPLIANCE.—Section 37(d) of such Act (22 U.S.C. 2577(d)) is amended by striking "Director's designee" and inserting "Secretary's designee".

(j) GENERAL AUTHORITY.—Section 41 of such Act (22 U.S.C. 2581) is repealed.

(k) SECURITY REQUIREMENTS.—Section 45 of such Act (22 U.S.C. 2585) is amended—

(1) by striking subsections (a), (b), and (d); and

(2) by striking "(c)" before "The Atomic Energy Commission".

(l) USE OF FUNDS.—Section 48 of such Act (22 U.S.C. 2588) is repealed.

(m) ANNUAL REPORT.—Section 51(a) of such Act (22 U.S.C. 2593a(a)) is amended by striking "the Secretary of State,".

(n) REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—Section 53 of such Act (22 U.S.C. 2593c) is repealed.

(o) ON-SITE INSPECTION AGENCY.—Section 61 of such Act (22 U.S.C. 2595) is amended—

(1) in paragraph (1), by striking "United States Arms Control and Disarmament Agency is" and inserting "Department of State and the Department of Defense are respectively"; and

(2) in paragraph (7), by striking "the United States Arms Control and Disarmament Agency and".

SEC. 225. CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking "Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and" and inserting "Secretary of State in consultation with";

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency, taking into account the Director's" and inserting "Secretary of State, taking into account the Secretary's"; and

(B) in the second sentence, by striking "The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "The Secretary of State is authorized, whenever the Secretary";

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(ii) in the second sentence, by striking "Director of the Arms Control and Disarmament Agency is authorized, whenever the Director" and inserting "Secretary of State is authorized, whenever the Secretary";

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking ", the Director of the Arms Control and Disarmament Agency," and inserting "Secretary of State";

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State";

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking "Director of the United States Arms Control and Disarmament Agency" and inserting "Secretary of State"; and

(B) by striking "or the Director";

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking "Director of the United States Arms Control and Disarmament Agency," and inserting "Secretary of State"; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency" and inserting "and the Secretary of Commerce".

(b) UNITED STATES INSTITUTE OF PEACE ACT.—Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(1) by striking out paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as redesignated by paragraph (2)), by striking "Eleven" and inserting "Twelve".

(c) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57 b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking "the Arms Control and Disarmament Agency,"; and

(B) in the second sentence, by striking "the Director of the Arms Control and Disarmament Agency,"; and

(2) in section 123 (42 U.S.C. 2153)—

(A) in subsection a. (in the text below paragraph (9)—

(i) by striking "and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director')"; and

(ii) by striking "and the Director" and inserting "and the Secretary of Defense";

(B) in subsection d., in the first proviso, by striking "Director of the Arms Control and Disarmament Agency" and inserting "Secretary of Defense"; and

(C) in the first undesignated paragraph following subsection d., by striking "the Arms Control and Disarmament Agency,".

(d) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4, by striking paragraph (2);

(2) in section 102, by striking "the Secretary of State, and the Director of the Arms Control and Disarmament Agency" and inserting "and the Secretary of State"; and

(3) in section 602(c), by striking "the Arms Control and Disarmament Agency,".

(e) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.";

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4)."; and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State"; and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any

statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) TRANSFER TO BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Broadcasting Board of Governors of the Department of State under title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by this Act, all functions of the Broadcasting Board of Governors of the United States Information Agency as of the day before the effective date of this title.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

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

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES IN LAW.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 322. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315, by striking "Deputy Director of the United States Information Agency."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 323. AMENDMENTS TO UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.).

(b) IN GENERAL.—Except as otherwise provided in this section, the Act (other than section 604 and subsections (a) and (c) of section 701) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Department of State";

(2) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State";

(3) by striking "Director" each place it appears and inserting "Secretary of State";

(4) by striking "USIA" each place it appears and inserting "Department of State"; and

(5) by striking "Agency" each place it appears and inserting "Department of State".

(c) SATELLITE AND TELEVISION BROADCASTS.—Section 505 (22 U.S.C. 1464a) is amended—

(1) by striking "Director of the United States Information Agency" each of the three places it appears and inserting "Secretary of State";

(2) in subsection (b), by striking "To be effective, the United States Information Agency" and inserting "To be effective in carrying out this subsection, the Department of State";

(3) by striking "USIA–TV" each place it appears and inserting "DEPARTMENT OF STATE–TV"; and

(4) by striking subsection (e).

(d) NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS.—Section 704 (22 U.S.C. 1477b) is amended—

(1) in subsection (b), by inserting after "authorized by law" the following: "in connection with carrying out the informational and educational exchange functions of the Department"; and

(2) in subsection (c), by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out the informational and educational exchange functions of the Department".

(e) REPROGRAMMING NOTIFICATIONS.—Section 705 (22 U.S.C. 1477c) is amended by striking "United States Information Agency" each place it appears and inserting "Department of State in carrying out its informational and educational exchange functions".

(f) AUTHORITIES OF THE SECRETARY.—Section 801(3) (22 U.S.C. 1471(3)) is amended by striking all "if the sufficiency" and all that follows and inserting "if the Secretary determines that title to such real property or interests is sufficient;".

(g) REPEAL OF THE USIA SEAL.—Section 807 (22 U.S.C. 1475b) is repealed.

(h) ACTING ASSOCIATE DIRECTORS.—Section 808 (22 U.S.C. 1475c) is repealed.

(i) DEBT COLLECTION.—Section 811 (22 U.S.C. 1475f) is amended by inserting "informational and educational exchange" before "activities" each place it appears.

(j) OVERSEAS POSTS.—Section 812 (22 U.S.C. 1475g) is amended by striking "United States Information Agency post" each place it appears and inserting "informational and educational exchange post of the Department of State".

(k) DEFINITION.—Section 4 (22 U.S.C. 1433) is amended by adding at the end the following:

"(4) 'informational and educational exchange functions', with respect to the Department of State, refers to functions exercised by the United States Information Agency before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996.".

SEC. 324. AMENDMENTS TO MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961 (FULBRIGHT-HAYS ACT).

(a) REFERENCES IN SECTION.—Except as specifically provided in this section, whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

(b) IN GENERAL.—The Act (22 U.S.C. 2451 et seq.) is amended by striking "Director of the International Communication Agency" each place it appears and inserting "Secretary of State".

(c) PROGRAM AUTHORITIES.—(1) Section 102(a) (22 U.S.C. 2452(a)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(2) Section 102(b) (22 U.S.C. 2452(b)) is amended by striking "President" and inserting "Secretary of State (except, in the case of paragraphs (6) and (10), the President)".

(d) INTERNATIONAL AGREEMENTS.—Section 103 (22 U.S.C. 2453) is amended by striking "President" each place it appears and inserting "Secretary of State".

(e) PERSONNEL BENEFITS.—Section 104(d) (22 U.S.C. 2454(d)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(f) FOREIGN STUDENT COUNSELING.—Section 104(e)(3) (22 U.S.C. 2454(e)(3)) is amended by striking "President" and inserting "Secretary of State".

(g) PUBLICITY AND PROMOTION OVERSEAS.—Section 104(e)(4) (22 U.S.C. 2454(e)(4)) is amended by striking "President" and inserting "Secretary of State".

(h) USE OF FUNDS.—Section 105(e) (22 U.S.C. 2455(e)) is amended by striking "President" each place it appears and inserting "Secretary of State".

(i) REPEAL OF AUTHORITY FOR ABOLISHED ADVISORY COMMITTEE.—Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)) is repealed.

(j) BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.—

(1) IN GENERAL.—Section 112(a) (22 U.S.C. 2460(a)) is amended by striking the first sentence and inserting the following: "In order to carry out the purposes of this Act, there is established in the Department of State a Bureau for International Exchange Activities (in this section referred to as the 'Bureau').".

(2) IMPLEMENTATION OF PROGRAMS.—Section 112(c) (22 U.S.C. 2460(c)) is amended by striking "President" each place it appears and inserting "Secretary of State".

SEC. 325. INTERNATIONAL BROADCASTING ACTIVITIES.

(a) IN GENERAL.—(1) Except as otherwise provided in paragraph (2), title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(A) by striking "Director of the United States Information Agency" or "Director" each place it appears and inserting "Under Secretary of State for Public Diplomacy";

(B) by striking all references to "United States Information Agency" that were not stricken in subparagraph (A) and inserting "Department of State";

(C) in section 305(a)(1), by inserting "(including activities of the Voice of America previously carried out by the United States Information Agency)" after "this title";

(D) in section 305(b), by striking "Agency's" each place it appears and inserting "Department's"; and

(E) by striking "Bureau" each place it appears and inserting "Office".

(2) Title III of such Act is amended—

(A) in section 304(c)—

(i) by striking "Director's" and inserting "Under Secretary's"; and

(ii) in the fifth sentence, by striking "Director of the United States Information Agency, the acting Director of the agency" and inserting "Under Secretary of State for Public Diplomacy, the acting Under Secretary";

(B) in sections 305(b) and 307(b)(1), by striking "Director of the Bureau" each place it appears and inserting "Director of the Office"; and

(C) in section 310(d), by striking "Director on the date of enactment of this Act, to the extent that the Director" and inserting "Under Secretary on the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1996, to the extent that the Under Secretary".

(b) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Director of the International Broadcasting Bureau, the United States Information Agency" and inserting "Director of the International Broadcasting Office, the Department of State".

SEC. 326. TELEVISION BROADCASTING TO CUBA.

(a) AUTHORITY.—Section 243(a) of the Television Broadcasting to Cuba Act (as contained

in part D of title II of Public Law 101–246) (22 U.S.C. 1465bb(a)) is amended by striking "United States Information Agency (hereafter in this part referred to as the 'Agency')" and inserting "Department of State (hereafter in this title referred to as the 'Department')".

(b) TELEVISION MARTI SERVICE.—Section 244 of such Act (22 U.S.C. 1465cc) is amended—

(1) in subsection (a)—

(A) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Television Marti Service."; and

(B) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(2) in subsection (b)—

(A) in the subsection heading, by striking "USIA" and inserting "Department of State";

(B) by striking "Agency facilities" and inserting "Department facilities"; and

(C) by striking "United States Information Agency Television Service" and inserting "Department of State Television Service"; and

(3) in subsection (c)—

(A) by striking "USIA AUTHORITY.—The Agency" and inserting "SECRETARY OF STATE AUTHORITY.—The Secretary of State"; and

(B) by striking "Agency" the second place it appears and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 246 of such Act (22 U.S.C. 1465dd) is amended—

(1) by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking "the Agency" and inserting "the Department".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 247(a) of such Act (22 U.S.C. 1465ee(a)) is repealed.

SEC. 327. RADIO BROADCASTING TO CUBA.

(a) FUNCTIONS OF THE DEPARTMENT OF STATE.—Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in the section heading, by striking "UNITED STATES INFORMATION AGENCY" and inserting "DEPARTMENT OF STATE";

(2) in subsection (a), by striking "United States Information Agency (hereafter in this Act referred to as the 'Agency')" and inserting "Department of State (hereafter in this Act referred to as the 'Department')";

(3) by striking subsection (d); and

(4) in subsection (f), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(b) CUBA SERVICE.—Section 4 of such Act (22 U.S.C. 1465b) is amended—

(1) by amending the first sentence to read as follows: "The Secretary of State shall administer within the Voice of America the Cuba Service (hereafter in this section referred to as the 'Service')."; and

(2) in the third sentence, by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(c) ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.—Section 6 of such Act (22 U.S.C. 1465d) is amended—

(1) in subsection (a)—

(A) by striking "United States Information Agency" and inserting "Department of State"; and

(B) by striking "the Agency" and inserting "the Department"; and

(2) in subsection (b)—

(A) by striking "The Agency" and inserting "The Department"; and

(B) by striking "the Agency" and inserting "the Secretary of State".

(d) FACILITY COMPENSATION.—Section 7 of such Act (22 U.S.C. 1465e) is amended—

(1) in subsection (b), by striking "the Agency" and inserting "the Department"; and

(2) in subsection (d), by striking "Agency" and inserting "Department".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act (22 U.S.C. 1465f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The amount obligated by the Department of State each fiscal year to carry out this Act shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level of obligations by the former United States Information Agency for such broadcasts."; and

(2) by redesignating subsection (c) as subsection (b).

SEC. 328. NATIONAL ENDOWMENT FOR DEMOCRACY.

(a) GRANTS.—Section 503 of Public Law 98–164, as amended (22 U.S.C. 4412) is amended—

(1) in subsection (a)—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State";

(B) by striking "the Agency" and inserting "the Department of State"; and

(C) by striking "the Director" and inserting "the Secretary of State"; and

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State".

(b) AUDITS.—Section 504(g) of such Act (22 U.S.C. 4413(g)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) FREEDOM OF INFORMATION.—Section 506 of such Act (22 U.S.C. 4415) is amended—

(1) in subsection (b)—

(A) by striking "Director" each of the three places it appears and inserting "Secretary"; and

(B) by striking "of the United States Information Agency" and inserting "of State"; and

(2) in subsection (c)—

(A) in the subsection heading by striking "USIA" and inserting "DEPARTMENT OF STATE";

(B) by striking "Director" each of the three places it appears and inserting "Secretary";

(C) by striking "of the United States Information Agency" and inserting "of State"; and

(D) by striking "United States Information Agency" and inserting "Department of State".

SEC. 329. UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES.

(a) PROGRAM AUTHORITY.—Section 603 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4703) is amended by striking "United States Information Agency" and inserting "Department of State".

(b) GUIDELINES.—Section 604(11) of such Act (22 U.S.C. 4704(11)) is amended by striking "United States Information Agency" and inserting "Department of State".

(c) POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.—Section 606(b) of such Act (22 U.S.C. 4706(b)) is amended—

(1) in the subsection heading, by striking "USIA" and inserting "STATE DEPARTMENT"; and

(2) by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(d) GENERAL AUTHORITIES.—Section 609(e) of such Act (22 U.S.C. 4709(e)) is amended by striking "United States Information Agency" and inserting "Department of State".

SEC. 330. FASCELL FELLOWSHIP BOARD.

Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking "9 members" and inserting "8 members";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 331. NATIONAL SECURITY EDUCATION BOARD.

Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903(b)) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (c), by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

SEC. 332. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 333. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

(a) DUTIES.—Section 703 of the Mutual Security Act of 1960 (22 U.S.C. 2055) is amended—

(1) in the text above paragraph (1), by striking "Director of the United States Information Agency" (hereinafter referred to as the 'Director')" and inserting "Secretary of State (hereinafter referred to as the 'Secretary')"; and

(2) in paragraph (1), by striking "establishment and".

(b) ADMINISTRATION.—Section 704 of such Act (22 U.S.C. 2056) is amended—

(1) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(2) by striking "Director" each place it appears and inserting "Secretary".

SEC. 334. MISSION OF DEPARTMENT OF STATE.

Section 202 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 1461–1) is amended—

(1) in the first sentence, by striking "mission of the United States Information Agency" and inserting "mission of the Department of State in carrying out its information, educational, and cultural functions";

(2) in the second sentence, in the text above paragraph (1), by striking "United States Information Agency" and inserting "Department of State";

(3) in paragraph (1)(B), by striking "Agency" and inserting "Department"; and

(4) in paragraph (5), by striking "mission of the Agency" and inserting "mission described in this section".

SEC. 335. CONSOLIDATION OF ADMINISTRATIVE SERVICES.

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

(1) by striking "(including" and all that follows through "Agency)"; and

(2) by striking "other such agencies" and inserting "other Federal agencies".

SEC. 336. GRANTS.

Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) in subsection (a), by striking "United States Information Agency" and inserting "Department of State, in carrying out its international information, educational, and cultural functions,";

(2) in subsection (b), by striking "United States Information Agency" and inserting "Department of State";

(3) in subsection (c)—

(A) in paragraph (1), by striking "United States Information Agency shall substantially comply with United States Information Agency" and inserting "Department of State, in carrying out its international information, educational,

and cultural functions, shall substantially comply with Department of State"; and

(B) in paragraph (2), by striking "United States Information Agency" and inserting "Department of State"; and

(C) in paragraphs (2) and (3), by striking "Agency" each of the two places it appears and inserting "Department"; and

(4) by striking subsection (d).

SEC. 337. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

SEC. 338. CONFORMING REPEAL TO ARMS CONTROL AND DISARMAMENT ACT.

Section 34(b) of the Arms Control and Disarmament Act (22 U.S.C. 2574(b)) is repealed.

SEC. 339. REPEAL RELATING TO PROCUREMENT OF LEGAL SERVICES.

Section 26(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2698(b)) is repealed.

SEC. 340. REPEAL RELATING TO PAYMENT OF SUBSISTENCE EXPENSES.

Section 32 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2704) is amended by striking the second sentence.

SEC. 341. CONFORMING AMENDMENT TO SEED ACT.

Section 2(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401(c)) is amended in paragraph (17) by striking "United States Information Agency" and inserting "Department of State".

SEC. 342. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

Section 7(c)(1) of the Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(1) in the text above subparagraph (A), by striking "15 members" and inserting "14 members";

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively.

SEC. 343. OTHER LAWS REFERENCED IN REORGANIZATION PLAN NO. 2 OF 1977.

(a) IMMIGRATION AND NATIONALITY ACT.—(1) Section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) is amended by striking "Director of the United States Information Agency" and inserting "Secretary of State".

(2) Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended—

(A) by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) ARTS AND ARTIFACTS INDEMNITY ACT.—Section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)) is amended by striking out "Director of the United States Information Agency" and inserting in lieu thereof "Secretary of State".

(c) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.—Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "a member designated by the Director of the United States Information Agency," and inserting in lieu thereof "a member designated by the Secretary of State,".

(d) WOODROW WILSON MEMORIAL ACT OF 1968.—Section 3(b) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the matter preceding paragraph (1), by striking out "19 members" and inserting in lieu thereof "18 members";

(2) by striking out paragraph (7); and

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) PUBLIC LAW 95–86.—Title V of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1978 (Public Law 95–86) is amended in the third proviso of the paragraph "SALARIES AND EXPENSES" under the heading "UNITED STATES INFORMATION AGENCY" (22 U.S.C. 1461b) by striking out "the United States Information Agency is authorized," and inserting in lieu thereof "the Secretary of State may,".

(f) ACT OF JULY 9, 1949.—The Act of July 9, 1949 (63 Stat. 408; chapter 301; 22 U.S.C. 2681 et seq.) is repealed.

SEC. 344. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking "United States Information Agency" and inserting "Department of State"; and

(2) in subsection (b)—

(A) by striking "appropriations account of the United States Information Agency" and inserting "appropriate appropriations account of the Department of State"; and

(B) by striking "and the United States Information Agency".

SEC. 345. EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (b), by striking "United States Information Agency" and inserting "Department of State"; and

(2) by striking subsection (d).

SEC. 346. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY.

Title III of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.) is amended by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State".

SEC. 347. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SEC. 348. UNITED STATES ADVISORY COMMITTEE FOR PUBLIC DIPLOMACY.

Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended—

(1) in subsection (c)(1)—

(A) by striking "the Director of the United States Information Agency,"; and

(B) by striking "Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency" and inserting "Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department";

(2) in subsection (c)(2), in the first sentence—

(A) by striking "the Secretary of State, and the Director of the United States Information Agency" and inserting ", and the Secretary of State";

(B) by striking "Agency" the first place it appears and inserting "Department of State"; and

(C) by striking "Director for effectuating the purposes of the Agency" and inserting "Secretary for effectuating the information, educational, and cultural functions of the Department";

(3) in subsection (c)(3), by striking "programs conducted by the Agency" and inserting "information, educational, and cultural programs conducted by the Department of State"; and

(4) in subsection (c)(4), by striking "Director of the United States Information Agency" and inserting "Secretary of State".

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by this title, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of abolition of the Agency for International Development and the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

(b) EXCEPTION.—This title shall not take effect if the President waives the applicability of this title pursuant to section 602.

CHAPTER 2—ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The Agency for International Development and the United States International Development Cooperation Agency are abolished.

(b) OPIC.—Subsection (a) shall not be interpreted to apply to the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Administrator of the Agency for International Development and the Director of the United States International Development Cooperation Agency and all functions of the Agency for International Development and the United States International Development Cooperation Agency (other than the functions with respect to the Overseas Private Investment Corporation) and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

SEC. 413. UNDER SECRETARY OF STATE FOR DEVELOPMENT AND FOR ECONOMIC AND COMMERCIAL AFFAIRS.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by adding after paragraph (2), as added by section 313 of this Act, the following new paragraph:

"(3) UNDER SECRETARY FOR DEVELOPMENT AND FOR ECONOMIC AND COMMERCIAL AFFAIRS.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Development and for Economic and Commercial Affairs who shall assist the Secretary and the Deputy Secretary in the formation and implementation of United States policies and activities concerning international development and economic and commercial affairs.".

SEC. 414. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the Agency for International Development is abolished.

(b) AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended as follows:

(1) Section 8A is repealed.

(2) Section 11(1) is amended by striking "the Administrator of the Agency for International Development,".

(3) Section 11(2) is amended by striking "the Agency for International Development,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following: "Inspector General, Agency for International Development.".

(d) CONFORMING AMENDMENTS.—(1) Section 239(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(e)) is amended by striking "Inspector General of the Agency for International Development" and inserting "Inspector General of the Department of State".

(2) Sections 805, 806, and 812 of the Foreign Service Act of 1980 (22 U.S.C. 4045, 4046, 4052) are amended by striking "Office of the Inspector General, Agency for International Development" each place it appears and inserting "Office of the Inspector General, Department of State".

(3) Section 205(b)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(b)(3)) is amended by striking "Inspector General of the Agency for International Development" and inserting "Inspector General of the Department of State".

(e) TRANSFER OF FUNCTIONS.—

(1) TRANSFER TO INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Except as provided in paragraph (2), there are transferred to the Office of Inspector General of the Department of State the functions that the Office of Inspector General of the Agency for International Development exercised before the effective date of this title (including all related functions of the Inspector General of the Agency for International Development).

(2) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the effective date of this title (including all related functions of the Inspector General of the Agency for International Development).

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Secretary and the Inspector General of the Department of State, are authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 415. ABOLITION OF OFFICE OF CHIEF FINANCIAL OFFICER OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Chief Financial Officer of the Agency for International Development is abolished.

(b) AMENDMENT TO TITLE 31, UNITED STATES CODE.—Section 901(b)(2) of title 31, United States Code, is amended by striking subparagraph (A).

(c) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Chief Financial Officer of the Department of State the functions that the Office of Chief Financial Officer of the Agency for International Development exercised before the effective date of this title (including all related functions of the Chief Financial Officer of the Agency for International Development).

(d) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, the Administrator of the Agency for International Development, or any other officer or employee of the Agency for International Development, shall be deemed to refer to the Secretary of State;

(2) the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Secretary of State; or

(3) the Agency for International Development, AID, the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or the United States International Development Cooperation Agency (IDCA) shall be deemed to refer to the Department of State.

SEC. 422. EXERCISE OF FUNCTIONS BY SECRETARY OF STATE.

Section 621(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2381(a)) is amended—

(1) in the first sentence, by inserting before the period the following: ", except that functions conferred upon the President in part I of this Act may be exercised by the Secretary of State"; and

(2) in the second and third sentences, by striking "head of any such agency" each place it appears and inserting "Secretary of State and any other head of any such agency".

SEC. 423. REPEAL OF POSITIONS; EMPLOYMENT AND CONTRACTING AUTHORITIES.

The following sections of the Foreign Assistance Act of 1961 are repealed:

(1) Section 624 (a), (b), (c), and (e) (22 U.S.C. 2384 (a), (b), (c), and (e); relating to statutory officers).

(2) Section 626 (a) and (b) (22 U.S.C. 2386 (a) and (b); relating to experts and consultants).

SEC. 424. DEVELOPMENT LOAN COMMITTEE.

Section 122(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151t(e)) is amended by inserting after the first sentence the following new sentence: "The Secretary of State shall serve as Chairman of the Committee.".

SEC. 425. DEVELOPMENT COORDINATION COMMITTEE.

(a) ANNUAL REPORT.—Section 634(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394(a)) is amended in the text above paragraph (1)(A) by striking "Chairman of the Development Coordination Committee" and inserting "Secretary of State".

(b) COORDINATION.—Section 640B(a) of such Act (22 U.S.C. 2399(a)) is amended by striking "head of the agency primarily responsible for administering part I, Chairman, and representatives of the Departments of State," and inserting "Secretary of State,".

SEC. 426. PUBLIC LAW 83–480 PROGRAM.

The Agricultural Trade Development and Assistance Act of 1954 (Public Law 83–480; 7 U.S.C. 1691 et seq.) is amended—

(1) by striking "Administrator" each place it appears and inserting "Secretary of State"; and

(2) in section 402 (7 U.S.C. 1732)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SEC. 427. CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by striking "Administrator, Agency for International Development.".

(b) DEPUTY ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by striking "Deputy Administrator, Agency for International Development.".

(c) ASSISTANT ADMINISTRATORS.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Administrators, Agency for International Development (6).".

(d) REGIONAL ASSISTANT ADMINISTRATORS.—Section 5315 of title 5, United States Code, is amended by striking "Regional Assistant Administrators, Agency for International Development (4).".

(e) GENERAL COUNSEL.—Section 5316 of title 5, United States Code, is amended by striking "General Counsel of the Agency for International Development.".

SEC. 428. TRADE PROMOTION COORDINATING COMMITTEE.

Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (d)(1)—

(A) by striking subparagraph (I); and

(B) by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively; and

(2) in subsection (f)—

(A) by inserting "the Committee on Foreign Relations and" after "submit to"; and

(B) by striking "Foreign Affairs" and inserting "International Relations".

SEC. 429. ADDITIONAL CONFORMING AMENDMENTS.

(a) FAA AUTHORITIES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 118 (22 U.S.C. 2151p–1)—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(B) by striking "Agency" each place it appears and inserting "Department";

(2) in section 119 (22 U.S.C. 2151q)—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State";

(B) by striking "Agency" each place it appears and inserting "Department"; and

(C) in subsection (g)—

(i) by striking "ACTIONS BY AID" and inserting "ACTIONS BY THE DEPARTMENT OF STATE"; and

(ii) by striking "Agency's" and inserting "Department's";

(3) in section 123(b) (22 U.S.C. 2151u), by striking "Agency for International Development" and inserting "Department of State";

(4) in section 225 (22 U.S.C. 2185)—

(A) by striking "Administrator" each place it appears (other than in subsection (m)(2)) and inserting "Secretary"; and

(B) in subsection (m)—

(i) by striking "Agency for International Development" and inserting "Department of State"; and

(ii) by striking "'Administrator' means the Administrator of the Agency for International Development" and inserting "'Secretary' means the Secretary of State";

(5) in section 233(b), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State";

(6) in section 239 (22 U.S.C. 2199) in subsection (h), by striking "Agency for International Development" and inserting "Department of State";

(7) in section 296 (22 U.S.C. 2220a), by striking subsection (e);

(8) in sections 462 through 466 (22 U.S.C. 2282–2286), by striking "Administrator of the Agency for International Development" each place it appears and inserting "Secretary of State";

(9) in section 495K(b)(3), by striking "'Operating Expenses of the Agency for International Development' account" and inserting "appropriate administrative account of the Department of State";

(10) in section 496, by striking "Agency for International Development" each place it appears and inserting "Department of State";

(11) in section 498C(b)(1), by striking "'Operating Expenses of the Agency for International Development'" and inserting "the appropriate administrative account of the Department of State";

(12) in section 601—

(A) except as provided in subparagraph (B), by striking "Administrator" each place it appears and inserting "Secretary of State";

(B) in subsection (c)(1), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(C) by striking "Agency for International Development" and inserting "Secretary of State";

(13) in section 607(a), by striking "Agency for International Development" and inserting "Department of State";

(14) in section 634(a)(2)(F), by striking "Agency for International Development" and inserting "Department of State"; and

(15) in section 635(c), by striking "Agency for International Development" and inserting "Department of State".

(b) ADDITIONAL FAA REFERENCES.—(1) Except as provided in paragraphs (2) and (3), the Foreign Assistance Act of 1961 is amended by striking "agency primarily responsible for administering this part", "agency primarily responsible for administering part I", "agency primarily responsible for administering part I of this Act" each place such phrase appears and inserting "Department of State".

(2) The Foreign Assistance Act of 1961 is amended by striking "administrator of the agency primarily responsible for administering part I of this Act", "Administrator of the agency primarily responsible for administering this part", and the "Administrator of the agency primarily responsible for administering part I of this Act" each place it appears and inserting "Secretary of State".

(3) The Foreign Assistance Act of 1961 is amended—

(A) in section 101(b), by striking "Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part" and inserting "The Department of State";

(B) in section 116(b), by striking "Administrator primarily responsible for administering part I of this Act" and inserting "Secretary of State";

(C) in section 224(a), by striking "Agency" each place it appears and inserting "Department";

(D) in section 464(d), as added by section 701 of Public Law 99–83, is amended by striking ", under the supervision and direction of the Secretary of State,";

(E) in section 604(f), by striking "agency primarily responsible for administering such part I" and inserting "Department of State";

(F) in section 611(e), by striking "head of the agency primarily responsible for administering part I of the Act" and inserting "Secretary of State"; and

(G) in paragraphs (5) and (6) of section 636(a), by striking "head of the agency primarily responsible for administering part I" each place it appears and inserting "Secretary of State".

(c) SEED ACT.—(1) Section 201(e) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(e)) is amended by striking "Agency for International Development" and inserting "Department of State".

(2) Section 203 of such Act (22 U.S.C. 5423) is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(3)(A) Section 402(a) of such Act (22 U.S.C. 5442(a)) is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(B) Except as provided in subparagraph (A), section 402 is further amended by striking "Administrator" each place it appears and inserting "Secretary".

(4) Section 803 of such Act (22 U.S.C. 5493) is amended—

(A) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(B) by striking "to the Agency" and inserting "to the Department".

(d) COOPERATION THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION.—Section 1204(h) of the Cooperation Threat Reduction Act of 1993 (22 U.S.C. 5953(h)) is amended by striking "and the Administrator of the Agency for International Development".

(e) PEACE CORPS NATIONAL ADVISORY COUNCIL.—Section 12(c)(3) of Peace Corps Act (22 U.S.C. 2511(c)(3)) is amended in subsection (c)(3) by striking "and the Administrator of the Agency for International Development, or their designees," and inserting "or his designee".

(f) DEMOCRACY CORPS.—Section 401 of the FREEDOM Support Act (22 U.S.C. 5841) is amended—

(1) by striking "Administrator" each place it appears and inserting "Secretary";

(2) in subsection (h)(3)—

(A) by striking "AID REVIEW" and inserting "STATE DEPARTMENT REVIEW"; and

(B) by striking "Agency for International Development" and inserting "Department of State"; and

(3) by striking subsection (l)(1).

(g) ENVIRONMENTAL PERFORMANCE OF MULTILATERAL DEVELOPMENT BANKS.—(1) Section 1302 of the International Financial Institutions Act (22 U.S.C. 262m–1) is amended by striking ", in cooperation with the Administrator of the Agency for International Development,".

(2) Section 1303 of such Act (22 U.S.C. 262m–2) is amended—

(A) in subsection (a)(1), by striking "missions of the Agency for International Development" and inserting "economic assistance missions of the Department of State"; and

(B) by striking "Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State," each place it appears and inserting "Secretary of State, in consultation with the Secretary of the Treasury,".

(h) COOPERATIVE INFORMATION EXCHANGE SYSTEM.—Section 1304 of the International Financial Institutions Act (22 U.S.C. 262m–3) is amended by striking "and the Administrator of the Agency for International Development".

(i) ENVIRONMENTAL IMPACT OF PROPOSED MULTILATERAL DEVELOPMENT BANK ACTIONS.—Section 1307(e) of the International Financial Institutions Act (22 U.S.C. 262m–7(e)) is amended by striking "the Administrator of the Agency for International Development,".

(j) ANNUAL REPORT BY CHAIRMAN OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES.—Section 1701(b)(10) of the International Financial Institutions Act (22 U.S.C. 262r(b)(10)) is amended by striking "and the Administrator of the Agency for International Development".

(k) COMBINED REPORT.—Section 1703 of the International Financial Institutions Act (22 U.S.C. 262r–2) is amended by striking "Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State" and inserting "Secretary of State, in consultation with the Secretary of the Treasury,".

(l) PROPERTY MANAGEMENT FUND.—Section 585 of Public Law 101–513 (22 U.S.C. 2369a) is amended—

(1) by striking "Agency for International Development" each place it appears and inserting "Department of State"; and

(2) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(m) CAPITAL PROJECTS.—(1) Section 302 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421a) is amended—

(A) by striking "Administrator of AID" each place it appears and inserting "Secretary of State"; and

(B) in all references not covered by subparagraph (A), by striking "AID" and inserting "Department of State".

(2) Section 303 of such Act (22 U.S.C. 2421b) is amended—

(A) by striking "Administrator of AID" each place it appears and inserting "Secretary of State"; and

(B) by striking "AID" each place it appears (except as provided in subparagraph (A)) and inserting "Department of State".

(3) Section 308(1) of such Act is repealed.

(n) FOREIGN CONTRACTS.—Section 121 of the Foreign Relations Authorization Act, Fiscal Year 1977 (22 U.S.C. 2661a) is amended by striking "(including the Agency for International Development)".

(o) ADMINISTRATIVE SERVICES.—Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended by striking "the Agency for International Development,".

(p) ENERGY DEVELOPMENT PROGRAMS.—Section 502(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3262(c)) is amended by striking "Agency for International Development and".

(q) AGRICULTURAL COMMODITIES.—Section 416(b)(8)(C)(i) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)(C)(i)) is amended by striking "Agency for International Development office" and inserting "Department of State".

(r) LOCAL CURRENCY PROCEEDS.—Section 305(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727d(c)) is amended—

(1) by striking "Administrator" and inserting "Secretary"; and

(2) by striking "Agency for International Development" and inserting "Department of State".

(s) SPECIAL ASSISTANT FOR AGRICULTURAL TRADE AND FOOD ASSISTANCE.—Section 1113(c)(3) of the Food Security Act of 1985 (7 U.S.C. 1736–1(c)(3)) is amended by striking "Agency for International Development" and inserting "Department of State".

(t) AVOIDANCE OF CONFLICT OF INTEREST.—Section 407(d)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(d)(3)) is amended by striking "Agency for International Development" and inserting "Department of State".

(u) INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION.—Section 1458 of the National Agricultural Extension and Policy Act (7 U.S.C. 3291) is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(v) TIED AID CREDIT PROGRAM.—(1) Section 645(d) of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r(d)) is amended by striking "in cooperation with the Administrator of the Agency for International Development".

(2) Section 647(2) of such Act (12 U.S.C. 635t(2)) is amended by striking "Agency for International Development" and inserting "Department of State".

(w) RESEARCH AND DEVELOPMENT.—Section 9(e)(1) of the Small Business Act (15 U.S.C 638(e)(1)) is amended by striking "Agency for International Development" and inserting "Department of State (insofar as it carries out functions previously administered by the Agency for International Development)".

(x) CENTRAL EUROPEAN SMALL BUSINESS DEVELOPMENT COMMISSION.—Section 25(b)(1) of the Small Business Act (15 U.S.C 652(b)(1)) is amended by striking "Agency for International Development" and inserting "Department of State (insofar as it carries out functions previously administered by the Agency for International Development)".

(y) INTERAGENCY AQUACULTURE COORDINATING GROUP.—Section 6(a)(9) of the National Aquaculture Act of 1980 (42 U.S.C. 6601 note) is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(z) FORESTRY AND RELATED NATURAL RESOURCE ASSISTANCE.—Section 602(c) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(c)) is amended—

(1) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(2) by striking "Agency for International Development" and inserting "Department of State".

(aa) CARIBBEAN AND CENTRAL AMERICAN SCHOLARSHIP PROGRAM.—Section 231 of the Customs and Trade Act of 1990 (20 U.S.C. 226) is amended—

(1) in subsection (b), by striking "Administrator of the Agency for International Development" and inserting "Secretary of State"; and

(2) in subsections (c) and (d), by striking "Administrator" each place it appears and inserting "Secretary of State".

(bb) USE OF RENEWABLE RESOURCES FOR ENERGY PRODUCTION.—Section 602(a)(7) of Public Law 96–259 (22 U.S.C. 262j(a)(7)) is amended by striking "Agency for International Development" and inserting "Department of State".

(cc) PUBLIC HEALTH ACTIVITIES.—(1) Section 2102 of the Act of July 1, 1944, chapter 373, as amended, is amended by striking "Agency for International Development" each place it appears and inserting "Department of State".

(2) Section 2315(b) of such Act is amended by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(dd) ENERGY AUTHORITIES.—Section 256 of Public Law 94–163, as amended (42 U.S.C. 6276), is amended in subsection (d)(1)(C) by striking "Administrator of the Agency for International Development" and inserting "Secretary of State".

(ee) TRANSPORTATION EXPENSES.—Section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518) is amended by striking "Agency for International Development".

TITLE V—OFFICES OF INSPECTORS GENERAL

SEC. 501. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

SEC. 502. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ", the Office of Personnel Management or the United States Information Agency" and inserting "or the Office of Personnel Management"; and

(2) in paragraph (2), by striking "the United States Information Agency,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

"Inspector General, United States Information Agency.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of Public Law 103–236 are amended by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General for the Department of State".

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

(g) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the earlier of—

(1) March 1, 1997; or

(2) the date of the abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN AND WAIVER

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than October 1, 1996, the President shall, in consultation with the Secretary and the heads of the agencies covered under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) the abolition of each such agency in accordance with this division not later than March 1, 1997;

(2) the termination of functions of each such agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency not otherwise provided for in the plan;

(3) the transfer to the Department of the functions and personnel of each such agency consistent with the provisions of this division; and

(4) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the agencies covered under this subsection are the following:

(A) The United States Arms Control and Disarmament Agency.

(B) The United States Information Agency.

(C) The Agency for International Development (including the United States International Development Cooperation Agency).

(2) EXCEPTION.—The President may exclude up to two of the agencies set forth in paragraph (1) from consideration as agencies covered under this subsection. The President shall exclude such agency or agencies by submitting a waiver with respect to such agencies in accordance with section 602.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) identify the personnel and positions of each such agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to each such agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department.

(d) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(e) EFFECTIVE DATE.—(1) The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (d), shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(2) Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

SEC. 602. WAIVER.

(a) IN GENERAL.—(1) The President may waive the applicability of title II, III, or IV of this division to the agency otherwise covered by such title only if—

(A) the President includes in the reorganization plan transmitted under section 601 the certification described in subsection (b); and

(B) the certification is transmitted with the reorganization plan not later than October 1, 1996.

(2) The President may exercise such waiver authority with respect to not more than two such titles.

(b) CERTIFICATION.—In order to waive the applicability of a title referred to in subsection (a), the President shall certify that—

(1) the reorganization plan submitted under section 601—

(A) will achieve savings of $1,700,000,000 in budget authority during fiscal years 1996 through 1999 (not more than 30 percent of which may be realized from reductions in program levels); and

(B) will conform to the authorizations of appropriations during such fiscal years in division B; and

(2) the preservation of the agency that would otherwise be abolished pursuant to the title is important to the national interest of the United States.

(c) REORGANIZATION OF AGENCY COVERED BY WAIVER.—

(1) IN GENERAL.—Notwithstanding the waiver of the applicability of a title of this division, the President, in consultation with the Secretary and the head of the agency otherwise abolished pursuant to the title—

(A) shall provide in the reorganization plan transmitted under section 601 for the transfer to and consolidation within the Department of the functions of the agency set forth in paragraph (2); and

(B) may provide in the reorganization plan for additional consolidation, reorganization, and streamlining of the agency, including—

(i) the termination of functions and reductions in personnel of the agency;

(ii) the transfer of functions of the agency (including personnel operations other than personnel management, financial operations, public affairs aimed primarily at domestic audiences, legislative affairs, and legal affairs), and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(2) FUNCTIONS TO BE TRANSFERRED.—The functions to be transferred under paragraph (1) are the functions relating to the following:

(A) Non-specialized procurement.

(B) Travel and transportation.

(C) Facilities management.

(D) Security operations.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.—When an agency is abolished under this division, the limitations for fiscal years 1996 and 1997 under section 1351 of this Act on the members of the Foreign Service authorized to be employed by such agency shall be added to the limitations under such section which apply to the Department.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. EFFECT ON PERSONNEL.

(a) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this division, any person who, on the day preceding the date of the abolition of an agency the functions of which are transferred under any title of this division, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(b) TREATMENT OF APPOINTED POSITIONS.—(1) Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by any title of this division, shall terminate on the effective date of that title.

(2) An individual holding an office immediately prior to the abolition or transfer of the office by a title of this division—

(A) who was appointed to the office by the President, by and with the advice and consent of the Senate; and

(B) who performs duties substantially similar to the duties of an office proposed to be created under the reorganization plan submitted under section 601,

may, in the discretion of the Secretary, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department as a result of a transfer pursuant to any title of this division may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the former agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(e) SENIOR EXECUTIVE SERVICE.—Any employee in the career Senior Executive Service who is transferred pursuant to any title of this division shall be placed in a position at the Department which is comparable to the position the employee held in the agency.

(f) ASSIGNMENTS.—(1) Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this division.

(2) Foreign Service personnel transferred to the Department pursuant to any title of this division shall be eligible for any assignment open to Foreign Service personnel within the Department for which such transferred personnel are qualified.

(g) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The provisions of this subsection shall apply with respect to officers and employees in the competitive service, or employed under an established merit system in the excepted service, whose employment is terminated as a result of the abolition of the agency or the reorganization and consolidation of functions of the Department under any title of this division:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the former agency as having served satisfactorily in the competitive service in the former agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the

former agency as having served satisfactorily in the former agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of one year after completion of the appointee's service.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

(5) Any rights or benefits created by this subsection are in addition to rights and benefits otherwise provided by law.

SEC. 615. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department as a result of the implementation of this division and for payment of other costs associated with the consolidation of foreign affairs agencies under this division.

(c) DEPOSITS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account.

(B) Funds transferred to the account by the Secretary from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department together with the transfer of functions to the Department under this division and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) LIMITATION ON TRANSFER OF CERTAIN DEPARTMENT FUNDS.—The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this division.

(3) LIMITATION ON TRANSFER OF UNOBLIGATED FUNDS OF DEPARTMENT.—The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this division.

(d) TRANSFER OF FUNDS TO SECRETARY.—The head of an agency abolished under this division shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this division which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this division.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall use sums in the account for payment of the costs of carrying out this division, including costs relating to the consolidation of functions of the Department and the termination of employees of the Department.

(2) LIMITATION ON USE OF FUNDS.—

(A) Except as provided in subparagraph (B), the Secretary may not use sums in the account for payment of the costs described in paragraph (1) unless the appropriate congressional committees are notified 15 days in advance of such use in accordance with procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(B) EXCEPTION.—Subparagraph (A) does not apply to the following uses of sums in the account:

(i) For payment of the cost of any severance payments required to be paid by the Secretary to employees of the Department, but only if the cost of such payments is less than $10,000,000.

(ii) For transfer to the head of an agency to be abolished under this division for payment of the cost of any severance payments required to be paid to employees of the agency, but only if the total amount transferred with respect to the agency is less than $40,000,000.

(iii) For payment of the cost of any improvements of the information management systems of the Department that are carried out as a result of the abolishment of agencies under this division, but only if the cost of such improvements is less than $15,000,000.

(iv) For payment of the cost of the physical relocation of fixtures, materials, and other resources from an agency to be abolished under this division to the Department or of such relocation within the Department, but only if the cost of such relocation is less than $10,000,000.

(3) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(f) TREATMENT OF UNOBLIGATED BALANCES.—

(1) IN GENERAL.—Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to the Department and shall be available to the Secretary for purposes of carrying out the functions of the Department.

(2) NOTIFICATION.—The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department under subsection (f), the functions for which the funds so transferred were expended.

(h) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

SEC. 616. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NON-ABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 617. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under

this division to determine whether such property and facilities are required by the Department.

SEC. 618. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 619. RECOMMENDATIONS FOR ADDITIONAL CONFORMING AMENDMENTS.

Congress urges the President, in consultation with the Secretary and the heads of other appropriate agencies, to develop and submit to Congress recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 620. FINAL REPORT.

Not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

SEC. 621. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

SEC. 622. SEVERABILITY.

If a provision of this division or its application to any person or circumstance is held invalid, neither the remainder of this division nor the application of the provision to other persons or circumstances shall be affected.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Department of State and Related Agencies Authorization Act, Fiscal Years 1996 and 1997".

SEC. 1002. DEFINITIONS.

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

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(7) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(8) The term "Secretary" means the Secretary of State.

(9) The term "USIA" means the United States Information Agency.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

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, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State, $1,719,220,000 for the fiscal year 1996, $1,710,000,000 for the fiscal year 1997, $1,708,800,000 for the fiscal year 1998, and $1,700,000,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses" of the Department of State, $365,146,000 for the fiscal year 1996, $357,000,000 for the fiscal year 1997, $355,000,000 for the fiscal year 1998, and $355,000,000 for the fiscal year 1999.

(B) LIMITATION.—Of the amount authorized to be appropriated by subparagraph (A), $11,900,000 for fiscal year 1997 is authorized to be appropriated for salaries and expenses of the Bureau of Refugee and Migration Assistance.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $16,400,000 for the fiscal year 1996 and $16,400,000 for the fiscal year 1997.

(4) SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS.—For "Security and Maintenance of United States Missions", $385,760,000 for the fiscal year 1996 and $380,000,000 for the fiscal year 1997.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,500,000 for the fiscal year 1996 and $4,500,000 for the fiscal year 1997.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $6,000,000 for the fiscal year 1996 and $6,000,000 for the fiscal year 1997.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $27,369,000 for the fiscal year 1996, $27,000,000 for the fiscal year 1997, $27,000,000 for the fiscal year 1998, and $27,000,000 for the fiscal year 1999.

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

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $8,579,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $776,000 for the fiscal year 1996 and $776,000 for the fiscal year 1997, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $850,000,000 for the fiscal year 1996 and $840,000,000 for the fiscal year 1997 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 organizations and to carry out other authorities in law consistent with such purposes.

(b) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $445,000,000 for the fiscal year 1996 and $375,000,000 for the fiscal year 1997 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.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $3,000,000 for the fiscal year 1996 and $3,000,000 for the fiscal year 1997 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.

(d) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 and 1997 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(e) LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Of the amounts made available for fiscal years 1996 and 1997 for United States voluntary contributions to the United Nations Development Program—

(A) not more than $51,800,000 shall be made available for fiscal year 1996 unless, during fiscal year 1996, the President submits to the appropriate committees of Congress the certification described in paragraph (2), and

(B) not more than $51,800,000 shall be available for fiscal year 1997 unless, during fiscal year 1997, the President submits to the appropriate committees of Congress the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC) by the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are supported by the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. 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" $12,058,000 for the fiscal year 1996 and $19,372,000 for the fiscal year 1997; and

(B) for "Construction" $6,644,000 for the fiscal year 1996 and $9,000,000 for the fiscal year 1997.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $640,000 for the fiscal year 1996 and $666,000 for the fiscal year 1997.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,360,000 for the fiscal year 1996 and $3,195,000 for the fiscal year 1997.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,669,000 for the fiscal year 1996 and $13,202,000 for the fiscal year 1997.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) MIGRATION AND REFUGEE ASSISTANCE.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $590,000,000 for the fiscal year 1996 and $590,000,00 for the fiscal year 1997.

(B) LIMITATION.—None of the funds authorized to be appropriated by this section for fiscal year 1997 are authorized to be appropriated for salaries and administrative expenses of the Bureau of Migration and Refugee Assistance.

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

(3) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1996 and $1,500,000 for the fiscal year 1997 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(4) RESETTLEMENT OF VIETNAMESE, LAOTIANS, AND CAMBODIANS.—Of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1), there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—

(A) are or were nationals and residents of Vietnam, Laos, or Cambodia and are or were at any time after July 1, 1995, residents of refugee camps in Hong Kong, the Philippines, Indonesia, Malaysia, or Thailand; and

(B)(i) are determined by a United States immigration officer to be within a category of aliens referred to in section 599D(b)(2)(C) of the Foreign Operations Export Financing and Related Programs Appropriations Act, 1990 (Public Law 101-167); or

(ii) are otherwise determined by a United States immigration officer to be refugees within the meaning of section 101(a)(42) of the Immigration and Nationality Act.

(b) GENERAL LIMITATIONS.—None of the funds authorized to be appropriated by subsection (a) are authorized to be available for any program or activity that provides for, promotes, or assists in the repatriation of any person to Vietnam, Laos, or Cambodia, unless the President has certified to the appropriate congressional committees that—

(1) all persons described in subsection (a)(4)(A) have been or will be offered an interview by a United States immigration officer in a refugee camp or elsewhere in the host country in which such a camp is located (or, if the government of such a country has declined a request by the United States to permit such interviews to take place within such country, in their country of origin) for the purpose of determining whether they are persons described in subsection (a)(4)(B); and

(2) all persons described in subsection (a)(4)(B) have been or will be offered resettlement outside their countries of nationality.

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

(d) REFUGEE CAMP DEFINED.—For the purposes of this section, the term "refugee camp" means any place in which people who left Vietnam, Cambodia, or Laos are housed or held by a government or international organization, regardless of the designation of such place by such government or organization.

(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require or permit an increase in the number of refugee admissions for fiscal year 1996 from the numerical limitation for refugee admissions for fiscal year 1995.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for the Department of State $5,000,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997 for "Asia Foundation".

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural 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, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $445,645,000 for the fiscal year 1996, $440,000,000 for the fiscal year 1997, $410,000,000 for the fiscal year 1998, and $399,000,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For "Technology Fund" for the United States Information Agency, $5,050,000 for the fiscal year 1996 and $5,050,000 for the fiscal year 1997.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $102,500,000 for the fiscal year 1996 and $98,000,000 for the fiscal year 1997.

(B) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", "Institute for Representative Government", "Arts America", "South Pacific Exchanges", "East Timorese Scholarships", "Cambodian Scholarships", and "Educational and Cultural Exchanges with Tibet", $97,500,000 for the fiscal year 1996 and $85,000,000 for the fiscal year 1997.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $325,191,000 for the fiscal year 1996, $330,000,000 for the fiscal year 1997, $320,000,000 for the fiscal year 1998, and $315,000,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $40,000,000 for the fiscal year 1996, and $35,000,000 for the fiscal year 1997.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $10,000,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $24,809,000 for the fiscal year 1996 and $24,809,000 for the fiscal year 1997.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $11,750,000 for the fiscal year 1996 and $11,750,000 for the fiscal year 1997.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "National Endowment for Democracy", $32,000,000 for the fiscal year 1996 and $30,000,000 for the fiscal year 1997.

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A) for each fiscal year, not more than 55 percent shall be available only for the following organizations, in equal allotments:

(i) The International Republican Institute (IRI).

(ii) The National Democratic Institute (NDI).

(iii) The Free Trade Union Institute (FTUI).

(iv) The Center for International Private Enterprise (CIPE).

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $2,000,000 for the fiscal year 1996 and $3,000,000 for the fiscal year 1997.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

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

(1) $35,700,000 for the fiscal year 1996, $30,000,000 for the fiscal year 1997, $28,000,000 for the fiscal year 1998, and $25,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1996 and 1997 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

SEC. 1108. ADMINISTRATION OF FOREIGN ASSISTANCE.

(a) OPERATING EXPENSES GENERALLY.—Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

"(1) $465,000,000 for each of the fiscal years 1996 and 1997, $445,000,000 for fiscal year 1998, and $435,000,000 for fiscal year 1999 for necessary operating expenses of the agency primarily responsible for administering part I of this Act (other than the office of the inspector general of such agency); and".

(b) OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL OF AID.—Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)) is further amended—

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

(2) by striking "and" at the end of paragraph (1); and

(3) by inserting after paragraph (1) the following:

"(2) $30,200,000 for fiscal year 1996, $27,000,000 for fiscal year 1997, $25,000,000 for fiscal year 1998, and $19,000,000 for fiscal year 1999 for necessary operating expenses of the office of the inspector general of such agency; and".

SEC. 1109. NARCOTICS CONTROL ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $115,000,000 for fiscal year 1996 and $213,000,000 for fiscal year 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 1110. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $210,000,000 for fiscal year 1996 and $234,000,000 for fiscal year 1997.

"(2) Amounts authorized to be appropriated under paragraph (1)—

"(A) with respect to fiscal year 1996 are authorized to remain available until September 30, 1997; and

"(B) with respect to fiscal year 1997 are authorized to remain available until September 30, 1998.".

SEC. 1111. HOUSING GUARANTEE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—(A) Subject to subparagraph (B), there are authorized to be appropriated $7,000,000 for fiscal year 1996 and $6,000,000 for fiscal year 1997 for administrative expenses to carry out guaranteed loan programs under sections 221 and 222 of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 and 2182).

(B) Amounts authorized to be appropriated under subparagraph (A) may be made available only for—

(i) administrative expenses incurred with respect to guaranties issued before the date of the enactment of this Act; or

(ii) expenses incurred with respect to activities related to the collection of amounts paid by the United States in the discharge of liabilities under guaranties issued under section 222 of the Foreign Assistance Act of 1961 (22 U.S.C. 2182).

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(b) ADDITIONAL REQUIREMENTS.—

(1) EXPIRATION OF AUTHORITY.—Section 222(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(a)) is amended by striking the third sentence and inserting the following: "No guaranties may be issued under this section on or after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997.".

(2) CANCELLATION OF CERTAIN EXISTING GUARANTIES.—Section 222 of such Act (22 U.S.C. 2182) is amended—

(A) by redesignating subsection (k) as subsection (d); and

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

"(e) The President shall cancel all guaranties issued under this section with respect to which eligible investors have not (before the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997) applied such guaranties to loans for projects under this title. The provisions of this subsection shall not apply to guaranties which have been issued for the benefit of the Republic of South Africa.".

(3) PROHIBITION ON ASSISTANCE FOR ENTITIES IN DEFAULT AND CERTAIN OTHER ENTITIES.—Section 620 of such Act (22 U.S.C. 2370) is amended by inserting after subsection (u) the following new subsection:

"(v)(1) Subject to paragraph (2), no assistance shall be furnished under this Act to any entity that—

"(A) fails to make timely payments on loans with respect to which guaranties have been issued under title III of chapter 2 of part I of this Act (relating to housing and other credit guaranty programs); or

"(B) causes amounts (including amounts for administrative expenses) to be paid by the United States in the discharge of liabilities under guaranties issued under such title, unless such entity has reimbursed the United States for such amounts.

"(2) The President may waive the prohibition in paragraph (1) with respect to an entity if the President determines that it is in the national interest of the United States to furnish assistance under this Act to such entity.".

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

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

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary of State may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

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

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws;

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii);

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

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

"(d) FUNDING.—(1) There are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

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

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

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

"(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed $2,000,000.

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

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

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

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

"(g) REPORTS.—(1) Not later than 30 days after the payment of any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall

submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards. Such report shall also include information on all requests for the payment of rewards under this section, including the reasons for the denial of any such requests.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(2) the term 'act of international terrorism' includes, but is not limited to—

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

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(i) JUDICIAL REVIEW.—A determination made by the Secretary of State as to whether to authorize a reward under this section or as to the amount of a reward shall not be subject to judicial review.".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should pursue additional means of funding the program established by section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708), including the authority to seize and dispose of assets used in the commission of any offense under sections 1028, 1541 through 1544, and 1546 of title 18, United States Code, and to retain the proceeds derived from the disposition of such assets; to participate in asset sharing programs conducted by the Department of Justice; and to retain earnings accruing on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) to carry out the purposes of section 36 of the State Department Basic Authorities Act of 1956.

SEC. 1202. BUYING POWER MAINTENANCE ACCOUNT.

Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by striking subparagraph (D).

SEC. 1203. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

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

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1204. DENIAL OF PASSPORTS TO NONCUSTODIAL PARENTS SUBJECT TO STATE ARREST WARRANTS IN CASES OF NONPAYMENT OF CHILD SUPPORT.

The Secretary of State is authorized to refuse to issue a passport or to revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State warrant of arrest for nonpayment of child support, where the amount in controversy is not less than $10,000.

SEC. 1205. TRAINING.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary of State is authorized to provide appropriate training through the institution to employees of any United States company engaged in business abroad, and to the families of such employees, when such training is in the national interest of the United States.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis foreign language training programs to Members of Congress and officers and employees of Congress.

"(2) Reimbursements under this subsection, to the extent practicable, should be equivalent to the rate of reimbursement charged other agencies of the United States Government for comparable training.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

SEC. 1206. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting "and upgrade" after "procurement";

(2) in subsection (c), by striking "are authorized to" and inserting "shall";

(3) in subsection (d), by striking all that follows "available" and inserting "for the purposes of subsection (a)."; and

(4) in subsection (e), by striking all that follows "(22 U.S.C. 2710)" before the period at the end.

SEC. 1207. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal Government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 and 1997.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 1101(4) (relating to the "Security and Maintenance of United States Missions" account). Such funds shall be available only to such extent or in such amounts as are provided in advance in an appropriation Act.

SEC. 1208. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: "Such fees shall remain available for obligation until expended. Deposited funds may be obligated and expended only in such amounts as are provided in advance in an appropriation Act.".

SEC. 1209. REDUCTION OF REPORTING REQUIREMENTS.

Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g) is amended by striking "quarter of the".

SEC. 1210. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

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

"SEC. 53. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the Department of State diplomatic reception rooms. Fees collected under the authority of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended. Amounts deposited may be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.".

SEC. 1211. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90–533) is amended by inserting before the last sentence the following: "Amounts in the reserve may be deposited in interest bearing accounts, and the Secretary may retain for the purposes of the reserve any interest earned on such deposits without returning such interest to the Treasury of the United States.".

SEC. 1212. JOINT FUNDS UNDER AGREEMENTS FOR COOPERATION IN ENVIRONMENTAL, SCIENTIFIC, CULTURAL, AND RELATED AREAS.

In order to promote the maximum benefits from continued participation in international agreements in effect as of the date of enactment of this Act for cooperation in environmental,

scientific, cultural, and related areas, appropriated funds that have been made available in fiscal year 1995 and prior fiscal years under the Department of State's program of international environmental, scientific, and cultural cooperation to joint funds or accounts under such agreements may, to the extent specified within the agreement, be deposited in interest bearing accounts prior to disbursement of such funds for the purposes of the program. Interest earned may be retained for use under such agreements for program or administrative purposes, without returning such interest to the Treasury of the United States. Such retained interest amounts shall be available for obligation and expenditure only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 1213. EFFICIENCY IN PROCUREMENT.

(a) IN GENERAL.—To the maximum extent practicable, United States Government agencies performing functions at diplomatic and consular posts abroad shall avoid duplicative acquisition actions.

(b) AUTHORITY.—Notwithstanding any other provision of law, a contract awarded in accordance with the Competition in Contracting Act by an agency of the United States Government performing functions at diplomatic and consular posts abroad may be amended without competition to permit other such United States Government agencies to obtain goods or services under such contract, if unit prices are not increased as a result of any such amendment.

SEC. 1214. CONCERNING THE USE OF FUNDS TO FURTHER NORMALIZE RELATIONS WITH VIETNAM.

None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless not less than 60 days prior to any such obligation or expenditure the President certifies to the Congress that based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is fully cooperating with the United States in the following 4 areas:

(A) Resolving discrepancy cases, live sightings, and field activities.

(B) Recovering and repatriating American remains.

(C) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's.

(D) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 1215. DIPLOMATIC TELECOMMUNICATIONS SERVICE.

Section 507 of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317) is amended in subsections (a) and (b) by striking "and each succeeding fiscal year" each place it appears.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1231. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) For fiscal years 1996 and 1997, not more than $150,000,000 in fees collected under the authority of paragraph (1) for each fiscal year shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

Such fees shall remain available for obligation until expended.

"(3) For any fiscal year, fees collected under the authority of paragraph (1) in excess of the amount specified for such fiscal year under paragraph (2) shall be deposited in the general fund of the Treasury as miscellaneous receipts."; and

(2) by striking paragraph (5).

SEC. 1232. FINGERPRINT CHECK REQUIREMENT.

Section 140(e)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1182 note) as amended by section 505 of the Department of State and Related Agencies Appropriation Act, Fiscal Year 1995 (Public Law 103–317) is amended to read as follows:

"(1) The Secretary of State shall in the 10 countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available require applicants for immigrant visas to provide a fingerprint record for submission with the application, at no cost to the Department of State, if such an applicant—

"(A) has been determined to have a criminal history record under subsection (d)(1);

"(B) has been physically present in the United States; and

"(C) is more than 16 years of age.

The Department of State shall submit such fingerprint records to the Federal Bureau of Investigation for analysis to determine whether the applicant has been convicted of a felony under State or Federal law in the United States.".

SEC. 1233. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1996 and 1997, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214), 10 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and preventing entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1234. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689; 22 U.S.C. 4191), is amended by inserting after "such officers" the following: "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—Section 3492(c) of title 18 of the United States Code is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35 of the United States Code is amended by adding at the end the following: "For purposes of this section, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).".

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: "As used in title III, the term "consular officer" includes any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.".

SEC. 1235. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each alien who applies for an immigrant visa on the basis of an approved petition filed under section 204(a)(1)(G) of the Immigration and Nationality Act. Such fee may be set at a level so as to recover the full cost to the Department of State of administering subsection (c) of section 203 of the Immigration and Nationality Act, including the cost of processing all petitions thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section. Amounts deposited shall be available for obligation and expenditure only in such amounts as are provided in advance in appropriation Acts.

SEC. 1236. FEE FOR EXECUTION OF PASSPORT APPLICATIONS.

Section 1 of the Act of June 4, 1920 (41 Stat. 750; 22 U.S.C. 214) is amended by—

(1) inserting before the period at the end of the first sentence the following: "; except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service"; and

(2) striking the second sentence.

SEC. 1237. EXCLUSION FROM THE UNITED STATES FOR MEMBERSHIP IN A TERRORIST ORGANIZATION.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) by striking "or" at the end of clause (i)(I);

(2) by inserting "or" at the end of clause (i)(II);

(3) by inserting after clause (i)(II) the following new subclause:

"(III) is a member of a terrorist organization or who actively supports or advocates terrorist activity,"; and

(4) by adding at the end the following new clause:

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term 'terrorist

organization' means an organization that engages in, or has engaged in, terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.".

SEC. 1238. TERRORIST LOOKOUT COMMITTEES.

(a) ESTABLISHMENT.—

(1) Not later than 30 days after the date of enactment of this Act, the Secretary of State shall establish within each United States Embassy a Terrorist Lookout Committee, which shall include the head of the political section and senior representatives of all United States law enforcement agencies and all elements of the intelligence community under the authority of the chief of mission.

(2) Each Committee shall be chaired by the respective deputy chief of mission, with the head of the consular section as vice chair.

(b) MEETINGS.—Each Terrorist Lookout Committee established under subsection (a) shall meet at least monthly and shall maintain records of its meetings. Upon the completion of each meeting, each Committee shall report to the Department of State all names submitted for inclusion in the visa lookout system.

(c) REPORTS.—

(1) The Secretary of State shall submit a report to the appropriate congressional committees within 90 days after the date of the enactment of this Act on the status of establishing Terrorist Lookout Committees under this section and evaluating interagency cooperation in the process.

(2) Not later than April 1, 1997, the Secretary of State shall submit a follow-up report to the appropriate congressional committees detailing progress on submitting names for inclusion in the visa lookout system and evaluating cooperation among agencies and embassy sections in maintaining lists of such names.

SEC. 1239. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this Act, is further amended—

(1) by striking "or" at the end of clause (i)(II);

(2) in clause (i)(III) by inserting "or" at the end; and

(3) by inserting after clause (i)(III) the following new subclause:

"(IV) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of enactment of this Act.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1251. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the President shall submit a report to the appropriate congressional committees concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States, and the treatment by the Government of Cuba of persons who have been returned to Cuba pursuant to the United States-Cuba agreement of May 1995. Each report transmitted pursuant to this section shall include a detailed account of United States efforts to monitor such enforcement and treatment.

SEC. 1252. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

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

(A) in subsection (b)(3), by striking "and 1996" and inserting "1996, and 1997"; and

(B) in subsection (e), by striking out "October 1, 1996" each place it appears and inserting "October 1, 1997"; and

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

SEC. 1253. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(b) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1254. REPORT ON IRAQI REFUGEES.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing in detail the procedures for determining eligibility for resettlement of Iraqi nationals from Saudi Arabia and Turkey to the United States.

(b) REPORT.—The report under subsection (a) shall include the following:

(1) The history of the United States resettlement program for Iraqi refugees, including the number of such refugees resettled in the United States and in other countries during each year since fiscal year 1991, as well as activities of the United States Government, other governments, and international organizations with respect to temporary protection for Iraqi refugees in Saudi Arabia, Turkey, and other countries.

(2) An evaluation and explanation of the continuing need for the program, including an evaluation of the prospects for future resettlement of Iraqi refugees in countries other than the United States and the impact of United States activities on resettlement commitments by such countries and on the actions of countries providing temporary protection.

(3) A detailed analysis of the basis for claims of persecution of Iraqi refugees approved for resettlement in the United States.

(4) A detailed description and evaluation of procedures employed by United States personnel to ensure the denial of fraudulent applications and the application of all grounds of exclusion provided by United States law.

(5) A detailed description of the acculturation program for Iraqi refugees selected for admission to the United States, with particular reference to any differences between this program and similar programs for other refugees, and an evaluation of the continuing need for such program and for improvements therein.

SEC. 1255. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: "For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.".

SEC. 1256. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act, or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), shall be available to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings assigned under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States resolution of advice and consent to ratification to such Convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)) (as amended by section 213 of this Act) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) COORDINATOR FOR COUNTERTERRORISM.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal advisor to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5,

United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

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

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. AUTHORITY OF UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS.

Section 2(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287(a)) is amended by striking "hold office at the pleasure of the President" and inserting "serve at the pleasure of the President and subject to the direction of the Secretary of State".

SEC. 1303. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

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

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

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1304. RESPONSIBILITIES OF BUREAU CHARGED WITH MIGRATION AND REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

SEC. 1305. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

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

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

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1306. MANAGEMENT OF THE HUMAN RESOURCES OF THE DEPARTMENT OF STATE.

(a) POSITION.—Either the head or next most senior person of the bureau or office within the Department of State with principal responsibility for management of human resources and personnel policies of the Department shall have substantial professional qualifications in the field of human resource policy and management.

(b) DEFINITION.—For purposes of this section, the term "substantial professional qualifications in the field of human resources policy and management" means in excess of 15 years experience as a human resources management professional of which at least 5 years shall have been gained in the private sector or in government service outside the Foreign Service.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1351. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1996 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1996—

(1) for the Department of State, shall not exceed 9,000, of whom not more than 660 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,150, of whom not more than 160 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,800, of whom not more than 225 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1997 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1997—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 660 shall be members of the Senior Foreign Service;

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

(3) for the Agency for International Development, not to exceed 1,775 of whom not more than 225 shall be members of the Senior Foreign Service.

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

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

(2) members of the Service serving under temporary resident appointments abroad;

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

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

(5) members of the Service serving under noncareer limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives of the President's intention to exercise the waiver authority. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1352. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) in subparagraph (C), by inserting "or" after "title 3,"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),".

SEC. 1353. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1354. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence.".

SEC. 1355. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" before "members of the families of such members and employees"; and

(B) by inserting immediately before the period ", and for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)";

(2) in subsection (d), by inserting ", subject to the provisions of subsections (g) and (h)" after "treatment"; and

(3) by adding the following new subsections:

"(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

"(2) If the insurance policy, plan, contract, or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the

Secretary of State may collect from the third-party payer only the reasonable costs of the care provided less the deductible or copayment amount.

"(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

"(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

"(A) care provided directly or indirectly by a governmental entity;

"(B) care provided to an individual who has not paid a required deductible or copayment; or

"(C) care provided by a provider with which the third-party payer has no participation agreement.

"(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

"(6) As to the authority provided in paragraph (1) of this subsection—

"(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

"(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this subsection; and

"(C) the Secretary may compromise, settle, or waive a claim of the United States under this subsection.

"(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

"(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purpose of permitting the third party to verify—

"(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

"(B) that the provisions of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this paragraph shall be subject to the provisions of paragraphs (2) and (4).

"(9) Amounts collected under this subsection or under subsection (h) from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

"(10) For purposes of this section—

"(A) the term 'covered beneficiary' means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer;

"(B) the term 'services', as used in 'health care services' includes products; and

"(C) the term 'third-party payer' means an entity that provides a fee-for-service insurance policy, contract, or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

"(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).".

(b) EFFECTIVE DATE.—Subsection (a) shall take effect October 1, 1996.

SEC. 1356. REPORT ON PROMOTION AND RETENTION OF PERSONNEL.

Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

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

"(D) include on a biennual basis the comments of the Inspector General for Foreign Affairs with respect to the adequacy of the reports on the matters described in this paragraph.".

SEC. 1357. FOREIGN SERVICE REFORM.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking "may elect to" and inserting "shall"; and

(2) by striking "Service," and all that follows and inserting "Service.".

(b) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking "Members" and inserting "Subject to subsection (e), members"; and

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

"(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.".

(c) EXPEDITED SEPARATION OUT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available.

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

SEC. 1402. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "$10,000,000" and inserting "$4,000,000".

SEC. 1403. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsection (a), by striking "Soviet Union, Lithuania, Latvia, and Estonia" and inserting "former Soviet Union, Lithuania, Latvia, Estonia, Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and the Former Yugoslav Republic of Macedonia";

(2) in subsection (c)(5), by striking "law," in the first sentence and all that follows through the end of paragraph (5) and inserting "journalism, law, library and information science, public administration, and public policy.";

(3) in subsection (b), by striking "Soviet Union, Lithuania, Latvia, and Estonia" and inserting "countries specified in subsection (a)";

(4) in subsection (c)(11), by striking "Soviet republics, Lithuania, Latvia, and Estonia" and inserting "countries specified in subsection (a)"; and

*(5) in the section heading, by striking "**THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA**" and inserting "**CERTAIN EURASIAN COUNTRIES**".*

SEC. 1404. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 1405. PILOT PROGRAM ON ADVERTISING ON USIA TELEVISION AND RADIO BROADCASTS.

(a) IN GENERAL.—(1) The Director of the United States Information Agency shall carry out a pilot program to determine the feasibility and advisability of permitting advertisements on the television broadcasts and radio broadcasts of the USIA , including broadcasts of the Voice of America, Radio Marti/TV Marti, Worldnet, Radio Free Europe/Radio Liberty, and Radio Free Asia.

(2) The Director shall commence carrying out the pilot program not later than 90 days after the date of the transmittal to Congress of the plan required under subsection (b).

(3) The Director shall carry out the pilot program for 12 months.

(b) PROGRAM PLAN.—(1) Not later than 120 days after the date of the enactment of this Act, the Director shall prepare and transmit to Congress a plan for carrying out the pilot program required under subsection (a).

(2) In preparing the plan, the Director shall solicit and take into account the comments of other broadcasting entities funded by the United States Government on the experiences of and advantages and disadvantages to public television and radio broadcast stations of permitting advertisements on the broadcasts of such stations.

(c) TREATMENT OF REVENUES.—Notwithstanding any other provision of law, the Director may use any revenues received by the USIA under the pilot program to pay for the cost of the radio and television broadcasting activities of the USIA. Such funds shall be available for that purpose without fiscal year limitation.

(d) PROGRAM REPORT.—Not later than 60 days after the date of the completion of the pilot program, the Director shall submit to Congress a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the number and type of advertisements aired under the pilot program and the revenues received as a result of the advertisements.

(2) An estimate of the number and type of advertisements that would be carried on the television broadcasts and radio broadcasts of the USIA on an annual basis after the completion of the pilot program if the USIA were authorized to continue to carry such advertisements, and the revenues that the USIA would receive as a result of carrying such advertisements.

(3) An assessment of the feasibility and advisability of permitting advertisements on the television broadcasts and radio broadcasts of the USIA, including a discussion of the advisability of permitting such advertisements by—

(A) United States entities;

(B) foreign governments;

(C) foreign individuals or entities; and

(D) a combination of such entities, governments, and individuals.

(e) REGULATIONS.—The Director may prescribe regulations to carry out the pilot program.

SEC. 1406. CHANGES IN ADMINISTRATIVE AUTHORITIES.

(a) CONTRACT AUTHORITY FOR VOICE OF AMERICA RADIO FACILITY.—Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended by inserting "Tinian," after "Sao Tome,".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 701(f)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking "September 30, 1995" and inserting "March 1, 1997".

(c) TECHNICAL CORRECTION.—Section 314(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6213(2)(B)) is amended by striking "section 307(e)" and inserting "section 308(d)".

(d) RADIO BROADCASTING TO CUBA.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "Director of the Voice of America" and inserting "Director of the International Broadcasting Bureau".

(e) TELEVISION BROADCASTING TO CUBA.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "Voice of America" and inserting "International Broadcasting Bureau".

(f) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding at the end the following new subsection:

"(c) CONSOLIDATION OF ENGINEERING FUNCTION.—For the purpose of achieving economies and eliminating duplication, the Director of the United States Information Agency is authorized to appoint, during 1996, up to 5 otherwise qualified United States citizens employed in the Office of the Vice President for Engineering and Technical Operations of RFE/RL, Incorporated, to the competitive service or the career Foreign Service of the United States Information Agency in accordance with the provisions of title 5 of the United States Code, and without regard to section 301(b) or 306 of the Foreign Service Act of 1980, governing appointments in the Foreign Service. Prior service with RFE/RL, Incorporated, by an individual appointed under this subsection shall be credited in determining the length of service of the individual for reduction in force purposes and toward establishing the career tenure of the individual.".

(g) USE OF FEES FROM EDUCATIONAL ADVISING.—Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting ", educational advising," after "English-teaching".

SEC. 1407. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee and used for the purposes for which the grant was made.

SEC. 1408. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy (including but not limited to China, Vietnam, Cambodia, Tibet, and Burma), the Director of the United States Information Agency shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.

SEC. 1409. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1999.

(c) REPORT.—Not later than October 1, 1998, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the appropriate congressional committees. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

SEC. 1410. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

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

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—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, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1411. INITIATION OF BROADCASTS BY RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended by adding at the end the following new subsection:

"(j) Not later than 180 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997, Radio Free Asia shall initiate regular broadcasts to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam. Such broadcasts shall be conducted under the name 'Radio Free Asia' and shall provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere, and shall be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.".

SEC. 1412. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

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 Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

TITLE XV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. TERMINATION OF UNITED STATES PARTICIPATION IN CERTAIN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other provision of law may be used for payment of United States membership in any of the following organizations:

(1) The United Nations Industrial Development Organization.

(2) Pan American Railway Congress Association.

(3) The International Cotton Advisory Committee.

(4) The World Tourism Organization.

(5) The Inter-American Indian Institute.

(6) International Tropical Timber Organization.

(b) EXPENSES PENDING TERMINATION OF UNITED STATES MEMBERSHIP.—Notwithstanding the requirements of subsection (a), funds authorized to be appropriated under this Act, to the extent required under any treaty to which the United States is a party, may be used to make payments to the organizations identified in subsection (a) during the period beginning on the date that the United States gives notice pursuant to such treaty of the intent to terminate United States membership in the organization as promptly as permitted by such treaty and ending on the date that the termination of United States membership takes effect.

SEC. 1502. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

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

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

SEC. 1503. PROHIBITION ON ASSISTANCE TO INTERNATIONAL ORGANIZATIONS ESPOUSING WORLD GOVERNMENT.

None of the funds authorized to be made available by this Act shall be used—

(1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; or

(2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 1504. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

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

(1) On April 2, 1992, the Senate approved a resolution of advice and consent to ratification of the International Covenant on Civil and Political Rights, subject to reservations, understandings, declarations, and a proviso intended, inter alia, to protect the First Amendment rights of American citizens and other United States constitutional rights and practices.

(2) In accordance with the action of the Senate, the President deposited the United States instrument of ratification of the International Covenant on Civil and Political Rights on June 8, 1992, and the Covenant entered into force for the United States on September 8, 1992.

(3) On November 2, 1994, the Human Rights Committee, established under the Covenant to interpret the Covenant and to receive complaints of noncompliance, adopted General Comment No. 24 regarding reservations to the Covenant.

(4) In General Comment No. 24, the Human Rights Committee claimed for itself the power to judge the validity under international law of reservations to the Covenant, and in the purported exercise of this power asserted that reservations of the type included in the Senate resolution of ratification are invalid, and further asserted that invalid reservations will be read out of instruments of ratification, "in the sense that the Covenant will be operative for the reserving party without benefit of the reservation".

(5) The purpose and effect of General Comment No. 24 is to seek to nullify as a matter of international law the reservations, understandings, declarations, and proviso contained in the Senate resolution of ratification, thereby purporting to impose legal obligations on the United States never accepted by the United States.

(6) General Comment No. 24 threatens not only the Supremacy Clause of the United States Constitution and the constitutional authority of the Senate with respect to the approval of treaties, but also the First Amendment rights of American citizens and the other United States constitutional rights and practices protected by the reservations, understandings, declarations, and proviso contained in the Senate resolution of ratification.

(b) RESTRICTION ON OBLIGATION OR EXPENDITURE OF FUNDS.—

(1) RESTRICTION.—Effective two years after the date of enactment of this Act, no funds authorized to be appropriated by this Act or any other Act, or otherwise made available, may be obligated or expended for the conduct of any activity which has the purpose or effect of—

(A) reporting to the Human Rights Committee in accordance with Article 40 of the International Covenant on Civil and Political Rights, or

(B) responding to any effort by the Human Rights Committee to use the procedures of Articles 41 and 42 of the International Covenant on Civil and Political Rights to resolve claims by other parties to the Covenant that the United States is not fulfilling its obligations under the Covenant,

until the President has submitted to the Congress the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the President to the Congress that the Human Rights Committee established under the International Covenant on Civil and Political Rights has—

(A) revoked its General Comment No. 24 adopted on November 2, 1994; and

(B) expressly recognized the validity as a matter of international law of the reservations, understandings, and declarations contained in the United States instrument of ratification of the International Covenant on Civil and Political Rights.

SEC. 1505. UNITED STATES PARTICIPATION IN SINGLE COMMODITY INTERNATIONAL ORGANIZATIONS.

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

(1) identifies the national interests, if any, that are served by continuing United States participation in single-commodity international organizations;

(2) assesses the current and projected costs of continuing United States participation in such organizations in light of the increasingly limited funds available to fund United States participation in all international organizations;

(3) assesses the feasibility and desirability of the privatization of United States representation in such organizations; and

(4) sets forth options for achieving the privatization of the organizations if the Secretary determines that the privatization is feasible and desirable.

CHAPTER 2—UNITED NATIONS AND AFFILIATED AGENCIES AND ORGANIZATIONS

SEC. 1521. REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by 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 decision-making procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the 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 the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(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) 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 to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORT ON UNICEF.

Not later than December 31, 1996, the Secretary of State shall submit to the appropriate congressional committees a report on (1) the progress of UNICEF toward effective financial, program, and personnel management; (2) the progress of UNICEF in shifting its health, child survival, and maternal survival programs toward efficient and low-overhead contractors, with particular emphasis on nongovernmental organizations; and (3) the extent to which UNICEF has demonstrated its commitment to its traditional mission of child health and welfare and resisted pressure to become involved in functions performed by other United Nations agencies.

SEC. 1523. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) IN GENERAL.—(1) The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

"(a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The Inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all relevant records, documents, and other available materials relating to those programs and operations; and

"(C) have direct and prompt access to any official of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member

states, procedures designed to protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures designed to ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

(2) Section 10 of the United Nations Participation Act of 1945, as added by paragraph (1), shall apply only with respect to fiscal years after fiscal year 1996.

(b) WITHHOLDING OF CONTRIBUTIONS RELATED TO CONTRACTING OF THE UNITED NATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 11. WITHHOLDING OF CONTRIBUTIONS.

"(a) WITHHOLDING OF CONTRIBUTIONS RELATED TO TIMELY NOTICE OF CONTRACT OPPORTUNITIES AND CONTRACT AWARDS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1997 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the United Nations has implemented a system requiring (A) prior notification for the submission of all qualified bid proposals on all United Nations procurement opportunities of more than $100,000, and (B) a public announcement of the award of any contract of more than $100,000. To the extent practicable, notifications shall be made in a widely available business-related publication.

"(b) WITHHOLDING OF CONTRIBUTIONS RELATED TO DISCRIMINATION AGAINST COMPANIES WHICH CHALLENGE CONTRACT AWARDS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1997 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the procurement regulations of the United Nations prohibit punitive actions such as the suspension of contract eligibility for contractors who challenge contract awards or complain about delayed payments.

"(c) WITHHOLDING OF CONTRIBUTIONS RELATED TO ESTABLISHMENT OF A UNITED NATIONS CONTRACT REVIEW PROCESS.—

"(1) WITHHOLDING OF ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—For fiscal year 1998 and for each subsequent fiscal year, 3 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under paragraph (2).

"(2) CERTIFICATION.—The certification referred to in paragraph (1) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, that the United Nations has established a contract review process for contracts of more than $100,000 and a process to assure unsuccessful bidders a timely opportunity to challenge awards for contracts of more than $100,000 that such bidders consider to have been made improperly.".

(c) PROCUREMENT INFORMATION.—Section 4(d) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)), as amended by section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended in paragraph (2)(B) by inserting before the period ", including local procurement contracts".

SEC. 1524. LIMITATION ON ASSESSMENT PERCENTAGE FOR PEACEKEEPING ACTIVITIES.

(a) AMENDMENT TO THE UNPA.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 12. CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.

"(a) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

"(b) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—(1) Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.

"(2) Any penalties, interest, or other charges imposed on the United States in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence.".

(b) EFFECTIVE DATE.—The limitation contained in section 12(b) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for fiscal years after fiscal year 1995.

(c) CONFORMING REPEAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, is repealed.

SEC. 1525. ANNUAL REPORT ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4(d)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.".

SEC. 1526. PRIOR CONGRESSIONAL NOTIFICATION OF SECURITY COUNCIL VOTES ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to initiate, expand, or modify any United Nations peacekeeping activity or any other action under the Charter of the United Nations which would involve the use of United States Armed Forces, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.".

SEC. 1527. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) REQUIRED NOTICE.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsections (e) and (f) (as redesignated by the preceding section) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), revised—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "in written form not later than the 10th day of" after "shall be provided";

(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under

title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.))" after "covered by the resolution"; and

(iii) in subparagraph (B), by adding at the end the following new clause:

"(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of subparagraph (A) of that paragraph by striking "and (ii)" and inserting "through (iv)";

(D) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2)(B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate."; and

(E) in paragraph (5)—

(i) by striking "(5) NOTIFICATION" and all that follows through "(B) The President" and inserting "(5) QUARTERLY REPORTS.—The President"; and

(ii) by striking "section 4(d)" and all that follows through "of this section)" and inserting "subsection (d)".

(b) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), is repealed.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—Subsection (g) of section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b(g)), as redesignated by subsection (a), is amended to read as follows:

"(g) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term 'designated congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.".

SEC. 1528. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

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

"SEC. 13. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any official or employee thereof, unless the President certifies to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has required, and such organization has established and implemented, procedures for protecting intelligence sources and methods (including protection from release to nations and foreign nationals that are otherwise not eligible to receive such information) no less stringent than procedures maintained by nations with which the United States regularly shares similar types of intelligence information. Such certification shall include a description of the procedures in effect at such organization.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any official or employee thereof, is in the national security interest of the United States and that all possible measures protecting such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than quarterly, to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. Such periodic reports shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives with an annex containing a counterintelligence and security assessment of all risks, including an evaluation of any potential adverse impact on national collection systems, of providing intelligence to the United Nations, together with information on how such risks have been addressed.

"(2) The President shall submit a special report to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after the United States Government becomes aware of any unauthorized disclosure of intelligence provided to the United Nations by the United States.

"(c) LIMITATION.—The restrictions of subsection (a) and the requirement for periodic reports under paragraph (1) of subsection (a) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(d) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under subsection (a).

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

TITLE XVI—FOREIGN POLICY PROVISIONS

SEC. 1601. APPLICABILITY OF TAIWAN RELATIONS ACT.

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

"(d) The provisions of subsections (a) and (b) supersede any provision of the Joint Communique of the United States and China of August 17, 1982.".

SEC. 1602. REPORT ON OCCUPIED TIBET.

(a) REPORT ON UNITED STATES-TIBET RELATIONS.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives, and the Tibetan Government in exile, and on conditions in Tibet.

(b) SEPARATE TIBET REPORTS.—

(1) It is the sense of the Congress that whenever an executive branch report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

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

SEC. 1603. TAIPEI REPRESENTATIVE OFFICE.

For purposes of carrying out its activities in the United States, the instrumentality known as the Taipei Economic and Cultural Representative Office as of the date of enactment of this Act shall, on and after such date, be permitted to operate under the name "Taipei Representative Office".

SEC. 1604. EFFORTS AGAINST EMERGING INFECTIOUS DISEASES.

(a) PRIORITIZATION.—The President shall give urgent priority to the strengthening of efforts against emerging infectious diseases through the development of appropriate United States Government strategies and response mechanisms.

(b) STRATEGIC PLAN.—Not later than 6 months after the date of the enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report outlining a United States strategic plan, in cooperation with the international public health infrastructure, to identify and respond to the threat of emerging infectious diseases to the health of the people of the United States.

SEC. 1605. STATUTORY CONSTRUCTION.

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

SEC. 1606. REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1) by striking "and March 31, 2000," and inserting "March 31, 2000, and every year thereafter,".

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731), reports required to be submitted under that section on or after the date of enactment of this Act shall include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law;

(6) the Bill of Rights;

(7) a list of all treaties and international agreements (including multilateral conventions) in force as of July 1, 1997, between the United States and Hong Kong, or between the United States and the United Kingdom which apply to Hong Kong; and

(8) a short description of the extent to which Hong Kong is carrying out and has the capacity to carry out its commitments and obligations under each treaty or international agreement under paragraph (7).

SEC. 1607. THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK OF OCTOBER 21, 1994, AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

(a) CLARIFICATION OF NUCLEAR NONPROLIFERATION OBLIGATIONS OF NORTH KOREA UNDER THE AGREED FRAMEWORK.—It is the sense of the Congress that in discussions or negotiations with the Government of North Korea pursuant to the implementation of the United States-Democratic People's Republic of Korea Agreed Framework entered into on October 21, 1994, the President should uphold the following minimum conditions relating to nuclear nonproliferation:

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

(2) The International Atomic Energy Agency should have the freedom to conduct any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

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

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

(b) ROLE OF THE REPUBLIC OF KOREA UNDER THE AGREED FRAMEWORK.—It is further the sense of the Congress that the Republic of Korea should play the central role in the project to provide light water reactors to North Korea under the Agreed Framework.

(c) FURTHER STEPS TO PROMOTE UNITED STATES SECURITY AND POLITICAL INTERESTS WITH RESPECT TO NORTH KOREA.—It is further the sense of the Congress that, after the date of the enactment of this Act, the President should not take further steps toward upgrading diplomatic relations with North Korea beyond opening liaison offices or relaxing trade and investment barriers imposed against North Korea without—

(1) consistent and sustained efforts by the Government of North Korea to engage in a substantive North-South dialogue with the Government of the Republic of Korea;

(2) significant progress toward implementation of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula; and

(3) progress toward the achievement of several long-standing United States policy objectives regarding North Korea and the Korean Peninsula, including—

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

(B) prohibiting any movement by North Korea toward the deployment of an intermediate range ballistic missile system;

(C) prohibiting the export by North Korea of missiles and other weapons of mass destruction, including related technology and components;

(D) obtaining positive and productive cooperation from North Korea on the recovery of remains of Americans missing in action from the Korean War without consenting to exorbitant demands by North Korea for financial compensation; and

(E) achieving credible assurances and intelligence confirmation that North Korea has ended its participation in and support of international terrorism.

(d) RESTRICTIONS ON ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.—

(1) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.) is amended by adding at the end the following new section:

"SEC. 620G. ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

"(a) LIMITATION.—No assistance may be provided under this Act or any other provision of law to North Korea or the Korean Peninsula Energy Development Organization unless—

"(1) such assistance is provided in accordance with all requirements, limitations, and procedures otherwise applicable to the provision of such assistance for such purposes; and

"(2) the President—

"(A) notifies the congressional committees specified in section 634A(a) of this Act prior to the obligation of such assistance in accordance with the procedures applicable to reprogramming notifications under that section, irrespective of the amount of the proposed obligation of such assistance; and

"(B) determines and reports to such committees that the provision of such assistance is vital to the national security of the United States.

"(b) EXCEPTION.—The requirement of subsection (a)(2)(B) shall not apply with respect to assistance authorized to be appropriated and appropriated for North Korea or the Korean Peninsula Energy Development Organization.".

(2) EFFECTIVE DATE.—Section 620G of the Foreign Assistance Act of 1961, as added by subsection (a), applies with respect to assistance provided to North Korea or the Korean Peninsula Energy Development Organization on or after the date of the enactment of this Act.

SEC. 1608. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

(a) IN GENERAL.—The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except to the extent and in the manner authorized—

(1) by a treaty entered into in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) by a law enacted in accordance with Article I, section 7 of the Constitution.

(b) DEFINITIONS.—As used in subsection (a)—

(1) the term "participate" means consent to the jurisdiction of, recognize the validity of the decisions of, or extradite or otherwise render suspects to, an international criminal court with jurisdiction over crimes of an international character; and

(2) the term "international criminal court with jurisdiction over crimes of an international character" does not include any international war crimes tribunal established prior to the date of enactment of this Act.

SEC. 1609. PROHIBITION ON THE TRANSFER OF ARMS TO INDONESIA.

Consistent with section 582 of the Foreign Operations Export Financing and Related Programs Appropriations Act, 1995 (Public Law 103–306), the United States is prohibited from selling or licensing for export to the Government of Indonesia light arms, small weapons, and crowd control ordnances, including helicopter-mounted equipment, until the Secretary of State determines and reports to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including—

(1) compliance with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significant reduction in Indonesia's troop presence in East Timor;

(3) thorough and impartial investigation of gangs and violent civilian groups operating in East Timor;

(4) improved access to East Timor for Indonesian and international human rights and humanitarian organizations and journalists, including the deployment of United Nations human rights monitors if so requested;

(5) constructive participation in the United Nations Secretary General's efforts to resolve the status of East Timor; and

(6) greater local control over political, economic, and cultural affairs, with an aim toward resolving the future status of East Timor.

SEC. 1610. BOSNIA AND HERZEGOVINA SELF-DEFENSE FUND.

(a) AUTHORITY FOR ESTABLISHMENT.—

(1) Subject to the other provisions of this section, the President is authorized to enter into an international agreement with eligible countries for the establishment of a fund to assist the self-defense of Bosnia and Herzegovina, which may be known as the "Multilateral Bosnia and Herzegovina Self-Defense Fund".

(2) The Secretary of State is authorized to transfer to the custody of the international board having responsibility for the Fund defense articles from the stocks of the Department of Defense and defense services of the Department of Defense transferred or available for transfer pursuant to section 540 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107), or pursuant to any similar provision of law.

(b) PURPOSE.—The purpose of the Fund shall be to provide an international mechanism for the procurement of military equipment and training for transfer to the Government of Bosnia and Herzegovina for the exercise of its right to self-defense under Article 51 of the United Nations Charter, and to facilitate the achievement of a lasting peace by enabling the Government of Bosnia and Herzegovina to protect its population and territory.

(c) REQUIREMENTS.—An agreement referred to in subsection (a) shall meet the following requirements:

(1) UNITED STATES REPRESENTATION.—The United States will chair any international board having responsibility for the Fund.

(2) CONTROL OF MILITARY EQUIPMENT.—The agreement will provide procedures for the control of military equipment received by the international board having responsibility for the Fund.

(3) COMMITMENT BY THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.—Before any military

equipment or training purchased or otherwise acquired through the Fund, or held by the international board responsible for the Fund, may be transferred to the Government of Bosnia and Herzegovina, that Government will provide written assurances that the equipment or training will not be used to take reprisals against any civilians.

(d) REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.—Within 30 days after the date of the enactment of this Act, the President shall submit a detailed report to the Congress on the administration's plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible—

(1) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(2) the nature and scope of training to be provided;

(3) a detailed description of the past, present, and future United States role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms, and related logistic assistance of the highest possible quality;

(4) administration plans to use existing military drawdown authority and other assistance authorities pursuant to this section; and

(5) specific or anticipated commitments by third countries to provide arms, equipment, or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE COUNTRIES.—The term "eligible countries" includes any foreign country other than a country the government of which the Secretary of State has determined, in accordance with section 6(j)(1)(A) of the Export Administration Act of 1979, repeatedly provides support for acts of international terrorism.

(2) FUND.—The term "Fund" means the fund established as provided in subsection (a).

(3) GOVERNMENT OF BOSNIA AND HERZEGOVINA.—The term "Government of Bosnia and Herzegovina" includes any agency, instrumentality, or forces of the Government of Bosnia and Herzegovina.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for the deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

SEC. 1611. REPORTS TO CONGRESS ON ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) MILITARY ASPECTS.—Thirty days after the date of the enactment of this Act, and at least once every 60 days thereafter until all United States Armed Forces are withdrawn from Bosnia and Herzegovina, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of the following:

(1) Criteria for determining success for the deployment.

(2) The military mission and objectives.

(3) Milestones for measuring progress in achieving the mission and objectives.

(4) Command arrangements for United States Armed Forces.

(5) The rules of engagement for United States Armed Forces.

(6) The multilateral composition of forces in Bosnia and Herzegovina.

(7) The status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1-A concerning the withdrawal of foreign forces from Bosnia and Herzegovina.

(8) All incremental costs of the Department of Defense and any costs incurred by other Federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force.

(9) The exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion.

(10) A description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

Reports under this section shall include a description of any changes in the areas listed in paragraphs (1) through (10) since the previous report, if applicable. Reports shall be submitted in unclassified form, but may contain a classified annex.

(b) NONMILITARY ASPECTS.—Thirty days after the date of the enactment of this Act, and at least once every 60 days thereafter, until all United States Armed Forces withdraw from Bosnia and Herzegovina, the President shall submit to the Congress a report on the following:

(1) The status of implementation of nonmilitary aspects of the General Framework Agreement and associated Annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the nonmilitary aspects. Such report shall include a detailed description of—

(A) progress toward conducting of elections;

(B) the status of refugees and displaced persons;

(C) humanitarian and reconstruction efforts;

(D) police training and related civilian security efforts, including the status of the implementation of Annex 11 regarding an international police task force; and

(E) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law.

(2) The status of coordination between the High Representative and the Implementation Force Commander.

(3) The status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force.

(4) All costs incurred by all United States Government agencies for reconstruction, refugee, humanitarian, and all other nonmilitary bilateral and multilateral assistance in Bosnia and Herzegovina.

(5) United States and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally recognized human rights of its majority Albanian population.

(6) The progress of efforts to establish a United States Information Agency facility in Pristina, Kosova.

Reports under this subsection shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1612. VERIFICATION OF MISSILE TECHNOLOGY CONTROL REGIME.

Not later than 6 months after the date of the enactment of this Act, the Director of the Arms Control and Disarmament Agency shall submit to the Congress a report on the capability of the United States to verify the Missile Technology Control Regime, including any applicable United States policy statements, pursuant to section 37 of the Arms Control and Disarmament Act.

SEC. 1613. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

(a) REPEAL.—Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 525) is hereby repealed.

(b) JUDICIAL REVIEW.—Section 824 of the Nuclear Proliferation Prevention Act of 1994 is amended by striking subsection (e).

SEC. 1614. PAYMENT OF IRAQI CLAIMS.

(a) VESTING OF ASSETS.—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) IRAQ CLAIMS FUND.—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the "Fund") for payment of private claims or United States Government claims in accordance with subsection (c).

(c) PAYMENTS.—

(1) PAYMENTS ON PRIVATE CLAIMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) PAYMENTS ON U.S. GOVERNMENT CLAIMS.—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) DETERMINATION OF VALIDITY OF U.S. GOVERNMENT CLAIMS.—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) DETERMINATION OF PRIVATE CLAIMS.—

(1) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) APPLICABILITY.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims

under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(3) CERTIFICATION.—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

(g) DEFINITIONS.—As used in this section—

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "private claims" mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term "United States person"—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1615. INTERNATIONAL FUND FOR IRELAND.

(a) FUNDING.—

(1) IN GENERAL.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund), not more than $19,600,000 for each of the fiscal years 1996 and 1997 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415).

(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "in accordance with the principle of equality" and all that follows and inserting "to individuals and entities whose practices are consistent with principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

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

"(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

SEC. 1616. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by adding at the end the following:

"SEC. 668. DEOBLIGATION OF CERTAIN UNEXPENDED ECONOMIC ASSISTANCE FUNDS.

"(a) REQUIREMENT TO DEOBLIGATE.—

"(1) IN GENERAL.—Except as provided in subsection (b) of this section and in paragraphs (1) and (3) of section 617(a) of this Act, at the beginning of each fiscal year the President shall deobligate and return to the Treasury, any funds described in paragraph (2) that, as of the end of the preceding fiscal year, have been obligated for a project or activity for a period of more than 3 years but have not been expended.

"(2) FUNDS.—Paragraph (1) applies to funds made available for—

"(A) assistance under chapter 1 of part I of this Act (relating to development assistance), chapter 10 of part I of this Act (relating to the Development Fund for Africa), or chapter 4 of part II of this Act (relating to the economic support fund);

"(B) assistance under the 'Multilateral Assistance Initiative for the Philippines';

"(C) assistance under the Support for East European Democracy (SEED) Act of 1989; and

"(D) economic assistance for the independent states of the former Soviet Union under this Act or under any other Act authorizing economic assistance for such independent states.

"(b) EXCEPTIONS.—The President, on a case-by-case basis, may waive the requirement of subsection (a)(1) if the President determines, and reports to the appropriate congressional committees, that—

"(1) the funds are being used for a construction project that requires more than 3 years to complete; or

"(2) the funds have not been expended because of unforeseen circumstances, and those circumstances could not have been reasonably foreseen.

"(c) COMMENTS BY INSPECTOR GENERAL.—As soon as possible after the submission of a report pursuant to subsection (b), the Inspector General of the agency primarily responsible for administering part I of this Act shall submit to the appropriate congressional committees such comments as the Inspector General considers appropriate with regard to the determination described in that report.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 1617. LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE.

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

(1) The United States Federal budget deficit and spending constraints require the maximum efficiency in the usage of United States foreign assistance.

(2) The delivery of humanitarian assistance to people in need is consistent with the fundamental values of our Nation and is an important component of United States foreign policy.

(3) As a matter of principle and in furtherance of fiscal prudence, the United States should seek to promote the delivery of humanitarian assistance to people in need in a manner that is both timely and cost effective.

(4) Recipients of United States assistance should not hinder or delay the transport or delivery of United States humanitarian assistance to other countries.

(b) PROHIBITION ON ASSISTANCE.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v) (as added by this Act) the following new subsection:

"(w)(1) Notwithstanding any other provision of law, United States assistance may not be made available for any country whose government prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

"(2) The prohibition on United States assistance contained in paragraph (1) shall not apply if the President determines and notifies the Congress in writing that providing such assistance to a country is in the national security interest of the United States.

"(3) A suspension or termination of United States assistance for any country under paragraph (1) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that such country is no longer prohibiting or otherwise restricting, either directly or indirectly, the transport or delivery of United States humanitarian assistance.

"(4)(A) At the time of the annual budget submission to Congress, the President shall submit a report to the Congress describing any information available to the President concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance by the government of any country receiving or eligible to receive United States foreign assistance during the current or preceding fiscal year.

"(B) The President shall include in the report required by subparagraph (A) a statement as to whether the prohibition in paragraph (1) is being applied to each country for which the President has information available to him concerning prohibitions or restrictions, direct or indirect, on the transport or delivery of United States humanitarian assistance.

"(5) As used in this subsection, the term 'United States assistance' has the same meaning given that term in section 481(e)(4) of this Act.".

TITLE XVII—CONGRESSIONAL STATEMENTS

SEC. 1701. THE LAOGAI SYSTEM OF POLITICAL PRISONS.

It is the sense of the Congress that the President should—

(1) publicly condemn the continued existence of the Chinese gulag, known as the Laogai, and call upon the Government of the People's Republic of China to dismantle it and release all of its political prisoners; and

(2) instruct the appropriate diplomatic representatives of the United States to cause a resolution condemning the Laogai to be put before the United Nations Human Rights Commission and work for its passage.

SEC. 1702. DECLARATION OF CONGRESS REGARDING UNITED STATES GOVERNMENT HUMAN RIGHTS POLICY TOWARD CHINA.

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

(1) According to the 1994 State Department Country Reports on Human Rights Practices, there continue to be "widespread and well-documented human rights abuses in China, in violation of internationally accepted norms . . . (including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners. The regime continued severe restrictions on freedoms of speech, press assembly and association, and tightened controls on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities".

(2) The President, in announcing his decision on Most Favored Nation trading status for China in May 1994 stated that, "China continues to commit very serious human rights abuses. Even as we engage the Chinese on military, political, and economic issues, we intend to stay engaged with those in China who suffer from human rights abuses. The United States must remain a champion of their liberties".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take the following actions:

(1) Decline the invitation to visit China until and unless there is dramatic overall progress on human rights in China and Tibet and communicate to the Government of China that such a visit cannot take place without such progress. Indications of overall progress would include the release of hundreds of political, religious, and labor activists; an agreement to allow unhindered confidential access to prisoners by international humanitarian agencies; enactment of major legal reforms such as an end to all restrictions on the exercise of freedom of religion, revocation of the 1993 state security law, and the abolition of all so-called "counter-revolutionary" crimes; an end to forced abortion, forced sterilization, and the provision by government facilities of human fetal remains for consumption as food; and a decision to allow unrestricted access to Tibet by foreign media and international human rights monitors.

(2) Seek to develop an agreement on a multilateral strategy to promote human rights in China. Such an agreement should include efforts to encourage greater cooperation by the Government of China with the human rights rapporteurs and working groups of the United Nations Human Rights Commission, as well as bilateral and multilateral initiatives to secure the unconditional release of imprisoned peaceful pro-democracy advocates such as Wei Jingsheng.

(3) Extend an invitation to the Dalai Lama to visit Washington, District of Columbia, in 1996.

(c) UNITED STATES GOVERNMENT HUMAN RIGHTS POLICY TOWARD CHINA.—It shall be the policy of the United States Government to continue to promote internationally recognized human rights and worker rights in China and Tibet. The President shall submit the following reports on the formulation and implementation of United States human rights policy toward China and the results of that policy to the appropriate congressional committees:

(1) Not later than 90 days after the date of enactment of this Act, the President shall report on the status of the "new United States Human Rights Policy for China" announced by the President on May 26, 1994, including an assessment of the implementation and effectiveness of the policy in bringing about human rights improvements in China and Tibet, with reference to the following specific initiatives announced on that date:

(A) High-level dialogue on human rights.

(B) Voluntary principles in the area of human rights for United States businesses operating in China.

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

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

(E) The practice of all United States officials who visit China to meet with the broadest possible spectrum of Chinese citizens.

(F) Increased efforts to press United States views on human rights in China at the United Nations, the United Nations Human Rights Commission, and other international organizations.

(G) A plan of international actions to address Tibet's human rights problems and to promote substantive discussions between the Dalai Lama and the Chinese Government.

(H) An information strategy for promoting human rights by expanding Chinese and Tibetan language broadcasts on the Voice of America and establishing Radio Free Asia.

(I) Encouraging the Chinese Government to permit international human rights groups to operate in and visit China.

The report required by this paragraph shall also assess the progress, if any, of the People's Republic of China toward ending forced abortion, forced sterilization, and other coercive population control practices.

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

(A) All efforts made by the United States Customs Service from 1992 until the date of the report to investigate forced labor exports and to conduct unannounced unrestricted inspections of suspected forced labor sites in China, and the extent to which Chinese authorities cooperated with such investigations.

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

SEC. 1703. UNITED STATES RELATIONS WITH THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM).

It is the sense of the Congress that the Former Yugoslav Republic of Macedonia (FYROM) should be eligible for all United States foreign assistance programs, including programs of the Export-Import Bank and the Overseas Private Investment Corporation, if the government continues to respect the rights of all ethnic minorities.

SEC. 1704. DISPLACED PERSONS.

It is the sense of the Congress that of the amounts made available to the United Nations Development Program (and United Nations Development Program-Administered Funds), at least $20,000,000 for fiscal year 1996 and $20,000,000 for fiscal year 1997 should be available for programs and services conducted in cooperation with the International Organization for Migration, the International Committee for the Red Cross, and nongovernmental organizations, for persons who are displaced within their countries of nationality.

SEC. 1705. SENSE OF CONGRESS ON BORDER CROSSING FEES.

It is the sense of the Congress that the United States Government should not impose or collect a border crossing fee along its borders with Canada and Mexico.

SEC. 1706. INTER-AMERICAN ORGANIZATIONS.

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 Secretary of State, in allocating the level of resources for international organizations, should make every effort to pay the full United States assessed funding levels for the Organization of American States and the Pan American Health Organization so that these two entities, which are uniquely dependent on United States contributions, have adequate resources to contribute effectively to United States foreign policy initiatives.

SEC. 1707. ESCALATING COSTS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

It is the sense of the Congress that the executive branch should cease obligating the United States to pay for international peacekeeping operations in excess of funds specifically authorized and appropriated for this purpose.

SEC. 1708. VISIT OF THE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN.

It is the sense of the Congress that the President of the Republic of China on Taiwan should be admitted to the United States for a visit in 1996 with all appropriate courtesies.

SEC. 1709. REPUBLIC OF CHINA ON TAIWAN'S PARTICIPATION IN GATT AND WTO.

It is the sense of the Congress that—

(1) the United States should separate the Republic of China on Taiwan's application for membership in the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) from the People's Republic of China's application for membership in such organizations;

(2) the United States should support the Republic of China on Taiwan's earliest membership in the GATT and the WTO if it meets full and legitimate membership criteria, including the elimination of inappropriate tariff levels and nontariff barriers;

(3) the United States should support the membership of the People's Republic of China in the GATT and the WTO only if a sound bilateral commercial agreement is reached between the United States and the People's Republic of China, and that the People's Republic of China makes significant progress in making its economic system compatible with GATT and WTO principles; and

(4) the People's Republic of China's application for membership in the GATT and the WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT and the WTO.

SEC. 1710. INDUSTRIAL PARK FOR GAZA OR THE WEST BANK.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) the United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) the rapid development of an industrial park in Gaza or the West Bank, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) the decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza and the West Bank;

(4) the President should appoint a special coordinator to coordinate the rapid development of an industrial park in Gaza or the West Bank and to begin the recruitment of United States investors; and

(5) the Secretary of State should direct a short-term review and implementation of United States assistance plans to assist in speeding the flow of goods and services between Israel and Gaza and the West Bank while increasing security among those areas.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report detailing the following:

(1) All actions taken by the President to establish an industrial park in Gaza or the West Bank.

(2) Funds planned for expenditure to develop such industrial park.

And the Senate agree to the same.

BENJAMIN A. GILMAN,
BILL GOODLING,
HENRY J. HYDE,
TOBY ROTH,
DOUG BEREUTER,
CHRISTOPHER H. SMITH,
DAN BURTON,
ILEANA ROS-LEHTINEN,
Managers on the Part of the House.

JESSE HELMS,
OLYMPIA SNOWE,
HANK BROWN,
PAUL COVERDELL,
JOHN ASHCROFT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1561) to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

DIVISION A

TITLE I—GENERAL PROVISIONS

Short title

The House bill (sec. 101) provides a short title for this Division, the "Foreign Affairs Agencies Consolidation Act of 1995."

The Senate amendment (sec. 1001) provides a short title for this Division, the "Foreign Affairs Reinvention Act of 1995."

The conference substitute provides a short title for this Division, the "Foreign Affairs Agencies Consolidation Act of 1996."

Congressional findings

The House bill (sec. 102) sets forth congressional findings that the United States must remain engaged in international affairs; that the U.S. budget deficit requires streamlining of government programs and activities, including foreign programs and activities; and that, as part of the downsizing of the international affairs budget, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed and the leadership of the Secretary of State strengthened.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the House bill.

Purposes

The House bill (sec. 103) states that the purposes of the Division are to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State; provide for the reorganization of the Department of State; strengthen the coordination of U.S. foreign policy; and to abolish not later than March 1, 1997, the United States Arms Control and Disarmament Agency (ACDA), the United States Information Agency (USIA), the International Development Cooperation Agency, and the Agency for International Development (AID).

The Senate amendment (sec. 1002) states that the purposes of the Division are, inter alia, to reorganize and reinvent the foreign affairs agencies of the United States within the Department of State, to assist in congressional efforts to balance the Federal budget, to ensure that the United States maintains adequate representation abroad within budgetary constraints, and to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified United States Government employees while downsizing significantly the total number of employees of such agencies.

The conference substitute (sec. 103) contains a combination of the purposes set forth in the House bill and the Senate amendment.

Definitions

The House bill (sec. 104) defines terms used within this Division of the House bill.

The Senate amendment (sec. 1624) defines terms used within this Division of the Senate bill.

The conference substitute (sec. 104) is substantially identical to the House bill.

Office of the Secretary of State

The Senate amendment (sec. 1101) amends the State Department Basic Authorities Act to provide that the Secretary of State shall be the principal foreign policy adviser to the President and shall be responsible for the overall direction, coordination, and supervision of the interdepartmental activities of the Government abroad.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Assumption of duties by incumbent employees

The Senate amendment (sec. 1102) provides that individuals appointed by and with the advice and consent of the Senate and performing duties substantially similar to the duties of a new office to be created pursuant to this Division may, in the discretion of the Secretary of State, assume the duties of such new office and shall not be required to be reappointed.

The House bill (secs. 222(c), 322(a)(2), 322(b)(2), and 422(b)) provides that officials appointed by and with the advice and consent of the Senate may be appointed in an acting capacity to new offices created pursuant to this Division until the President nominates and the Senate confirms a permanent appointee.

The conference substitute (sec. 614(b)) is similar to the Senate amendment.

Procedures for coordination of Government personnel at overseas posts

The Senate amendment (sec. 1104) amends the Foreign Service Act of 1980 to require heads of Executive departments and agencies to obtain the approval of chiefs of mission regarding changes in the size, composition, or mandate of employees of such departments and agencies in foreign countries, and to require compliance with the procedures of National Security Decision Directive 38.

The House bill contains no comparable provision.

The conference substitute (sec. 102) is identical to the House bill.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Effective date

The House bill (sec. 201) provides that this title and the amendments made by this title (other than section 221) shall take effect on

March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 221. Section 221 shall take effect on the date of enactment.

The Senate amendment (sec. 1207) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 201) is similar to the House bill.

References in title

The House bill (sec. 202) states that, except as otherwise provided, the references in this title to provisions of law shall be considered references to the Arms Control and Disarmament Act.

The Senate amendment (sec. 1201(c)) is similar to the House bill.

The conference substitute contains no comparable provision.

Abolition of United States Arms Control and Disarmament Agency

The House bill (sec. 211) abolishes ACDA.

The Senate amendment (sec. 1201(a)) is similar to the House bill.

The conference substitute (sec. 211) is identical to the House bill.

Transfer of functions to Secretary of State

The House bill (sec. 212) transfers to the Secretary of State all functions of the Director of ACDA and of ACDA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 212) is identical to the House bill.

Reorganization plan

The House bill (sec. 221) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of ACDA, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of ACDA; the transfer of ACDA's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of ACDA that are to be transferred; the personnel and positions of ACDA and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to ACDA that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from ACDA; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of ACDA.

The Senate amendment (sec. 1603) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to ACDA to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercises the waiver authority of section 602 of the conference substitute with respect to ACDA. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

The Committee notes that ACDA's single-mission focus has permitted the agency to develop over the years unique expertise and experience among its personnel in arms control matters. The Department of State has needed to develop similar expertise within the Bureau of Political-Military Affairs and elsewhere. However, the personnel system of the Department, which emphasizes the development of broad expertise among the Department's employees so as to equip them to effectively carry out the Department's many missions, has necessarily limited the Department's ability to match the training and experience in arms control matters that is found within ACDA.

The Committee believes that it would be detrimental to the interests of the United States for the expertise and experience of ACDA personnel to be lost as a result of the consolidation of ACDA with the Department of State. Accordingly, the Committee would expect any reorganization plan applicable to ACDA submitted pursuant to section 601 of the conference substitute to be designed, to the maximum extent feasible, to ensure that the unique expertise and experience of ACDA personnel is not lost to the United States Government as a result of the consolidation.

Principal officers

The House bill (sec. 222) amends the State Department Basic Authorities Act to establish the new position within the Department of State of Coordinator for Arms Control and Disarmament, with the rank and status of Ambassador-at-Large. The Coordinator heads the Bureau of Arms Control and Disarmament and reports directly to the Secretary of State. In addition, an amendment to the National Security Act of 1947 provides that the Coordinator shall serve as a statutory advisor to the National Security Council.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 213) is substantially identical to the House bill.

References

The House bill (sec. 244) provides that any reference in any statute or other official document or proceeding to the Director of ACDA shall be deemed to refer to the Secretary of State, and any reference to ACDA shall be deemed to refer to the Department of State.

The Senate amendment (sec. 1206) is virtually identical.

The conference substitute (sec. 221) is identical to the House bill.

Repeal of establishment of Agency

The House bill (sec. 242) repeals section 21 of the Arms Control and Disarmament Act (relating to the establishment of ACDA).

The Senate amendment (sec. 1201(b)) is substantially identical.

The conference substitute (sec. 222) is identical to the House bill.

Repeal of positions and offices

The House bill (sec. 243) repeals provisions of the Arms Control and Disarmament Act establishing positions and offices within ACDA.

The Senate amendment (sec. 1202) is substantially identical, except that the provision establishing the ACDA Inspector General is not repealed.

The conference substitute (secs. 223 and 501) is similar to the House bill.

Transfer of authorities and functions under the Arms Control and Disarmament Act to the Secretary of State

The House bill (sec. 244) transfers authorities and functions of ACDA and the Director of ACDA to the Department of State and to the Secretary of State.

The Senate amendment (sec. 1203) is similar.

The conference substitute (sec. 224) is based on the House bill.

Conforming amendments

The House bill (sec. 225) makes conforming amendments to other provisions of the Arms Control and Disarmament Act.

The Senate amendment (sec. 1205) is similar.

The conference substitute (sec. 225) is based on the House bill.

Authorization of appropriations

The Senate amendment (sec. 1204) makes a conforming amendment to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

The House bill has no comparable provision.

The conference substitute is identical to the House bill.

TITLE III—UNITED STATES INFORMATION AGENCY

Effective date

The House bill (sec. 301) provides that this title and the amendments made by this title (other than section 321) shall take effect on March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 321. Section 321 shall take effect on the date of enactment.

The Senate amendment (sec. 1329) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 301) is similar to the House bill.

Abolition of United States Information Agency

The House bill (sec. 311) abolishes USIA.

The Senate amendment (sec. 1301) is substantially identical.

The conference substitute (sec. 311) is identical to the House bill.

Transfer of functions to Secretary of State

The House bill (sec. 312) transfers to the Secretary of State all functions of the Director of USIA and of USIA.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 312) is similar to the House bill, but includes a special provision governing transfer of the Broadcasting Board of Governors to the Department of State.

Reorganization plan

The House bill (sec 321) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of USIA, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of USIA; the transfer of USIA's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of USIA that are to be transferred; the personnel and positions of USIA and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to USIA that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from USIA; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of USIA.

The Senate amendment (sec. 1604) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to USIA to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercises the waiver authority of section 602 of the conference substitute with respect to USIA. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

Principal officers

The House bill (sec. 322) amends the State Department Basic Authorities Act to establish the new positions within the Department of State of Under Secretary for Public Diplomacy, Assistant Secretary for Academic Programs and Cultural Exchanges, and Assistant Secretary for Information, Policy, and Programs. Both assistant secretaries shall report to the under secretary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 313) amends the State Department Basic Authorities Act to establish within the Department of State the position of Under Secretary for Public Diplomacy, but does not establish any assistant secretary positions.

References

The House bill (sec. 341) provides that any reference in any statute or other official document or proceeding to the Director of USIA shall be deemed to refer to the Secretary of State, and any reference to USIA shall be deemed to refer to the Department of State.

The Senate amendment (sec. 1302) is virtually identical.

The conference substitute is identical to the Senate amendment.

Abolition of Office of Inspector General of the United States Information Agency and transfer of functions to Office of Inspector General of the Department of State

The House bill (sec. 342) abolishes the Office of Inspector General of USIA, and transfers the functions of that Office to the Office of Inspector General of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 502) is virtually identical to the House bill.

Amendments to title 5

The House bill (sec. 343) makes conforming amendments to title 5 of the United States Code.

The Senate amendment (sec. 1303) is identical.

The conference substitute (sec. 322) is identical.

Amendments to United States Information and Educational Exchange Act of 1948

The House bill (sec. 344) makes conforming amendments to the United States Information and Educational Exchange Act of 1948.

The Senate amendment (sec. 1304) is similar.

The conference substitute (sec. 323) is similar.

Amendments to the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act)

The House bill (sec. 345) makes conforming amendments to the Mutual Educational and Cultural Exchange Act of 1961.

The Senate amendment (sec. 1305) is similar.

The conference substitute (sec. 324) is similar.

International broadcasting activities

The House bill (sec. 346) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and to title 5 of the United States Code.

The Senate amendment (sec. 1306) is similar.

The conference substitute (sec. 325) is similar.

Television broadcasting to Cuba

The House bill (sec. 347) makes conforming amendments to the Television Broadcasting to Cuba Act.

The Senate amendment (sec. 1307) is similar.

The conference substitute (sec. 326) is similar.

Radio broadcasting to Cuba

The House bill (sec. 348) makes conforming amendments to the Radio Broadcasting to Cuba Act.

The Senate amendment (sec. 1308) is similar.

The conference substitute (sec. 327) is similar.

National Endowment for Democracy

The House bill (sec. 349) makes conforming amendments to Public Law 98-164.

The Senate amendment (sec. 1309) is similar.

The conference substitute (sec. 328) is similar.

United States Scholarship Program for Developing Countries

The House bill (sec. 350) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

The Senate amendment (sec. 1310) is similar.

The conference substitute (sec. 329) is similar.

Fascell Fellowship Board

The House bill (sec. 351) makes conforming amendments to the Fascell Fellowship Act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 330) is identical to the House bill.

National Security Education Board

The House bill (sec. 352) makes conforming amendments to the Intelligence Authorization Act, Fiscal Year 1992.

The Senate amendment (sec. 1311) is similar.

The conference substitute (sec. 331) is identical to the Senate amendment.

Center for Cultural and Technical Interchange Between North and South

The House bill (sec. 353) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1312) is identical.

The conference substitute (sec. 332) is identical.

East-West Center

The House bill (sec. 354) makes conforming amendments to the Mutual Security Act of 1960.

The Senate amendment (sec. 1313) is identical.

The conference substitute (sec. 333) is identical.

Mission of the Department of State

The House bill (sec. 334) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Year 1979.

The Senate amendment (sec. 1314) is similar.

The conference substitute (sec. 334) is similar.

Consolidation of administrative services

The House bill (sec. 356) makes conforming amendments to the State Department Basic Authorities Act.

The Senate amendment (sec. 1315) is similar.

The conference substitute (sec. 335) is similar.

Grants

The House bill (sec. 357) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1316) is similar.

The conference substitute (sec. 336) is similar.

Ban on domestic activities

The House bill (sec. 358) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

The Senate amendment (sec. 1317) is similar.

The conference substitute (sec. 337) is similar.

Conforming repeal to the Arms Control and Disarmament Act

The House bill (sec. 359) makes a conforming amendment to the Arms Control and Disarmament Act.

The Senate amendment (sec. 1318) is identical.

The conference substitute (sec. 338) is identical.

Repeal relating to procurement of legal services

The House bill (sec. 360) makes a conforming amendment to the State Department Basic Authorities Act.

The Senate amendment (sec. 1319) is identical.

The conference substitute (sec. 339) is identical.

Repeal relating to payment of subsistence expenses

The House bill (sec. 361) makes a conforming amendment to the State Department Basic Authorities Act.

The Senate amendment (sec. 1320) is identical.

The conference substitute (sec. 340) is identical.

Conforming amendment to the SEED Act

The House bill (sec. 362) makes a conforming amendment to the Support for East European Democracies Act of 1989.

The Senate amendment (sec. 1321) is identical.

The conference substitute (sec. 341) is identical.

International Cultural and Trade Center Commission

The House bill (sec. 363) makes conforming amendments to the Federal Triangle Development Act.

The Senate amendment (sec. 1322) is similar.

The conference substitute (sec. 342) is similar.

Foreign Service Act of 1980

The House bill (sec. 364) makes conforming amendments to the Foreign Service Act of 1980.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Au Pair programs

The House bill (sec. 365) makes a conforming amendment to the Eisenhower Exchange Fellowship Act of 1990.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Exchange program with countries in transition from totalitarianism to democracy

The House bill (sec. 366) makes conforming amendments to the National and Community Service Act of 1990.

The Senate amendment (sec. 1324) is identical.

The conference substitute (sec. 344) is identical.

Edmund S. Muskie Fellowship Program

The House bill (sec. 367) makes conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment (sec. 1324) is similar.

The conference substitute (sec. 345) is similar.

Implementation of Convention on Cultural Property

The House bill (sec. 368) makes conforming amendments to the Convention on Cultural Property Implementation Act.

The Senate amendment (sec. 1326) is identical.

The conference substitute (sec. 346) is identical.

Mike Mansfield Fellowships

The House bill (sec. 369) makes conforming a amendment to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

The Senate amendment (sec. 1327) is similar.

The conference substitute (sec. 347) is similar.

Other laws referenced in Reorganization Plan No. 2 of 1977

The Senate amendment (sec. 1323) makes conforming amendments to various public laws referenced in Reorganization Plan No. 2 of 1977.

The House bill contains no comparable provision.

The conference substitute (sec. 343) is identical to the Senate amendment.

United States Advisory Committee for Public Diplomacy

The Senate amendment (sec. 1328) makes conforming amendments to the United States Information and Educational Exchange Act of 1948.

The House bill contains no comparable provision.

The conference substitute (sec. 348) is identical to the Senate amendment.

TITLE IV—AGENCY FOR INTERNATIONAL DEVELOPMENT

Effective date

The House bill (sec. 401) provides that this title and the amendments made by this title (other than section 421) shall take effect on March 1, 1997, or on an earlier date announced by the President in the Federal Register, which date may be not earlier than 60 calendar days (excluding any days on which either House of Congress is not in session because of a sine die adjournment) after the President has submitted a reorganization plan to the appropriate committees of Congress pursuant to section 421. Section 421 shall take effect on the date of enactment.

The Senate amendment (sec. 1412) provides that this title and the amendments made by this title shall take effect in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate bill.

The conference substitute (sec. 401) is similar to the House bill.

References in title

The House bill (sec. 402) states that, except as otherwise provided, the references in this title to provisions of law shall be considered references to the Foreign Assistance Act of 1961.

The Senate amendment (sec. 1401(b)) is similar to the House bill.

The conference substitute contains no comparable provision.

Abolition of Agency for International Development

The House bill (sec. 411) abolishes AID and the United States International Development Cooperation Agency.

The Senate amendment (sec. 1401(a)) is similar to the House bill.

The conference substitute (sec. 411) is similar to the House bill, but states that the abolition of AID shall not be interpreted to apply to the Overseas Private Investment Corporation.

Transfer of functions to Secretary of State

The House bill (sec. 412) transfers to the Secretary of State all functions of the Administrator of AID and of AID.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 412) is identical to the House bill.

Reorganization plan

The House bill (sec 421) provides that, not later than March 1, 1996, the President, in consultation with the Secretary of State and the Director of AID, shall submit a reorganization plan to the appropriate committees of Congress. The plan is to provide for the abolition of AID; the transfer of AID's functions and personnel to the Department of State; and the consolidation, reorganization, and streamlining of the Department of State upon the transfer in order to carry out the transferred functions. The plan is to identify the functions of AID that are to be transferred; the personnel and positions of AID and the Department that are to be transferred, separated, or eliminated; specify the consolidations and reorganizations within the Department that will be required; specify the funds available to AID that will be transferred; specify the proposed allocations within the Department of unexpended funds that are to be transferred from AID; and specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of AID.

The Senate amendment (sec. 1605) provides that, in the event that the President does not transmit to Congress within six months of the date of enactment a reorganization plan meeting the objectives of section 1501(a)(2) of the Senate amendment, the President shall, in consultation with the Secretary of State, transmit a reorganization plan with respect to AID to the appropriate committees of Congress. The plan is to provide for substantially the same matters as the plan submitted under the House bill. A plan transmitted under this section shall become effective after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan. The Senate amendment further requires a reduction in employees and in funds available for salaries and expenses in the event that a plan transmitted under this section takes effect.

The conference substitute (sec. 601) is similar to the House bill, except that the plan is to be submitted not later than October 1, 1996. In addition, the requirement for submission of the plan shall not apply if the President exercise the waiver authority of section 602 of the conference substitute with respect to AID. A plan submitted pursuant to this section may be modified by the President on the basis of consultations with the appropriate congressional committees. A plan submitted pursuant to this section shall become effective on the earlier of March 1, 1997, or such date as the President shall determine to be appropriate and announce by notice published in the Federal Register.

Principal officers

The House bill (sec. 422) amends the State Department Basic Authorities Act to establish the new position within the Department of State of Under Secretary for Development and Economic Affairs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 413) is similar to the House bill, but designates the new under secretary as the Under Secretary for Development and for Economic and Commercial Affairs.

The committee of conference intends the Under Secretary for Development and for Economic and Commercial Affairs to be responsible for, inter alia, the administration

of funds under the Sustainable Development, Development Fund for Africa, SEED, FREEDOM Support, ESF, Disaster, Housing Guarantee, Small and Micro-enterprise, PL-480 Titles II & III, American Schools and Hospitals Abroad, and International Fund for Ireland accounts. The committee of conference intends this list of accounts to be the minimum number of accounts administered by the Under Secretary. Should the Administration wish, the committee of conference would welcome the movement of other foreign assistance programs under the Under Secretary's administration.

References

The House bill (sec. 441) provides that any reference in any statute or other official document or proceeding to the Administrator of AID shall be deemed to refer to the Secretary of State, and any reference to AID shall be deemed to refer to the Department of State.

The Senate amendment (secs. 1402 and 1411) is similar.

The conference substitute (sec. 421) is similar.

Abolition of Office of Inspector General of the Agency for International Development and transfer of functions to Office of Inspector General of the Department of State

The House bill (sec. 442) abolishes the Office of Inspector General of AID, and transfers the functions of that Office to the Office of Inspector General of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 414) is similar to the House bill.

Abolition of Chief Financial Officer of the Agency for International Development and transfer of functions to Chief Financial Officer Department of State

The House bill (sec. 443) abolishes the Office of Chief Financial Officer of AID, and transfers the functions of that Office to the Office of Chief Financial Officer of the Department of State.

The Senate bill (sec. 1410) abolishes the Office of Chief Financial Officer of AID.

The conference substitute (sec. 415) is similar to the House bill.

Amendments to title 5, United States Code

The House bill (sec. 444) makes conforming amendments to title 5 of the United States Code.

The Senate bill (sec. 1408) is similar.

The conference substitute (sec. 427) is similar.

Public Law 480 Program

The House bill (sec. 445) makes conforming amendments to the Agricultural Trade Development and Assistance Act of 1954.

The Senate substitute (sec. 1407) is similar.

The conference substitute (sec. 426) is similar.

Exercise of functions by the Secretary of State

The Senate amendment (sec. 1403) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 422) is similar to the Senate amendment.

Repeal of positions; employment and contracting authorities

Development Loan Committee—

The Senate amendment (sec. 1405) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 424) is identical to the Senate amendment.

Development Coordination Committee

The Senate amendment (sec. 1406) makes conforming amendments to the Foreign Assistance Act.

The House bill contains no comparable provision.

The conference substitute (sec. 425) is identical to the Senate amendment.

Trade Promotion Coordinating Committee

The Senate amendment (sec. 1409) makes conforming amendments to the Export Enhancement Act of 1988.

The House bill contains no comparable provision.

The conference substitute (sec. 428) is identical to the Senate amendment.

Additional conforming amendments

The conference substitute (sec. 429) contains additional conforming amendments to various public laws.

The House bill and the Senate amendment do not contain similar provisions.

TITLE V—TRANSITION

Reorganization of the Department of State and the Independent Foreign Affairs Agencies

The Senate amendment (sec. 1501) provides that if the President does not submit to Congress a reorganization plan meeting specified objectives within six months of the date of enactment, ACDA, USIA, and AID are to be abolished in accordance with titles II, III, and IV of this Division. If the President in fact submits such a plan in a timely fashion, titles II, III, and IV do not come into effect. The specified objectives of such a reorganization plan include the streamlining and reorganization of the foreign affairs agencies, and the achievement of $1.7 billion in savings over five years calculated from an FY 1995 baseline. Not more than 30 percent of the savings is to be realized from reductions in program levels, and not more than 15 percent may come from the administrative expenses of the Department of State. A reorganization plan transmitted pursuant to this section shall take effect after 90 calendar days of continuous session of Congress, unless Congress enacts a joint resolution disapproving the plan.

The House bill contains no comparable provision.

The conference substitute (sec. 602) permits the President to waive the applicability of two of the following three titles of this Division: titles II, III, and IV. In order to exercise this waiver, the President must include a certification to the Congress in the reorganization plan that is required by section 601 to be submitted to Congress no later than October 1, 1996. In this certification, the President must affirm that the reorganization plan he has submitted pursuant to section 601 will achieve savings of $1.7 billion in budget authority over the four-year period of 1996–1999, with not more than 30 percent of the savings realized from reductions in program levels. The President must also certify that the plan conforms to the authorization levels for agency operating expenses for the years 1996–1999 set forth in Division B. Inasmuch as the authorization levels for agency operating expenses for those years dictate approximately $1.3 billion in savings from the 1995 level, and the remaining $500 million of the required $1.7 billion in savings can come from program cuts, the first two elements of the President's certification are intended to be complementary. Finally, the President must certify that preservation of any agency that otherwise would be abolished is important to the national interest of the United States.

Reorganization authority

The House bill (sec. 501) authorizes the Secretary of State to allocate or reallocate functions transferred to the Department among the officers of the Department, and to establish, consolidate, alter, or discontinue organizational entities within the Department as necessary to carry out any reorganization under this Division. This authority does not extend to the abolition of organizational entities or offices established by law, or to the alteration of any delegation of functions required by law. A reorganization plan prepared pursuant to this Division may not have the effect of creating a new department or agency, continuing functions beyond the period authorized by law, authorizing the exercise of functions not otherwise authorized by law, or increasing the term of an office beyond that provided by law. Any such reorganization plan shall provide for a twenty-percent reduction applicable to each of the first two fiscal years after implementation of such plan in the total level of expenditures for the functions transferred to the Department of State from the amounts appropriated for such transferred functions for fiscal year 1995.

The Senate amendment (sec. 1606) specifies requirements and limitations applicable to reorganization plans transmitted pursuant to this Division.

The conference substitute (sec. 611) is similar to the House bill, but omits the requirement that a reorganization plan transmitted pursuant to this Division provide for a twenty-percent reduction in expenditures following the transfer of functions to the Department of State.

Transfer and allocation of appropriations and personnel

The House bill (sec. 502) provides that personnel, assets, liabilities, contracts, property, records, and unexpended appropriations balances of abolished agencies shall be transferred to the Secretary of State. Unexpended and unobligated funds that are so transferred shall be used only for the purposes for which they were originally authorized and appropriated. When an agency is abolished, the limit on the number of members of the foreign service that may be employed by that agency shall be added to the limit for the Department of State.

The Senate amendment (sec. 1612) is similar.

The conference substitute (sec. 612) is identical to the House bill.

Incidental transfers

The House bill (sec. 503) provides that the Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations as may be necessary to carry out this Division.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 613) is identical to the House bill.

Effect on personnel

The House bill (sec. 504) provides that personnel holding Executive Schedule positions who are transferred to the Department of State shall continue to be compensated at a rate not less than that of their previous position. Positions whose incumbents are appointed by the President and confirmed by the Senate, the functions of which are transferred, shall terminate upon the transfer.

Employees in the career Senior Executive Service transferred pursuant to any title of this Division shall be placed a position at the Department of State comparable to the position previously held by the employee. Transferring employees shall be provided reasonable notice of new positions and assignments prior to their transfer pursuant to any title of this Division. Foreign service personnel transferred to the Department of State pursuant to any title of this Division shall be eligible for any assignment open to foreign service personnel within the Department for which they are qualified.

The Senate amendment (sec. 1611) is similar.

The conference substitute (sec. 614) is based on the House bill.

Savings provisions

The House bill (sec. 505) provides that all orders, rules, regulations, agreements, contracts, and other administrative actions of the agencies abolished under this Division shall remain in effect according to their terms. Pending proceedings shall not be affected by the transfer of functions of the abolished agencies to the Department of State.

The Senate amendment (sec. 1619) is similar.

The conference substitute (sec. 616) is identical to the House bill.

Property and facilities

The House bill (sec. 506) provides that the Secretary of State shall review the property and facilities transferred to the Department to determine whether they are required by the Department.

The Senate amendment (sec. 1614) is similar.

The conference substitute (sec. 617) is based on the House bill.

Authority of Secretary to facilitate transition

The House bill (sec. 507) authorizes the Secretary of State to utilize the services of employees and the funds of the agencies that are to be abolished pursuant to this Division in order to facilitate the transfer of functions to the Department.

The Senate amendment (sec. 1621) is similar.

The conference substitute (sec. 618) is based on the House bill.

Recommendations for additional conforming amendments

The House bill (sec. 508) urges the President to submit recommendations for additional technical and conforming amendments to reflect the changes made by this Division.

The Senate amendment (sec. 1622) is similar.

The conference substitute (sec. 619) is based on the House bill.

Final report

The House bill (sec. 509) provides that, not later than October 1, 1998, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a final accounting of the finances of the abolished agencies.

The Senate amendment (sec. 1623) is similar.

The conference substitute (sec. 620) is based on the House bill.

Transfer of function

The House bill (sec. 510) provides that any determination as to whether a transfer of function carried out under this Division constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5 of the United States Code shall be made without regard to whether the function transferred is identical to functions already performed by the receiving agency.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 621) is identical to the House bill.

Severability

The House bill (sec. 511) provides that if any provision of this Division is held invalid, the remainder of the Division shall not be affected.

The Senate bill (sec. 1620) is similar.

The conference substitute (sec. 622) is identical to the House bill.

Amendments or modification to reorganization plans

The Senate amendment (sec. 1607) permits the President to submit to Congress amendments to reorganization plans previously submitted pursuant to this Division.

The House bill contains no comparable provision.

The conference substitute (sec. 601(d)) permits the President to modify or revise a reorganization plan transmitted to the Congress.

Procedures for congressional consideration of reorganization plans

The Senate amendment (sec. 1608) establishes procedures for expedited congressional consideration of a reorganization plan transmitted pursuant to this Division. Under these procedures, if a joint resolution were enacted disapproving a reorganization plan, that plan would not take effect.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference concluded that expedited procedures for congressional resolutions to disapprove reorganization plans are unnecessary for two reasons. First, the timetable under section 601 for submission by the President to Congress of a reorganization plan ensures that Congress will have ample time to consider and comment on the plan. The committee of conference is confident that the President will not seek to implement any portions of a reorganization plan that are strongly opposed by the committees of jurisdiction. Second, no provision of this Division is intended to render inapplicable to a reorganization pursuant to this Division the existing requirements for notice to Congress of program changes. The availability of the reprogramming procedures will, in the judgment of the committee of conference, provide ample insurance against ill-advised reorganization decisions. The mechanism provided by section 601(d) of the conference substitute, which permits the President to modify a reorganization plan after its submission and before its implementation, is intended to enable the President to respond to congressional comments on such plans and congressional holds placed on reprogramming notifications submitted in connection with such plans.

Transition fund

The Senate amendment (sec. 1609) establishes a transition fund to assist in meeting costs associated with reorganization pursuant to this Division.

The House bill contains no comparable provision.

The conference substitute (sec. 615) is similar to the Senate amendment.

Voluntary separation incentives

The Senate amendment (sec. 1610) authorizes the payment of voluntary separation incentives to employees of the foreign affairs agencies in order to avoid or minimize the need for involuntary separations.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Effect on contracts and grants

The Senate amendment (sec. 1618) imposes significant restrictions on the ability of ACDA, USIA, and AID to enter new contracts, extend existing contracts, or make grants that will extend past the date of abolition of the agency.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

TITLE VI—REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES

Plan for reorganization of United States export promotion and trade activities

The House bill (sec. 601) provides that the Trade Policy Coordinating Committee shall submit a report to the Committee on International Relations of the House and the Committee on Foreign Relations of the Senate not later than March 1, 1996, detailing what steps are being taken and what steps should be taken to improve accessibility and coordination among the trade promotion agencies of the U.S. Government. The report shall identify such matters as the function and budget of all U.S. Government agencies with some responsibility for trade promotion, the amount of exports directly generated by each such agency, and areas where greater interoperability and efficiencies could be achieved. The report shall include a plan to reorganize the trade and export promotion agencies, with any necessary legislative changes, in order to more efficiently promote trade and reduce costs.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

FOREIGN RELATIONS AUTHORIZATIONS

TITLE XI—AUTHORIZATION OF APPROPRIATIONS

Of the House bill sections included in the final conference report, the House bill authorizes a total of $6,716,742,000 for fiscal year 1996 and $6,157,431,000 for fiscal year 1997, for the Department of State, AID, USIA, and ACDA.

Of the Senate amendment sections included in the final conference report, the Senate amendment authorizes a total of $6,301,796,000 for fiscal year 1996 and $5,970,429,000 for fiscal year 1997.

The conference substitute authorizes a total of $6,524,131,000 for fiscal year 1996 and $6,518,385,000 for fiscal year 1997. The conference substitute incorporates the following sub-authorizations:

(1) $11,900,000 for fiscal year 1997 for administrative expenses of the bureau charged with carrying out refugee programs.

(2) $80,000,000 for each fiscal year for refugees resettling in Israel.

(3) $1,500,000 for each fiscal year for Burmese refugees.

While this bill includes four year authorizations for certain operating accounts of the foreign affairs agencies, this conference report in most respects is a two-year authorization bill. The authorizing Committees plan to pass another authorization bill for fiscal years 1998 and 1999.

The committee of conference do not intend that any provision in this bill could be used as an authorization of foreign assistance in the meaning of Section 518(a) of P.L. 104–107, the Foreign Operations Appropriations Act for Fiscal Year 1996.

Merged accounts. The conference substitute authorizes the merger of the Inspector General of the Department of State and the Inspector General of the U.S. Information Agency. This merger should be completed in fiscal year 1996 and accordingly, the conference substitute merges the two separate authorization of appropriations under the Inspector General for the Department of State.

Exchange programs. The committee of conference did not include soft earmarks as in previous years for South Pacific Exchanges, East Timorese exchanges, Cambodian scholarships, and Tibetan exchanges. However, the committee of conference lists these programs under the category of "Other Exchanges" and recommends that funds be allocated to support each of these specific exchange programs. The inclusion of these programs under "Other Programs" should not be construed as an indication of a diminution in support for these programs, or a justification for funding levels disproportionately lower than the House-passed authorizations.

South Pacific exchanges. The committee of conference recognizes the unique and important function fulfilled by the South Pacific Exchange program. It is a relatively small program funded at $900,000 in the fiscal years 1994 and 1995, which promotes better understanding with the people of a region that has not always been given the attention it deserves in the implementation of U.S. foreign policy.

Fulbright. The committee of conference believes that USIA should require open competitions for the Administration of the Fulbright program and other scholar exchange programs. Such competitions encourage cost savings and remove unnecessary bureaucratization of scholar recruitment, selection, and placement.

Section 1101(2)(b) requires that $11.9 million in fiscal year 1997 authorized for salaries and expenses must be available for the salaries and expenses of the bureau that administers Refugee and Migration Assistance. This restores, effective in fiscal year 1997, a provision of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (P.L. 103–236).

The House bill (sec. 1101 (1)) authorized $5 million for visa processing outside the countries of origin of persons who would have a credible fear of persecution in such countries. The committee of conference agreed to drop this limitation in deference to a suggestion by the Department of State that $5 million may be more than the amount necessary to process such applications.

The committee of conference notes that a number of persons who have been determined to be currently eligible to apply for immigrant visas have been displaced and uprooted from their homes as a result of war, violent civil disturbance or systematic abuse of human rights in their native countries. The committee of conference expects that the Department will process the immigrant visa applications of such persons in the country in which they are physically present so long as they expect to remain in that country for the period required to process those applications. Processing of such displaced applicants outside their native lands is in accordance with the original intent of the framers of 8 U.S.C. §1152, who took "cognizance of the unprecedented number of persons who have been uprooted and dislocated during World War II or due to events subsequent thereto. The amendment is designed to alleviate hardship which might be caused by a rigid requirement that visa applications "shall be filed only with the consular officer in whose district the applicant shall have established his residence." H.R. Rep. No. 1365, 2d Sess. (1952), reprinted in 1952 U.S.C.C.A.N. 1663, 1708–09. The conferees share the view that a requirement that a displaced person return to his or her country of origin in such circumstances would constitute an undue burden on the issuance of his or her immigrant visa. In this connection, the conferees note that the United States Court of Appeals for the District of Columbia Circuit has recently held that the State Department's refusal to process the immigrant visa applications of Vietnamese asylum seekers in Hong Kong violates the provision of 8 U.S.C. §1152(a) that "[n]o person shall * * * be discriminated against in the issuance of an immigrant visa because of his * * * nationality." *Legal Assistance for Vietnamese Asylum-Seekers* v. *United States Department of State*, 45 F.3d 469 (D.C. Cir. 1995).

UNDP Activities in Burma. The House bill (sec 2102(a)(2)(I)) provides that any United States voluntary contribution to the United Nations Development Program (UNDP) would be limited in each fiscal year to $70 million, minus the amount UNDP has announced that it plans to spend on programs and activities in or for Burma ($18,200,000 for fiscal year 1996 and $25,480,000 for fiscal year 1997), unless UNDP discontinued all of its activities in and for Burma.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1102 (e)) is similar to the House provision, except that the limitation for fiscal year 1997 is identical to the limitation in fiscal year 1996. Also, the limitation in each fiscal year may be waived if the President certifies that all UNDP programs and activities in and for Burma are focused on the needs of the poor; are undertaken only through private voluntary organizations independent of the State Law and Order Restoration Council (SLORC); provide no benefit to the SLORC; and are supported by the democratic leadership of Burma.

Section 431 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 provided that $27.6 million of the funds made available for UNDP for FY 1995 would be available only in certain strictly defined circumstances. The Department of State, acting on behalf of the President, released the $27.6 million pursuant to a certification that UNDP had met the statutory test of having "initiated no new programs and no new funding for existing programs" in and for Burma since the 1993 meeting of the UNDP Governing Council. The Memorandum of Justification accompanying the certification stated that UNDP had not initiated or approved any new programs "beyond those *contemplated* in the June 1993 [UNDP] Governing Council decision." The language of section 431, however, made no reference to projects "contemplated" in the 1993 decision. Rather, it required a finding of no new programs or funding "since the [1993] meeting." The Memorandum also seemed to interpret section 431 as prohibiting release of the money only if UNDP had initiated or funded new "types" of projects.

The present provision is intended to clarify and give effect to the purpose of the fiscal 1995 limitation.

Refugees and migration. Section 1104(a)(4) authorizes funds for fiscal year 1996 for admission and resettlement of certain Southeast Asian refugees who are in the high-risk categories identified by the "Lautenberg Amendment". These categories include those who served with U.S. forces in Vietnam or were in the former government of South Vietnam, or are considered to be religious refugees, or who are members of the Hmong ethnic minority from Laos.

Subsection (b) prohibits expenditures on programs involving repatriation to Vietnam, Laos, or Cambodia unless the remaining asylum seekers have been or will be interviewed by U.S. immigration officers, and unless resettlement offers have been or will be made to those found to be refugees under U.S. immigration standards under current law. The House-passed provision was modified in conference to make it clear that the refugee status interviews can, under certain circumstances, be held in the asylum seeker's country of origin. The committee of conference expects that interviews in the country of origin would take place only if diligent efforts to secure permission from first asylum countries for interviews in such countries had proved unavailing, and that arrangements would be made to ensure the safety of returnees pending the completion of the interview and resettlement process.

The committee of conference notes that the authorization of $1.5 million for each fiscal year for humanitarian assistance for persons displaced by civil conflict in Burma is directed at both those displaced within Burma and those persons now outside of Burma. During the past year, the refugee population along the Thai/Burma border has increased from approximately 77,000 to over 93,000, representing one of the largest influxes in any period since relief efforts began in 1984. Due primarily to the attack on Manerplaw, the headquarters of the Karen National Union and the seat of the exiled democracy movement, which occurred in early 1995, this increase illustrates the uncertainty of the current situation.

On the one hand, SLORC has negotiated, or is in the process of negotiating, cease-fire agreements with nearly all the ethnic groups. A large portion of the Mon refugee population has repatriated over the past few months. On the other hand, the situation on the ground does not seem to have improved. Attacks on the Karen and Karenni go on today despite cease-fire agreements and negotiations. New refugees continue to arrive with reports of human rights abuses, forced labor and relocation and hundreds of thousands remain displaced within Burma.

In this unstable and unpredictable climate, humanitarian assistance to the over 93,000 along the border remains critical. Whether people stay in Thailand or go back to Burma they will be in need of support. Assistance in the form of food, health services and education should continue to be made available to refugees and displaced inside Burma and along the border. Further, funds should be provided to NGOs operating in the border areas in order to conduct assessments of the project planning and management capacity of the ethnic leadership and to develop and implement capacity-building and vocational training courses for appropriate refugee community members. Funds should also be made available for the subsistence and education of Burmese students in Thailand, regardless of their place of residence.

Broadcasting. Section 1106(4)(B) of the conference substitute is designed to ensure that U.S. non-military international broadcasting resources are deployed where they are most needed. In recent years, for instance, the

broadcasts to Iran carried out by the Voice of America Farsi Service have declined, despite the continued prohibition within Iran of objective news and the free expression of opinions. In contrast, broadcasting services to countries that do enjoy wide and diverse sources of news and opinion, such as the Voice of America broadcasts into Ethiopia, may have outlived their usefulness and should be considered for elimination.

AUTHORITIES AND ACTIVITIES

Department of State Rewards Program

The House bill (sec. 2201) rewrites the Department of State rewards program to update this important tool used for capturing fugitives abroad in cases of terrorism and narcotics related offenses.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1201) is similar to the House bill but deletes the use of fees collected from issuing machine readable visas as a possible source of funds to pay rewards. It suggests that foreign assets frozen in the U.S. and controlled by the Department of Treasury could be used as an additional means by which to fund the rewards program.

Buying power maintenance account

The House bill (sec. 2203) permits the transfer of expired, unobligated balances into no-year Buying Power Maintenance Account, subject to compliance with congressional reprogramming requirements. The Department maintains that paragraph (D), which makes such transfers subject to advance appropriations, is unnecessary and has made the transfer authority unworkable. Striking paragraph (D) enables the Department to transfer expiring balances with greater flexibility.

The Senate amendment (sec. 125) is virtually identical except for drafting differences.

The conference substitute (sec. 1202) is the same as the House provision.

Expenses relating to certain international claims and proceedings

The House bill (sec. 2204) allows the Department to accept, in certain cases, reimbursement from private sector claimants for tribunal expenses, salaries, and other ordinary expenses.

The Senate amendment (sec. 130) is virtually identical.

The conference substitute (sec. 1203) is the same as the House provision.

Consolidation of U.S. diplomatic missions and consular posts

The House bill (sec. 2205) requires the Secretary of State to prepare a world wide plan for the consolidation on a regional or area wide basis of U.S. missions and consular posts abroad.

The Senate amendment (sec. 1103) is similar but it also includes expedited procedures for Congressional disapproval of the Secretary's plan to consolidate diplomatic posts abroad.

The conference substitute omits the House and Senate provisions.

Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.

The House bill (sec. 2206) allows the Secretary to refuse to issue a passport, or to revoke, restrict or limit a passport in any case in which the Secretary of State determines, or is informed by a competent authority, that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding arrest for non payment of child support.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1204) is identical to the House provision.

Capital investment fund

The House bill (sec. 2207) amends section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) to allow the Capital Investment Fund to be used for the procurement and upgrade of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources. This amendment would allow the Department to pay for upgrades of existing systems and purchase hardware or software to ensure interoperability of State Department information systems. This amendment also provides that the amounts deposited into the Fund will remain available until expended and that such amounts will be available for the purposes defined in this section.

Section 135(e) is amended to eliminate as duplicative the requirement that subjects money in the Fund to Congressional reprogramming requirements before it is obligated. The Department will follow reprogramming procedures when it proposes to transfer monies into the Fund and will explain potential uses of the Fund in its Congressional Presentation Documents.

The Senate amendment (sec. 126) is similar but is drafted differently.

The conference substitute (sec. 1206) is identical to the Senate provision.

Efficiency in procurement

The House bill (sec. 2208) allows US agencies operating overseas to participate in existing contracts rather than being required to let new contracts for services.

The Senate amendment (sec. 129) is similar.

The conference substitute (sec. 1208) is identical to the House provision.

Training

The House bill (sec. 2209) allows the Department of State to provide training for employees of U.S. companies operating overseas on a reimbursable basis. In addition, this section allows the Department to provide foreign language training, on a reimbursable basis to Members, officials and employees of the U.S. Congress.

The Senate amendment (sec. 151) is similar but allows for training of non-executive branch staff members on a reimbursable, space available basis.

The conference substitute (sec. 1205) is identical to the Senate provision.

Lease-purchase agreements

The Senate amendment (sec. 121) provides that when the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act (22 U.S.C. 292), budget authority should be assessed on an annual basis over the period of the lease in an amount equal to the annual lease payments.

The House bill contains no comparable provision.

The conference substitute (sec. 1207) is identical to the Senate provision.

U.S. Embassy building in Berlin, Germany

The Senate amendment (sec. 122) expresses a sense of Congress that the Secretary of State should utilize the U.S. government property in the vicinity of the Brandenburg Gate in Berlin, Germany, as a site to build the U.S. embassy.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Fees for commercial services

The Senate amendment (sec. 123) allows fees collected for commercial services provided to businesses to remain available for obligation until expended. This authority will ensure the Department does not lose funds collected late in a fiscal year and that are not obligated by the end of that year. This authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1208) is identical to the Senate amendment.

Reporting requirements

The Senate amendment (sec. 124) amends a reporting requirement and repeals one reporting requirement.

The House bill contains no comparable provision.

The conference substitute (sec. 1209) retains subsection (a) to require the Secretary of State to provide a report on all leases entered into for the acquisition of real property to be submitted within 30 days after the end of each fiscal year rather than after the end of each quarter of the fiscal year. Subsection (b), the repeal of the reporting requirement under 503(b) of the Foreign Relations Authorization Act (P.L. 95-426), was enacted in P.L. 104-66 and therefore dropped in the substitute.

Administrative expenses

The Senate amendment (sec. 127) allows funds to be available directly to other personnel assigned to bureaus charged with carrying out the Migration and Refugee Assistance Act of 1962.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Fee for use of diplomatic reception rooms

The Senate amendment (sec. 128) authorizes the Secretary of State to charge a fee for use of the Department of State diplomatic reception rooms. Such fees are deposited as an offsetting collection to recover the costs of such use and should remain available for obligation until expended. This authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1210) is identical to the Senate amendment.

Diplomatic Telecommunications Service

The Senate amendment (sec. 131) amends section 507 of the Department of State and Related Agencies Appropriations Act (P.L. 103-317) to require the Secretary to provide funding for the Diplomatic Telecommunications Service to sustain current levels of support services for each succeeding fiscal year. This amendment further prohibits any reprogramming or transfers from such amounts in future years, and specifies the current and future makeup of the Diplomatic Telecommunications Service Program Office Board.

The House bill contains no comparable provision.

The conference substitute (sec. 1215) is identical to the Senate amendment.

Diplomatic Telecommunications Service Program Office

The Senate amendment (sec. 132) designates the officials that will comprise the

Diplomatic Telecommunications Service Policy Board, the management structure, and sets forth the responsibilities of the officials on the Board.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes that the provision was determined not to be necessary given that the agencies have made progress toward establishing the management, leadership and objectives of this interagency Board. Furthermore, the respective committees intend to continue oversight over this important activity and urge cooperation and not competition in designing the future communications systems for U.S. international facilities.

International center reserve funds

The Senate amendment (sec. 133) amends current law to allow the Secretary of State to accrue and retain the interest collected on the International Chancery Center reserve account to be used to pay for maintenance and security costs, subject to the availability of appropriated funds.

The House bill contains no comparable amendment.

The conference substitute (sec. 1211) is identical to the Senate amendment.

Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas

The Senate amendment (sec. 134) authorizes the use of interest on funds held under bilateral agreements for scientific, cultural and technical cooperation to pay the administrative and programmatic expenses of the funds, subject to appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1212) is identical to the Senate amendment.

Antibribery study

The Senate amendment (sec. 136) requires the Secretary of State, in consultation with other government officials, to develop proposals to combat bribery in international business transactions.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Budget Act compliance

The Senate amendment (sec. 137) makes the authorities in Senate sections 121, 123, 125, 128, 130, 133, 134, 148, 161, and 163 subject appropriations.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The "subject to appropriations" language was added to each of the Senate sections listed in the Senate amendment.

Fees for machine readable visas

The Senate amendment (sec. 163) authorizes the collection and retention of fees not to exceed $150 million for each of the fiscal years 1996, 1997, 1998, and 1999.

The House bill (sec. 2231) authorizes collection and retention of not more than $250 million in fiscal years 1996 and 1997 to recover the costs of the border security program. It also permits all countries to be subject to the fee.

The conference substitute (sec. 1231) authorizes the collection and retention of not more than $150 million for each fiscal 1996 and 1997 for the border security program as defined in the House provision.

Fingerprint check requirement

The House bill (sec. 2232) modifies the fingerprint requirement for immigrant visa applicants established in Sec. 505 of P.L. 103-317. The revision requires the fingerprinting only of individuals 16 years or older who have at some time been in the U.S. and have been determined to have a criminal history.

The Senate amendment contained no comparable provision.

The conference substitute (sec. 1232) is similar to the House bill with drafting changes. This provision is intended to modify the current program to be more cost effective and efficient by targeting those that would likely have a criminal record in the U.S. The committee of conference continues to have strong concerns about the cost-benefit of the pilot program.

Use of passport processing fees for enhanced passport services

The House bill (sec. 2233) requires 10% of funds generated by the expedited passport fee be dedicated exclusively to enhance passport services for U.S. citizens, improve efficiency of the issuing process, improve the secure nature of the document, investigate passport fraud, and deter entry into the U.S. by criminal elements.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1233) is identical to the House bill.

Consular officers

The Senate amendment (sec. 165) permits U.S. citizen employees abroad who are not consular officers to perform additional consular functions, including the issuance of certificates of birth abroad, the authentications of foreign documents, the administration of nationality provisions in Title III of the Immigration and Nationality Act, and the administration of oaths for patent purposes.

Section 127 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995, as amended by section (1)(mm)(2) of P.L. 103-415, authorized the Secretary of State to designate U.S. citizen employees abroad, other than consular officers, to perform notarial and passport services, thereby permitting more effective use of both consular officers and non-consular officer employees abroad and creating the opportunity to improve service to the public in the face of consular officer staffing shortfalls. This provision will further improve the efficiency of consular operations abroad.

The House bill (sec. 2234) is virtually identical.

The conference substitute (sec. 1234) is identical to the Senate amendment.

Fee for diversity immigrant lottery

The Senate amendment (sec. 161) allows the Secretary of State to collect and retain a fee to be paid by each immigrant issued a visa under the diversity lottery program. Fees are available for obligation until expended, and the authority is subject to the availability of appropriations.

The House bill contains no comparable provision.

The conference substitute (sec. 1235) is similar to the Senate amendment with a change made at the Administration's request to clarify that all those who apply for immigrant visas based on the diversity lottery selection pay a fee.

Fee for execution of passport applications

The Senate amendment (sec. 162) permits the Secretary of State to authorize the U.S. Postal Service to retain passport execution fees directly rather than being sent through the Department of State to the U.S. Treasury. This will save the Department of State (and the Postal Service) significant resources required by the reconciliation procedures connected with multiple transfer of these funds.

The House bill contains no comparable provision.

The conference substitute (sec. 1236) is identical to the Senate amendment.

Children adopted abroad

The Senate amendment (sec. 164) expedites the processing of an adoption of a foreign child by replacing in the Immigration and Nationality Act the "legitimate/illegitimate" distinction with "wedlock/out of wedlock."

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes this provision was passed in P.L. 104-51.

Exclusion from the United States for membership in a terrorist organization

The Senate amendment (sec. 166) amends the Immigration and Nationality Act to deny a U.S. visa to a member of a terrorist organization or who actively supports or advocates terrorist activity. A terrorist organization is defined as an organization that engages in or has engaged in terrorist activity as determined by the Attorney General in consultation with the Department of State.

The House bill contains no comparable provision.

The conference substitute (sec. 1237) is identical to the Senate amendment.

Incitement as a Basis for Exclusion from the United States

The Senate amendment (sec. 167) amends the Immigration and Nationality Act by adding a new ground for exclusion for those who have advocated terrorism, incited targeted racial vilification, or advocated the death or destruction of U.S. citizens, or U.S. government officials, or the overthrow of the U.S. government.

The House bill contains no comparable provision.

The conference substitute (sec. 1239) is similar to the Senate amendment but has been clarified to ensure that it comports with its purpose. The Senate provision would have required the exclusion of non-U.S. citizens wishing to enter the U.S. who have advocated terrorism or engaged in related practices. Non-citizens seeking admission to the U.S. have been held not to enjoy the full measure of constitutional protection afforded citizens and others who are lawfully present in the U.S. Nevertheless, in an effort to accommodate concerns about the potential scope of the Senate provision, it has been narrowed to comport with U.S. Supreme Court cases construing the First Amendment.

Visit of the President of the Republic of China on Taiwan

The Senate Amendment (sec. 168) states that the President of the Republic of China on Taiwan shall be admitted to the U.S. for a visit in 1995 with all appropriate courtesies.

The House bill contains no comparable provision.

The conference substitute (sec. 1708) expresses the sense of Congress that the President of the Republic of China on Taiwan should be admitted to the U.S. for a visit in 1996 with all appropriate courtesies.

Terrorist Lookout Committees

The Senate amendment (sec. 169) codifies existing embassy visa terrorist lookout committees created under the "Visas Viper Program". The provision establishes the Deputy

Chief of Mission as the chair of the committee and requires representatives of the embassy's political section, law enforcement and intelligence agencies to be members of the committee. The purpose of the committee is to overcome the serious deficiencies in the current system to preclude known terrorists from gaining visas for entry into the U.S. Certification procedures and reporting requirements are established.

The House bill contains no comparable provision.

The conference substitute (sec. 1238) eliminates the certification requirements and reduces the reporting requirements to two. Within 90 days of enactment, the Secretary of State is required to report to Congress on the status of establishing the committees at posts around the world. The second report, due in April 1997, will evaluate the success of the program and the extent of interagency cooperation.

Sense of Congress on Border Crossing Fees

The Senate amendment (sec. 170) expresses a sense of Congress that the U.S. should not impose a border crossing fee along the Mexican or Canadian border.

The House bill had no comparable provision.

The conference substitute (sec. 1705) retains the sense of Congress provision.

(a) FINDINGS—The committee of conference finds that—

(1) in the budget of the United States for fiscal year 1996 that was submitted to Congress, the President proposed to impose and collect a border crossing fee for individuals and vehicles entering the United States;

(2) both the Canadian and Mexican governments have expressed opposition to the imposition and collection of such a fee and have raised the possibility of imposing retaliatory border crossing fees of their own;

(3) the imposition and collection of such a fee would have adverse effects on tourism and commerce that depend on travel across the borders of the United States;

(4) the imposition and collection of such a fee would have such effects without addressing illegal immigration in a meaningful way;

(5) on February 22, 1995, the President modified his proposal making the imposition of the new fees voluntary on United States border States (but tied the availability of Federal funds to improve border crossing infrastructure on their willingness to impose such fees); and

(6) on May 4, 1995, the President further modified the border crossing fee proposal in immigration control legislation he submitted to Congress setting a $1.50 per car and $.75 per pedestrian fee structure.

U.S. Emergency Refugee and Migration Assistance Fund

The House bill (sec. 2251) amends the Migration and Refugee Assistance Act (P.L. 87-510) to specify Congressional notification requirements for use of funds under the Act. This provision requires a 15-day notification to Congress of the drawdown of funds from the Emergency Refugee and Migration Account. A waiver of this notification is permitted under emergency situations.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The committee of conference remains concerned about the Department of State's lack of consultation on the use of these funds. We strongly encourage the Department to use the emergency funds for the intended purpose and use alternative sources of funding when available.

Persecution for resistance to coercive population control methods

The House bill (sec. 2252) provides that forced abortion, forced sterilization or persecution for resistance to such measures are "persecution on account of political opinion" within the meaning of the refugee definition of the Immigration and Nationality Act. It is intended to overrule administrative law decisions holding that subjection to such measures is not ordinarily persecution on account of a political opinion. This section reinstates the interpretation of the law that was reversed by an Immigration and Naturalization Service order on August 5, 1994.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1255) is identical to the House bill.

Report to Congress concerning Cuban emigration policies

The House bill (sec. 2253) requires periodic reports on the Cuban government's methods of enforcing its 1994 and 1995 anti-immigration agreements with the U.S. on treatment of persons returned to Cuba under the 1995 agreement and on the methods used by the U.S. to monitor such treatment.

The Senate amendment (sec. 611) is identical.

The conference substitute (sec. 1251) is identical to the House bill.

U.S. policy regarding the involuntary return of refugees

The House bill (sec. 2254) provides that no funds authorized by this Act be used for the involuntary return of any person to a country in which he or she has a well-founded fear of persecution.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1256) states that no funds authorized for refugee and migration assistance be used for the involuntary return of any person to a country in which he or she has a well-founded fear of persecution. It would not prohibit funding for the return of people who had been found to be non-refugees by any process genuinely calculated to detect a well-founded fear of persecution.

Extension of certain adjudication provisions

The House bill (sec. 2255) extends the "Lautenberg Amendment" which identifies certain high-risk refugee categories and provides that applicants in these categories are presumed to be refugees if they assert both a fear of persecution and a credible basis for their fear of persecution. This standard is somewhat more generous than the general "well-founded fear" status. The high-risk categories include nationals or residents of an independent state of the former Soviet Union or Estonia, Latvia, or Lithuania who are Jews or evangelical Christians, as well as certain Southeast Asians. (See the discussion of section 2104 of the House bill, above.) The provision would also extend until Oct. 1, 1997 the Attorney General's ability to adjust the status of aliens who are nationals of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania, Vietnam, Laos, or Cambodia and were granted parole into the U.S. after August 14, 1988, to the status of aliens lawfully admitted for permanent residence.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1252) is identical to the House bill.

Vietnam POW/MIA Asylum Program

The House bill (sec. 2256) gives the Attorney General the authority to grant asylum to a national of Vietnam, Cambodia, or Laos if he presents a live American POW/MIA.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Korea POW/MIA Asylum Program

The House bill (sec. 2257) gives the Attorney General the authority to grant asylum to a national of North Korea, South Korea, or China if he presents a live American POW/MIA.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Coordinator for counterterrorism

The House bill (sec. 2301) makes permanent the office of the Coordinator for Counterterrorism and retains a reporting line directly to the Secretary of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1301) is identical to the House bill, except that subsection (D) is deleted.

Special Envoy for Tibet

The House bill (sec. 2302) requires the establishment of a special envoy to Tibet within the State Department. The Special Envoy is authorized to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Chinese government.

Through this special envoy, the U.S. demonstrates its continued support for His Holiness the Dalai Lama in his quest for a peaceful resolution to the situation in Tibet through negotiations with the Chinese government.

The Senate amendment (sec. 608) is virtually identical.

The conference substitute (sec. 1303) permits the Secretary to establish a Special Envoy to Tibet. Following are committee of conference findings on this issue.

FINDINGS.—(1) The Government of the People's Republic of China withholds meaningful participation in the government of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

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

(3) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai in recent years, and have excluded Tibetans from participation in important policy decisions, further threatening traditional Tibetan life.

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

(5) The President and the Congress have determined that the promotion of human rights in Tibet and the protection of Tibet's religion and culture are important elements in United States-China relations and have urged senior members of the Government of the People's Republic of China to enter into substantive negotiations on these matters with Dalai Lama or his representative.

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

(7) The Government of the People's Republic of China has failed to respond in a good faith manner by reciprocating a willingness to begin negotiations without preconditions, and no substantive negotiations have begun.

Responsibilities of bureau charged with migration and refugee assistance

The House bill (sec. 2303) establishes a Coordinator for Human Rights and Refugees within the Office of the Secretary of State. It also establishes a statutory bureau of Refugee and Migration Assistance.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1304) is designed to ensure that the bureau with responsibility for refugee and migration assistance be independent of the bureau charged with the substantially unrelated responsibility for population policy. The Department may, of course, still maintain a population office in another bureau as it did prior to 1993.

Elimination of statutory establishment of certain positions of the Department of State.

The House bill (sec. 2304) eliminates the statutory requirements for the Assistant Secretary for South Asia, the Assistant Secretary for Oceans, Environment, and Science, and the Deputy Assistant Secretary for Burdensharing.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1305) is identical to the House bill.

Establishment of an Assistant Secretary of State for Human Resources

The House bill (sec. 2305) establishes an Assistant Secretary for Human Resources and requires that the position be occupied by a professional in the field of personnel and human resources management.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1306) requires that either the head or the next most senior person of the bureau or office within the Department of State with responsibility for human resources and personnel policies shall have substantial professional qualifications in the field of human resources. This is a modification of the suggestion in the "State Team" For the Future, Personnel Commission Report of October 1992, that strongly recommended that the Department establish an Assistant Secretary for Human Resources with proper qualifications.

Authority of the Permanent Representative to the United Nations

The House bill (sec. 2306) clarifies that the U.S. Permanent Representative to the United Nations shall be subject to the direction of the Secretary of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1302) is identical to the House bill.

Authorized strength of the Foreign Service

The House bill (sec. 2351) imposes limits on the number of members of the Foreign Service authorized to be employed in fiscal years 1996 and 1997 as follows: for the Department of State not more than 9,000 in fiscal year 1996 and 8,800 in fiscal year 1997, of whom not more than 720 in fiscal year 1996 and 680 in fiscal year 1997 shall be members of the Senior Foreign Service; for the United States Information Agency (USIA) not more than 1,150 in fiscal year 1996 and 1,100 for fiscal year 1997, of whom not more than 165 in fiscal year 1996 and 160 in fiscal year 1997 shall be members of the Senior Foreign Service; and for the Agency for International Development (AID) not more than 1,800 members of the Foreign Service in fiscal years 1996 and 1,775 for fiscal year 1997, of whom not more than 240 in fiscal year 1996 and 230 in fiscal year 1997 shall be members of the Senior Foreign Service.

The Senate amendment (sec. 141) contains a similar provision with overall lower numbers.

The conference substitute (sec. 1351) sets the end strength levels as follows: for the Department of State not more than 9,000 in fiscal year 1996 and 8,800 in fiscal year 1997, of whom not more than 660 in fiscal year 1996 and 660 in fiscal year 1997 shall be members of the Senior Foreign Service; for the United States Information Agency (USIA) not more than 1,150 in fiscal year 1996 and 1,100 for fiscal year 1997, of whom not more than 160 in fiscal year 1996 and 160 in fiscal year 1997 shall be members of the Senior Foreign Service; and for the Agency for International Development (AID) not more than 1,800 members of the Foreign Service in fiscal years 1996 and 1,775 for fiscal year 1997, of whom not more than 225 in fiscal year 1996 and 225 in fiscal year 1997 shall be members of the Senior Foreign Service.

The committee of conference notes that this provision was included pursuant to a recommendation of the Commission on the Foreign Service Personnel System (the "Thomas Commission"), the establishment of which was mandated by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

Repeal of authority for Senior Foreign Service performance pay

The House bill (sec. 2352) repeals section 405 of the Foreign Service Act that provides for payment of performance pay.

The Senate amendment (sec. 145) requires that Foreign Service Officers commissioned by the President receive in all instances their regular salaries based on rank and service.

It also amends section 405 to allow recognition by the President even if funds are not available to pay for such an award. It requires the Secretary of State to develop and implement a plan to identify officers who are ranked by promotion boards in the bottom 5% of their class for two years and recommend that separation from the Foreign Service. In addition, it amends the Foreign Service Act to establish a single Foreign Service under the direction of the Director General of the Foreign Service. Agencies using the Foreign Service Act must conform with common standards set by the Director General.

The conference substitute (sec. 1357) omits the provision relating to a single Foreign Service. The section on expedited separation out is amended in line with the Administration's suggestions to provide that separation be recommended for members of the Foreign Service ranked by promotion boards in the bottom 5% of their class for any two of the five preceding years.

Recovery of costs of health care services

The House bill (sec. 2353) authorizes the Department of State to recover and retain the costs incurred by the Department of health care services provided to eligible employees and their families. The provision permits the recovery and retention of such costs from third-party payers and to recover directly from the employee if the employee chooses to be uninsured.

The Senate amendment (sec. 148) is virtually identical.

The conference substitute (sec. 1355) is identical to the House bill.

Restrictions on lobbying activities of former U.S. Chiefs of Mission

The Senate amendment (sec. 142) amends Title 18 by adding the Chief of Mission to the list of executive branch personnel who are restricted for one year after they leave the Chief of Mission position from representing someone with an interest in a matter that is before any officer or employee of the Department or agency in which they served.

The House bill contains no comparable provision.

The conference substitute (sec. 1352) is identical to the Senate amendment.

Foreign service grounding in U.S. business

The Senate amendment (sec. 143) expresses the sense of Congress that the National Foreign Affairs Training Institute should increase its emphasis on commercial activity, export promotion, and trade in carrying out its core programs and should offer additional classes in such subjects.

The House bill contains no comparable amendment.

The conference substitute is identical to the House bill.

Foreign affairs administrative support

The Senate amendment (sec. 144) authorizes the Secretary of State to establish a financial system to manage reimbursements to the Department from other agencies. The President is required to establish an interagency committee for the purpose of developing the financial management system.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Limitation on management assignments

The Senate bill (sec. 146) amends current law dealing with the movement of Foreign Service personnel between certain American Foreign Service Association positions and management jobs. This narrows the definition of "management official" by exempting Chiefs of Mission and their deputies, administrative and personnel officers abroad and other individuals not involved in labor-management relations.

The House bill contains no comparable provision.

The conference substitute (sec. 1353) is identical to the Senate amendment.

Report on promotion and retention of personnel

The Senate amendment (sec. 147) requires the Inspector General to comment biannually on the adequacy of the Secretary's annual report on foreign service work force planning and personnel policies.

The House bill contains no comparable provision.

The conference substitute (sec. 1356) requires the Inspector General to comment with respect to the adequacy of the reports every other year.

Non-overtime differential pay

The Senate amendment (sec. 149) allows the Secretary of State to substitute another day in lieu of Sunday for purposes of Sunday premium pay in countries where the normal workweek includes Sunday.

The House bill contains no comparable provision.

The conference substitute (sec. 1354) is identical to the Senate amendment.

Access to records

The Senate amendment (sec. 150) allows the Inspector General to furnish records or information as requested by the Grievance

Board only if the IG decides that there is no confidentiality requirements which would bar release.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Redesignation of the National Foreign Affairs Training Center

The Senate amendment (sec. 152) redesignates the National Foreign Affairs Training Institute as the National Center for Humanities, Education, Languages, and Management Studies.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Extension of the Au Pair Program

The Senate amendment (sec. 412) provides for a four-year extension of the Au Pair Program, lifts restrictions to make the program world-wide and requires a one-time report on the program.

The House bill (sec. 2402) provides for a two-year extension.

The conference substitute (sec. 1409) is identical to the Senate amendment with the addition of a repeal of section 581 of the Foreign Operations Appropriations Act (P.L. 104-107) which authorized a one-year extension of the Au Pair Program.

Educational and cultural exchanges with Hong Kong

The House bill (sec. 2403) requires USIA to conduct exchange programs with Hong Kong.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conduct of certain educational and cultural exchange programs

The House bill (sec. 2404) directs USIA to provide opportunities for participation in exchange programs for human rights and democracy leaders of Asian countries to persons who are nationals but not residents of such countries.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1408) is similar to the House bill. It is designed to ensure that exchange programs are effective in promoting a commitment to human rights, freedom, and democracy. In addition to helping future leaders get to know the U.S., it is hoped that these programs will also be a source of information about the situation in the named countries, and will signal to the rulers of those countries that in order to obtain American training for their promising students, they will have to accept the risk that American notions of democracy and open government will be brought home.

Educational and cultural exchange and scholarships for Tibetans and Burmese

The House bill (sec. 2405) requires USIA to provide 30 scholarships for Tibetans and 15 scholarships for Burmese. It also requires USIA to establish exchange programs for Tibetans and Burmese.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1410) is identical to the House bill. Having been impoverished by the corrupt mismanagement of a military dictatorship that has ruled the country since 1962, Burma needs educators, engineers, entrepreneurs, environmental and public health specialists—professionals in virtually all fields. It is anticipated that the great majority of Burmese who are now in exile would gladly return home if and when conditions in Burma have changed for the better. The scholarships provide a way to prepare these individuals to play a future role in rebuilding their country.

This exchange program also targets exiled Tibetans living in India and Nepal. Thirty percent of the program's costs are met by private organizations. In accepting the scholarship, all of the Tibetans agree to return to India or Nepal to work toward improving the conditions and future opportunities for their fellow refugees.

Availability of VOA and Radio Marti multilingual computer readable text and voice recordings

The House bill (sec. 2406) permits university level linguistic researchers to use VOA and Radio Marti transcripts for the purposes of research. This authority sunsets five years from date of enactment.

The Senate amendment (sec. 414) is virtually identical.

The conference substitute (sec. 1401) is identical to the House bill.

Retention of interest

The House bill (sec. 2407) authorizes grantees of NED to deposit their grant money in interest bearing accounts and use the interest for the purposes of the grant.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1407) is identical to the House bill.

USIA office in Pristina, Kosova

The House bill (sec. 2408) states that the USIA shall seek to establish an office in Pristina.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. diplomatic facilities in Kosova

The Senate amendment (sec. 135) authorizes the Secretary of State to establish a diplomatic office and residence in Pristina.

The House bill contains no comparable amendment.

The conference substitute is identical to the House bill.

Participation in international fairs and expositions

The Senate amendment (sec. 411) provides that none of the funds available in this Act can be used by a government agency to participate in an international fair or pavilion in excess of amounts authorized to be appropriated.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill. The committee of conference notes that the Senate provision restated current law.

Expansion of Muskie Fellowship Program

The Senate amendment (sec. 416) expands the Muskie program to include Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and Macedonia. It also amends the guidelines for participation by adding to the fields of study the following subjects: law, library, and information science and public policy to the fields of study of the program.

The House bill contains no comparable provision.

The conference substitute (sec. 1403) is identical to the Senate amendment.

GAO study of duplication among international affairs grantees

The Senate amendment (sec. 418) requires the GAO to report on the purposes and activities of the North/South Center, East-West Center, the Asia Foundation, and NED to identify the extent to which their activities duplicate activities conducted elsewhere in the U.S. government.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

GAO study of activities of the North/South Center in support of NAFTA

The Senate amendment (sec. 419) requires the GAO to report on whether the North/South Center used U.S. funds to engage in improper lobbying efforts advocating NAFTA.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Mansfield Fellowship Program requirements

The Senate amendment (sec. 420) allows the Mansfield Board to refigure the housing allowance so fellows are placed in comparable housing. This is a cost saving measure.

The House bill contains no comparable provision.

The conference substitute (sec. 1404) is identical to the Senate amendment.

Distribution within the United States of the USIA film "The Fragile Ring of Life"

The Senate amendment (sec. 421) waives the Smith-Mundt Act which prohibits domestic dissemination of products produced by USIA with respect to the film "The Fragile Ring of Life."

The House bill contains no comparable provision. The House passed this provision as a separate bill.

The conference substitute (sec. 1412) is identical to the Senate amendment.

Expansion of the Board of Broadcasting Governors

The House bill (sec. 2431) expands the current Broadcasting Board of Governors from 9 to 11.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate provision.

Radio Free Asia

The House bill (sec. 2432) requires the Director of USIA to submit a plan to Congress to establish Radio Free Asia within 90 days of the enactment of this Act.

The Senate amendment (sec. 415) contains a similar provision with drafting differences.

The conference substitute (sec. 1411) requires that within 180 days of enactment, Radio Free Asia shall initiate regular broadcasts to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet and Vietnam. The broadcasts will be conducted under the name of Radio Free Asia.

The conferees expect that in considering applications for employment, contracts, and similar arrangements in the establishment and operation of Radio Free Asia, USIA will give strong preference to those which will allow Radio Free Asia to (1) take advantage of the expertise of political and religious dissidents and pro-democracy and human rights activists from within the countries to whom broadcasting is directed, including exiles from these countries; and (2) take advantage of contracts and similar arrangements with existing broadcast facilities so as to provide immediate broadcast coverage with low overhead.

Pilot project for freedom broadcasting

The House bill (sec. 2433) requires USIA to make grants for broadcasting to Asian countries. In reviewing the grants, USIA is to

give preference to organizations with expertise in the pro-democracy and human rights movements in Asia.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Pilot program on advertising on USIA television and radio

The Senate amendment (sec. 413) requires the Director of USIA to submit a plan within 120 days for a pilot program to determine the feasibility of permitting advertising on USIA television and radio broadcasts.

The House bill contains no comparable provision.

The conference substitute (sec. 1405) is the same as the Senate amendment except that the length of the pilot project was extended from 6 to 12 months.

Changes in administrative authorities

The Senate amendment (sec. 417) provides contract authority for the Tinian transmitter project; allows the authorization of appropriations for USIA to be available until March 1, 1997; includes technical amendments to direct that the heads of the Cuba Service and TV Marti report directly to the Director of the International Broadcasting Bureau; authorizes the Director of USIA to appoint up to 15 engineers employed by RFE/RL to the competitive service or career Foreign Service of USIA, and it authorizes fees to be collected at posts for educational advising services.

The House bill contains no comparable provision.

The conference substitute (sec. 1406) is the same as the Senate amendment except the number of engineers that can be appointed is reduced from 15 to 5 upon the recommendation of USIA.

International Boundary and Water Commission

The House bill (sec. 2501) clarifies the authority of the U.S. section of the IBWC with regard to the reach of the Rio Grande from the Percha Diversion Dam in New Mexico to the American Diversion Dam in El Paso, Texas. This provision permits the U.S. Section to stabilize the river channel within the Rio Grande Canalization Project. This authorization will facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico.

The Senate amendment (sec. 303) is virtually identical to the House bill.

The conference substitute (sec. 1502) is identical to the House bill.

Repeal of authority for participation by the United States in the Interparliamentary Union

The House bill (sec. 2502) repeals the permanent authority for the Congressional participation in the IPU.

The Senate amendment (sec. 601) repeals U.S. participation in several of the interparliamentary groups.

The conference substitute deletes both provisions.

Termination of U.S. participation in certain international organizations

The Senate amendment (sec. 313) provides that no funds are available for U.S. membership in the following: U.N. Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, and the Interparliamentary Union.

The House bill has no comparable provision.

The conference substitute (sec. 1501) provides that no funds are available for U.S. membership in the following: U.N. Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, the International Cotton Advisory Committee, the World Tourism Organization, and the International Tropical Timber Organization.

International Criminal Court participation

The Senate amendment (sec. 311) prohibits the U.S. from participating in an international criminal court with jurisdiction over crimes of an international character.

The House bill contains no comparable provision.

The conference substitute (sec. 1608) includes a definition of the term "participate" in order to clarify that War Crimes Tribunals for specific countries would not be affected by this provision.

Prohibition on assistance to international organizations espousing one world government

The Senate amendment (sec. 312) prohibits the use of funds to pay for the U.S. contribution to any international organization which engages in direct or indirect promotion of the principle or doctrine of one world government or one world citizenship, or for the promotion of the principle of one world government or one world government.

The House bill contains no comparable provision.

The conference substitute (sec. 1503) is identical to the Senate amendment.

International covenant on civil and political rights

The Senate amendment (sec. 314) includes findings and an expression of the sense of the Senate that the Human Rights Committee should revoke its General Comment No. 24.

The House bill contains no comparable provision.

The conference substitute (sec. 1504) is similar to the Senate amendment, and includes a restriction that, effective two years after the date of enactment, no funds authorized to be appropriated by this or any other Act may be obligated or expended to report to the U.N. Human Rights Committee established by the International Covenant on Civil and Political Rights, or to respond to certain inquiries from the Committee. This restriction will cease to apply when the President certifies to the Congress that the Human Rights Committee has revoked its General comment No. 24 and expressly recognized the validity as a matter of international law of the reservations, understanding, and declarations contained in the U.S. instrument of ratification of the Covenant.

The committee of conference agreed to delay the effective date of the restriction for two years in order to afford the Human Rights Committee up to one year to reconsider and revoke its General Comment No. 24. If by the end of this one-year period the Human Rights Committee has not revoked General Comment No. 24 and expressly recognized the validity as a matter of international law of the reservations, understanding, and declarations contained in the U.S. instrument of ratification, the committee of conference expects the United States to provide notice in accordance with Article 56 of the Vienna Convention on the Law of Treaties of its intention to withdraw from the Covenant effective twelve months from the date of such notice. Adherence to this procedure will ensure that the United States remains in compliance with its international legal obligations as understood by the United States while at the same time insisting upon the primacy of the U.S. Constitution.

U.S participation in single commodity international organizations

The Senate amendment (sec. 315) requires the Secretary of State to report within 180 days of enactment on U.S. interests served by participation in single-commodity IO's and to assess the feasibility of privatization of U.S. representation in such organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 1505) is the same as the Senate amendment with the added requirement that the report assess the current and projected costs of continuing U.S. participation in such organizations.

Prohibition on contributions to the International Natural Rubber Organization

The Senate amendment (sec. 316) prohibits U.S. contributions to the International Natural Rubber Organization.

The House bill contains no comparable provision.

The conference substitute is identical to the House provision.

Prohibition on contributions to the International Tropical Timber Organization

The Senate amendment (sec. 317) prohibits U.S. contributions to the International Tropical Timber Organization.

The House bill contains no comparable provision.

The conference substitute is identical to the Senate amendment. This provision has been included in section 1501, terminating U.S. participation in certain international organizations.

Sense of Congress on the U.N. Fourth World Conference on Women in Beijing

The Senate amendment (sec. 319) is a sense of Congress that the U.N. Fourth World Conference on Women should promote a representative American perspective on issues of equality, peace and development and other issues.

The House bill contains no comparable provision.

The conference substitute is identical to the House provision.

Reform in budget decisionmaking procedures of the U.N. and its specialized agencies

The House bill (sec. 2521) extends current law allowing the President to withhold 20% of appropriated funds for the U.N. or any of its specialized agencies if the U.N. or the agency fails to implement consensus-based budget decisionmaking procedures. This is to ensure that the U.S. and other major contributors to U.N. agency budgets have an appropriate influence in the budget decisionmaking processes of international organizations. The President is directed to notify Congress of any decisions to withhold our share of an assessed contribution to the U.N.

The Senate amendment (sec. 204) is virtually identical to the House bill with minor drafting differences.

The conference substitute (sec. 1521) is identical to the House bill.

Limitation on contributions to the U.N. or U.N. affiliated organizations

The House bill (sec. 2522) prohibits U.S. contributions to the U.N. or affiliated organizations that grant full membership to any organization that does not have the internationally recognized attributes of statehood.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Report on UNICEF

The House bill (sec. 2523) requires the Secretary of State to report on aspects of UNICEF's progress in implementing management reforms and ensuring a greater commitment to its traditional mission of child health and welfare. It further directs UNICEF to resist pressure to become involved in activities within the scope of responsibility of other U.N. agencies.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1522) is identical to the House bill.

U.N. budgetary and management reform

The House bill (sec. 2524) requires a 20% withholding of amounts for assessed contributions to the regular U.N. budget, a 50% withholding for assessed contributions to U.N. peacekeeping and no voluntary contributions to U.N. peacekeeping until the President certifies a series of management reforms. Withholding begins in FY 97 and each subsequent year. The House bill also requires further withholdings unless U.N. procurement reforms are implemented. These include the withholding of 10% of the amount of funds available for U.S. assessed contributions for the regular U.N. budget unless the President certifies that there is timely notice of contract awards or opportunities over $100,000. It also requires a similar percentage withholding unless there is a certification of no discrimination against companies challenging contract awards and unless a U.N. contract review process is established.

The Senate amendment (sec. 205) amends the U.N. Participation Act of 1945 directing the President to certify, to Congress that the U.N. has fully achieved the management reforms in the House bill. If the President cannot make such a certification, there are similar withholding provisions as in the House provision.

The conference substitute (sec. 1523) is the same as the Senate amendment except that it includes the withholdings of 3% of U.S. assessed contributions for the regular U.N. budget unless the President makes the U.N. procurement certifications in the House bill relating to U.N. procurement opportunities, punitive actions on certain contractors and procedures for challenging the awarding of U.N. contracts.

Calculations of assessed contributions

The Senate amendment (sec. 203) expresses the sense of Congress that the U.N. General Assembly should reformulate the rates of assessment to reflect each member's share of the total world GNP.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Whistleblower provision

The Senate amendment (sec. 206) requires the President to withhold 10 percent of fiscal year 1996 assessed contributions to the U.N. until the Secretary of State certifies that the U.N. has implemented policies to protect adequately employees who allege fraud or mismanagement.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Annual report on U.S. contributions to U.N. peacekeeping activities

The Senate amendment (sec. 211) requires the President to submit a report of the budget expected for the next fiscal year for all U.N. peacekeeping activities and for U.S. participation in all U.N. peacekeeping activities.

The House bill contains no comparable provision.

The conference substitute (sec. 1525) is the same as the Senate amendment except that the provision requiring a statement of the aggregate amount of funds available to the U.N. for the upcoming fiscal year is deleted.

Prior congressional notification of security council votes on U.N. peacekeeping activities

The Senate amendment (sec. 212) requires the President to notify Congress 5 days before casting a vote in the Security Council authorizing a U.N. peacekeeping operation that would involve the use of U.S. forces or funds. The President may waive this requirement if he determines that an emergency exists. In this case, he must provide notification to Congress within 48 hours after the adoption of any such authorization.

The House bill contains no comparable provision.

The conference substitute (sec. 1526) is the same as the Senate amendment except that the notification requirement is deleted in regard to the expenditure of U.S. funds.

Codification of required notice to Congress of proposed U.N. peacekeeping activities

The Senate amendment (sec. 213) requires the President to report monthly in writing on U.S. assistance for United Nations peacekeeping operations with regard to facilities, training, transportation, communication and logistical support to certain Congressional committees.

The House bill contains no comparable provision.

The conference substitute (sec. 1527) is identical to the Senate amendment.

Limitation on assessment percentage for peacekeeping activities

The Senate amendment (sec. 214) amends the U.N. Participation Act of 1945 to urge the U.N. Permanent Representative to work for a review of U.N. peacekeeping assessments. As part of this effort, the U.S. Ambassador should seek to employ the concept that a greater proportionate share of the burden of a peacekeeping operations should fall on the host government and other nearby states. It also limits the use of appropriated funds for peacekeeping to no more than 25% of the total assessed cost of an operation, regardless of any penalties or interest charges the U.N. may levy on the U.S. One intent of this provision is to discourage the U.N. from any attempt to charge member states, including the U.S., a late charge or fee for past-due assessments, as some have recommended.

The House bill contains no comparable provision.

The conference substitute (sec. 1524) is identical to the Senate amendment.

Buy America requirement

The Senate amendment (sec. 215) conditions U.S. payments for U.N. peacekeeping on fair treatment of U.S. companies in U.N. procurement activities.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Restrictions on intelligence sharing with the United Nations

The Senate amendment (sec. 216) requires that before sharing U.S. intelligence information with the U.N., the President must certify that security procedures have been implemented at the U.N. to protect unauthorized disclosure of U.S. intelligence sources or methods. The Senate amendment specifies that the requirement may be waived upon written certification by the President that providing such information is in our national interest. It also provides for special reports regarding unauthorized disclosure of intelligence to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives. It finally provides for semi-annual reports to the same committees on the types and volumes of intelligence provided to the U.N.

The House bill contains no comparable provision.

The conference substitute (sec. 1528) is the same as the Senate amendment except that no intelligence may be provided to the U.N. unless the President certifies that the U.N. has implemented procedures no less stringent than procedures maintained by nation with which the U.S. regularly shares similar types of information. Periodic and special reports shall be provided as well except that the periodic report shall be no less frequently than quarterly and it shall be submitted to the Select Committee and the Permanent Select Committee with an annex containing a counter-intelligence and security assessment of the risks providing intelligence to the U.N.

UNPROFOR funding restrictions

The Senate amendment (sec. 217) states that none of the funds authorized by this act may be made available for contributions to the U.N. Protection Force unless the President certifies and reports to the Congress during the calendar years in which the funds are to be provided.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Escalating costs for international peacekeeping

The Senate amendment (sec. 218) is a sense of Congress that the Executive branch should stop obligating funds for peacekeeping operations in excess of authorized and appropriated funds.

The House bill contains no comparable provision.

The conference substitute (sec. 1707) retains the sense of Congress provision.

(a) Findings.—The Congress finds that—

(1) in fiscal year 1989 the United States provided $29,000,000 to the United Nations for assessed United States contributions for international peacekeeping activities, compared to $485,000,000 paid for combined assessed contributions for all other international organizations, including the United Nations, all United Nations specialized agencies and the Organization for American States and all other pan American international organizations;

(2) in fiscal year 1994 United States assessed contributions to the United Nations for international peacekeeping activities had grown to $1,072,000,000, compared to $860,000,000 for combined assessed contributions for all other international organizations;

(3) for fiscal year 1995 the President requested a $672,000,000 United Nations peacekeeping supplemental appropriation which, if approved, would have been a direct increase in the Federal budget deficit and would have brought fiscal year 1995 total appropriations for assessed contributions for United Nations peacekeeping activities to $1,025,000,000;

(4) for fiscal year 1995 the President also requested supplemental appropriations of $1,900,000,000 to cover the Department of Defense's unbudgeted costs for humanitarian and peacekeeping missions in Haiti, Kuwait and Bosnia, which are in addition to regular United States assessed contributions to the United Nations for peacekeeping activities; and

(5) for fiscal year 1996 the President requested $445,000,000 for assessed contributions to the United Nations for international peacekeeping activities, a funding level most observers believe to be a significant understatement of actual peacekeeping obligations the Administration has committed the United States to support and which, if accurate, would lead to the third year in a row in which the Administration requests supplemental appropriations for assessed contributions to international peacekeeping in excess of $600,000,000 outside of the regular budget process.

Peacekeeping definition

The Senate amendment (sec. 219) amends the U.N. Participation Act of 1945 by adding a definition of peacekeeping activities.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Taiwan Relations Act

The House bill (sec. 2601) amends the Taiwan Relations Act to add a new subsection (d) to section 3 of the Act. This new subsection reasserts the primacy of sections 3(a) and 3(b) of the Taiwan Relations Act with regard to U.S. arms sales to Taiwan. Sections 3(a) and 3(b) provide in pertinent part that "the U.S. will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "[t]he President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan."

The Senate amendment (sec. 605) is virtually identical.

The conference substitute (sec. 1601) amends the Taiwan Relations Act to add a new subsection (d) to section 3 of the Act. This new subsection reasserts the primacy of sections 3(a) and 3(b) of the Taiwan Relations Act with regard to United States arms sales to Taiwan. Sections 3(a) and 3(b) provide in pertinent part that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "[t]he President and the Congress shall determine the nature of quantity of such defense articles and services based solely upon their judgement of the needs of Taiwan."

Subsequent to the enactment of the Taiwan Relations Act, and without the approval of the Congress, the Executive branch issued a "Joint Communique of the United States and China" on August 17, 1982, which purported to commit the United States "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final solution." Insofar as this policy statement is inconsistent with sections 3(a) and 3(b) of the Act, it is contrary to law and cannot be the policy of the United States. The new section 3(d) of the Act is intended to underscore this fact.

The new section 3(d) of the Act does not change United States law; it reaffirms it. It merely states that the Taiwan Relations Act, a law passed by the Congress, has primacy over a policy statement issued by the Executive branch. Any policy statement which, contrary to sections 3(a) and 3(b) of the Act, does not take into account Taiwan's defense needs or the role of the Congress and the President in determining such needs is invalid as a matter of law.

Reports to Congress on aspects of implementation of the General Framework Agreement

The House bill (sec. 2602) is a sense of Congress that the President should bring to justice persons responsible for genocide, war crimes, and other serious violations of international human rights law committed in the territory of the former Yugoslavia since 1991.

The Senate amendment contains no comparable amendment.

The conference substitute (sec. 1611) merges two House provisions, sec. 2602 Bosnia Genocide Act and sec. 2702 Territorial Integrity of Bosnia and Herzegovina. This revised section provides for periodic reports from the President on the military aspects of implementation of the Dayton Agreement, including the conduct of United States Armed Forces deployed in Bosnia-Herzegovina as part of Operation Joint Endeavor and the costs associated with their participation as well as plan for the timely withdrawal of U.S. military personnel. In addition, the President would report on progress in implementing civilian aspects of the Agreement including: preparations for elections to be supervised by the Organization for Security and Cooperation in Europe (OSCE); steps taken to uphold the right of refugees and displaced persons to return home safely and regain lost property, or to obtain just compensation (or, where return would be unsafe and/or unjust, to be resettled elsewhere); progress in international humanitarian and reconstruction efforts; and cooperation with the ongoing work of the International Tribunal for the Former Yugoslavia to investigate and prosecute war criminals, as well as efforts of the OSCE and other international and non-governmental organizations to protect and promote human rights. In addition, the section would require regular reporting on efforts by the United States and others to address the plight of the ethnic Albanian majority in Kosova and steps to establish a USIA office in Pristina.

USIA Office in Pristina: Kosovo's ethnic Albanian majority has been, and continues to be, the subject of brutal repression involving harassment, detention, and intimidation including beatings by police. Nearly half of the region's Albanian work-force was summarily fired in 1990 and replaced by Serbian workers. Albanian cultural identity remains under siege. The suppression of free media continues. Kosovar Albanians have felt increasingly isolated, particularly since OSCE observers were expelled from the region in 1993. A USIA office in Pristina will help to ease the current dire situation by disseminating information about the United States; promoting discussions on human rights, democracy, rule of law, and conflict resolution; facilitating U.S. private sector involvement in educational and cultural activities in Kosova; and advising the U.S. Government with respect to public opinion in Kosova. Opening an office in Pristina will send a strong signal to the Albanian population of Kosova that they have not been forgotten. The conferees have been informed that plans for such an office are underway. The reporting requirement is designed to ensure that they are implemented as soon as possible.

Territorial Integrity. The Dayton Peace Agreement on Bosnia-Herzegovina commits the signatories to "conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe" (OSCE), including the principle of territorial integrity. The House-passed bill, which was adopted prior to the Dayton accords, included specific language on territorial integrity in recognition of the centrality of this principle to the conflict in Bosnia and the implications of its violation in the former Yugoslavia and beyond. For nearly four years the people of Bosnia-Herzegovina fought, at significant disadvantage, to preserve their country in the face of armed aggression and genocide. The widespread illegal use of armed force in Bosnia-Herzegovina, including the targeting of unarmed civilian populations, has had devastating consequences for the people of that country. Against that backdrop, any moves to recognize the incorporation of any of the territory of Bosnia-Herzegovina into the territory of any neighboring state or the creation of any new state or states within the borders of Bosnia-Herzegovina would violate the principle of territorial integrity as reflected in the Charter and the Final Act. The conferees note the importance attached to this fundamental principle in Article 1 of the Dayton Agreement and will closely monitor implementation of this provision by all parties to the accord.

Expansion of the Commission for Security and Cooperation in Europe

The House bill (sec. 2603) expands the CSCE by 8 commissioners, 4 from the House and 4 from the Senate.

The Senate amendment contains no comparable amendment.

The conference substitute is identical to the Senate amendment.

Repeal of the executive branch membership in the Commission for Security and Cooperation in Europe

The Senate amendment (sec. 602) repeals the membership of the three executive branch representatives from the CSCE.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Repeal of termination of provisions of the Nuclear Proliferation Prevention Act of 1994

The House bill (sec. 2604) repeals a sunset provision in P.L. 103-236 thereby making permanent law the Nuclear Proliferation Prevention Act. The NPPA establishes a wide ranging nuclear non-proliferation sanctions regime similar to the Chemical and Biological Weapons and Missile Technology Control Regime sanctions laws.

The Senate amendment contains no comparable amendment.

The conference substitute (sec. 1613) is identical to the House with the addition of the repeal of the judicial review provisions contained in the original provision. This change reflects the concerns of the Administration.

Annual assessment

The House bill (sec. 2605) requires the Secretary of State to provide annually an assessment of the impact of foreign policy on the ability of U.S. entities to compete in foreign markets.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Verification of Missile Technology Control Regime

The House bill (sec. 2606) requires the Director of the Arms Control and Disarmament Agency to transmit a report on the capability of the U.S. to verify the Missile Technology Control Regime.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1612) is identical to the House bill.

Bosnia and Herzegovnia Self-Defense Fund

The House bill (sec. 2607) provided for terminating the U.S. arms embargo against the government of Bosnia and Herzegovnia.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 2610) substantially revises this provision. Sec. 2610 (a) of the Conference Report provides the President with the authority to enter an agreement with other eligible countries to establish a fund to assist in the self defense of Bosnia and Herzegovina. The fund may be known as the "Multilateral Bosnia and Herzegovina Self Defense Fund." The United States contribution to this fund will be pursuant to the defense articles and services provided for in section 540 of the Foreign Operations and, Export Financing and Related Programs Appropriations Act, 1996 (Public Law 104-107). In order to maximize the amount of equipment provided under this authority, it is the intention of the Conference Committee that, as the Administration utilizes the referenced authority for the Government of Bosnia and Herzegovina, the price of transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.

The Conference Committee notes that credible reports indicate that Iranian nationals remain in Bosnia and Herzegovina in violation of the Dayton General Framework Agreement to end the war in the former Yugoslavia. The Committee encourages the Administration to use its continued efforts to arm and train the forces of the Federation of Bosnia and Herzegovina as leverage to ensure full compliance with the expulsion of all disallowed Iranian nationals. The Committee further notes that the Government of Bosnia and Herzegovina should curtail all military and intelligence relations with the Government of Iran.

Section 2610(b) identifies the purpose of the Fund as a means to coordinate the procurement of military equipment and training for transfer to the Government of Bosnia and Herzegovina for the exercise of its right to self-defense under Article 51 of the United Nations Charter and to enable the Government of Bosnia and Herzegovina to protect its population and territory.

Section 2610(c) requires United States leadership of the Fund. This provision is consistent with the text of a December 12, 1995 letter from President Clinton to the Honorable Robert Dole, Republican Leader of the Senate, in which the President wrote: ". . . the United States will take a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves. This subsection directs the Fund to provide procedures for administering donations of military equipment and training, and requires written assurance from the Government of Bosnia and Herzegovina that such donations will not be used to take reprisals against civilians.

Section 2610(d) requires the President to prepare and transmit to Congress a detailed report on the Administration's plan to assist the Federation of Bosnia and Herzegovina to provide for its own defense.

Section 2610(e) provides definitions for relevant terms in this section.

Section 2610(f) states unambiguously that nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Annex 1 of the Dayton General Framework Agreement to end the war in the former Yugoslavia addresses the military aspects of the peace settlement, including the establishment of a NATO-led multinational force called the Implementation Force (IFOR). This annex also continues the cessation of hostilities agreement (as previously agreed by the warring parties on October 5, 1995), details a process for the separation of belligerent forces within 30 days of signing, establishes a process for notification by the parties of the type and location of military equipment within their control, and outlines the mission of the IFOR.

Annex 1 includes a second part establishing confidence building measures between the parties and laying out a process to create a military balance through arms reductions. In the event that negotiations do not achieve arms reductions, the agreement establishes a process to create military parity based on a maximum ratio of heavy weaponry (as defined in the agreement) of 5:2:2 for Serbia, Croatia and Bosnia respectively (the Bosnian ratio is to be split 2:1 between the Federation and Republic of Srpska, respectively). The baseline for creating this ration would be the total amount of heavy weapons held by Serbia after a mandatory twenty-five percent reduction.

The Conference Committee views the arms reduction provisions of the Agreement to be a positive feature. The Committee is concerned, however, that the Agreement contains little detail on how the arms reductions would be implemented, nor is there any mention in the Agreement of a plan for arming or training the Bosnian government forces should that be determined as a preferable option. Regardless of whether arms control measures are implemented successfully in the former Yugoslavia, the Conference Committee considers the creation of a military balance between the Federation of Bosnia and Herzegovina and its potential adversaries through the provision of military assistance to the Federation as a fundamental step in creating the conditions for the successful withdrawal of United States forces, serving as part of the Implementation Force (IFOR) in Bosnia and Herzegovina.

The United Nations arms embargo imposed upon the former Yugoslavia in September 1991, and extended without action in the United Nations Security Council to the sovereign nation of Bosnia and Herzegovina in April 1992, served to enforce an imbalance in forces between the Government of Bosnia and Herzegovina and its adversaries in the former Yugoslavia. This imbalance led to disproportionate losses of civilians and soldiers in Bosnia, and prevented the Government of Bosnia and Herzegovina from exercising its fundamental right of self-defense as provided for in Article 51 of the United Nations Charter.

It is the view of the Conference Committee that the improved military capabilities of the Bosnian government forces was a factor in creating a measure of military stability—and an environment for negotiations—which led to signing of the Dayton Agreement. The improvement in the military capabilities of the Bosnian government forces is, however, still insufficient to effectively deter further aggression. By creating a real military balance in the region it is the view of the Committee that the environment in which negotiations took place can be further enhanced to become an environment in which a stable peace can occur between the warring parties in the former Yugoslavia. The Conference Committee is particularly emphatic in its support of this initiative because the creation of such an environment is also a critical element of the Clinton Administration's pledge to remove United States forces from Bosnia and Herzegovina by the end of 1996.

United States-North Korea Agreed Framework

The House bill (sec. 2641) summarizes the findings of Congress regarding the salient features of the Agreed Framework and its inadequacies in regard to specific Congressional concerns.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1607) merges House bill sections 2641, 2642, 2643, 2644, and 2645 into one provision. The conference substitute expresses the sense of Congress regarding the minimum conditions for participation in the Agreed Framework, and lays out conditions under which additional progress may occur in U.S.-North Korean bilateral relations. Areas where progress is expected before upgrading bilateral relations include: 1) dialogue in North-South dialogue; 2) progress implementation of the North-South Joint declaration on Denuclearization of the Korean Peninsula; 3) reduction in the number of North Korean military forces along the Demilitarized Zone; and, 4) prohibiting deployment of North Korean ballistic missiles and weapons of mass destruction. At the Senate's request, a fifth and sixth category of expected progress on the part of the North Koreans. These included cooperation on the recovery of remains of American MIAs, and confirmation that North Korea has ceased its support of international terrorism.

The conference substitute seeks to ensure that any assistance provided to North Korea or the Koran Peninsula Energy Development Organization (KEDO), regardless of the agency or account from which they are derived will be provided in accordance with the reprogramming notification procedures contained in section 634A of the Foreign Assistance Act.

U.S. policy concerning the dictatorship in Burma

The House bill, (sec. 2651) is a sense of Congress that the U.N. Security Council should impose an international arms embargo on Burma, affirm human rights, and reduce U.N. organizations' presence in Burma, except to the UNDCP.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. policy with respect to the involuntary return of persons subjected to torture

The House bill (secs. 2661, 2662) prohibits the use of funds for the involuntary return of any person to a place in which he/she is in serious danger of torture. A definition of torture is included.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1256) prohibits the use of funds authorized by this

Act, or funds authorized for emergency refugee and migration assistance, to be used for the involuntary return of any person to a country in which he or she is in serious danger of being subjected to torture. The provision will partly implement the international obligations of the United States under the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.

Inter American organizations

The House bill (sec. 2701) states that the Secretary of State should take into account the long-term commitment of the U.S. to the affairs of the Western Hemisphere insetting funding levels for Inter-American organizations.

The Senate amendment (sec. 304) is virtually identical.

The conference substitute (sec. 1706) specifies that the Secretary of State should make every effort to pay the full U.S. assessment for two Inter-American organizations, the Organization of American States and the Pan American Health Organization.

Territorial integrity of Bosnia and Herzegovina

The House bill (sec. 2702) expresses the sense of Congress that the U.S. should refuse to recognize the incorporation of any of the territory of Bosnia-Herzegovina into the territory of a neighboring state.

The Senate amendment contains no comparable provision.

The conference substitute refers to sec. 1611.

The Laogai system of political prisons

The House bill (sec. 2703) expresses a sense of Congress that the President should condemn the continued existence of the Laogai and calls upon the Government of China to dismantle it.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1701) expresses the sense of Congress as contained in the House bill.

(a) FINDINGS—The committee of conference makes the following findings:

(1) The Chinese gulag, known as the Laogai, was created as a primary means of political repression and control when the Communists assumed power in China in 1949.

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

(3) The Laogai continues to be used to incarcerate unknown numbers of ordinary citizens for political reasons, including workers, students, intellectuals, religious believers, and Tibetans.

(4) So-called "thought reform" is a standard practice of Laogai officials, and reports of torture are routinely received by human rights organizations from Laogai prisoners and survivors.

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

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

(7) The Chinese Government continues to maintain, as part of its official propaganda and in defiance of significant evidence to the contrary gathered by many human rights organizations, that the Laogai is a prison system like any other in the world.

(8) Testimony delivered before the Subcommittee on International Operations and Human Rights of the Committee on International Relations of the House of Representatives has documented human rights abuses in the Laogai which continue to this day.

(9) The American people have repeatedly expressed their abhorrence of forced labor camps for persons convicted of political crimes, whether they be operated by the Nazis, Soviet Communists, or any other political ideology.

Use of funds to further normalize relations with Vietnam

The House bill (sec. 2704) expresses a sense of Congress that funds should not be obligated to further normalize relations with Vietnam until the government of Vietnam holds free elections, respects human rights and accounts for remaining POW/MIA cases.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1214) provides that none of the funds authorized to be appropriated under this Act may be obligated or expended for costs incurred for opening or operating any U.S. diplomatic or consular post in Vietnam that was not operating on July 11, 1995, for expanding any U.S. diplomatic or consular post in Vietnam that was not operating on July 11, 1995, or increasing the total number of personnel assigned to the U.S. diplomatic or consular posts in Vietnam above the levels existing on July 11, 1995 unless 60 days prior to the obligation of funds, the President certifies to Congress that based upon all information available to the U.S. government that the Government of Vietnam is fully cooperating in four areas of POW/MIA investigations and research. This substitute is consistent with the provision contained in the Commerce, Justice, State and Related Agencies Appropriations bill for Fiscal Year 1996.

Declaration of Congress regarding U.S. Government human rights policy toward China

The House bill (sec. 2705) expresses a sense of Congress that the People's Republic of China continues to violate human rights, and requires within 90 days, reports on the President's successes with his China human rights policy and the status of coercive population control programs and on prison labor conditions.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1702) is similar to the House bill with modifications to update the provision.

Concerning the U.N. Voluntary Fund for Victims of Torture

The House bill (sec. 2706) expresses a sense of Congress that the Voluntary Fund should develop and support treatment centers for torture victims and that the U.S. should support the work of the Special Rapporteur on Torture and the Convention Against Torture.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The committee of conference suggest that the President acting through the U.S. Permanent Representative to the U.N., should request the U.N. Voluntary Fund for Victims of Torture to find new ways to support and protect treatment centers that are carrying out rehabilitative services for victims of torture.

Recommendations of the President for reform of the War Powers Resolution

The House bill (sec. 2707) expresses a sense of Congress that the President should transmit to Congress recommendations for reform of the War Powers Resolution.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conflict in Kashmir

The House bill (sec. 2708) expresses a sense of Congress that the U.S. should reiterate the need for parties to the conflict in Kashmir to enter into negotiations.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

U.S. relations with the former Yugoslav Republic of Macedonia

The House bill (sec. 2709) expresses a sense of Congress that the Former Yugoslav Republic of Macedonia should be eligible for all U.S. foreign assistance programs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1703) is identical to the House bill.

Displaced persons

The House bill (sec. 2711) expresses a sense of Congress that $20 million of U.N. Development Program funds should be used for programs for displaced person within their own countries of nationality, in cooperation with the International Organization for Migration, the International Committee for the Red Cross, and other non-governmental organizations.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1704) is the same as the House bill with a technical modification.

Policy toward Iran

The House bill (sec. 2712) expresses a series of findings and Congressional declarations regarding U.S. policy toward Iran.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Conflict in Chechnya

The House bill (sec. 2713) expresses a series of findings and Congressional declarations urging the President to repeat the call to end the war in Chechnya.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment. The Committee of Conference still considers this provision to be important.

(a) FINDINGS—The committee of conference finds the following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they are engaging in what even the most optimistic Russian military officers predict will be a drawn-out guerrilla war.

(2) The cost of the Chechen battle is estimated to cost the Government of Russia at least $2,000,000,000 and could exacerbate the budget deficit of the Government of Russia.

(3) The United States has approved over $2,400,000,000 in loan guarantees through the Export-Import Bank of the United States and the Overseas Private Investment Corporation.

(4) The United States has provided Russia with significant direct assistance to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons.

(b) DECLARATION OF POLICY—The committee of conference declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress could be imperiled by Russia's continued war in Chechnya.

(2) The inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) In further contacts with President Yeltsin, it is imperative that President Clinton repeat his call for an immediate end to the war in Chechnya.

U.S. Delegation to the Fourth World Conference on Women in Beijing

The House bill (sec. 2714) expresses a sense of Congress that the U.S. delegation to the Fourth World Conference on Women, should include a Tibetan representative.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Female genital mutilation

The House bill (sec. 2715) expresses a sense of Congress that the President should seek to end the practice of female genital mutilation worldwide through the active cooperation and participation of governments in countries where female genital mutilation takes place.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Sense of Congress regarding Syrian occupation of Lebanon

The House bill (sec. 2716) expresses a sense of Congress that the Government of Syria should comply with the Taif Agreement and withdraw all of its troops from Lebanon and the Secretary of State should report to Congress on the actions the U.S. has taken to encourage withdrawal of all Syrian troops from Lebanon.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the Senate amendment.

Statutory construction

The Senate amendment (sec. 502) clarifies that the Arms Control and Disarmament Agency cannot authorize policies which would interfere with the acquisition, possession or use of firearms by an individual for the purpose of personal defense, sport, education or training.

The House bill contains no comparable provision.

The conference substitute (sec. 1605) is identical to the Senate amendment.

Payments of Iraq claims

The Senate amendment (sec. 603) requires the Secretary of the Treasury to approve all applications for licenses that meet the criteria of section 575.510 of title 31, Code of Federal Regulations, even though such applications may have failed to meet the requirement that the letter of credit be issued or confirmed by a U.S. bank or that the letter of credit reimbursement be confirmed by a U.S. bank. Licenses pursuant to this section shall be issued within 30 days of the date of enactment of this Act.

The House bill contains no comparable provision.

The conference substitute (sec. 1614) vests in the President all blocked non-diplomatic accounts or assets of the Government of Iraq and would direct the President to liquidate such accounts not later than 30 days after enactment.

Upon the vesting of these accounts, the Secretary of the Treasury is directed to establish in the Treasury an Iraq Claims Fund for payment of private claims or U.S. Government claims. The Foreign Claims Settlement Commission of the United States is authorized to determine the validity and amounts of private claims and certify to the Treasury the awards made in favor of each private claim.

Not later than two years after the date of enactment, the Secretary shall make payment out of the Fund on certified private claims according to the proportions which the total amount of certified private claims bear to the total amount in the Fund that is available for distribution at the time payments are made. After payments have been made in full on private claims out of the Fund, any funds remaining can be made to satisfy U.S. Government claims against the Government of Iraq.

The President is directed to determine the validity of government claims which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission. To the extent that there are enough funds available to satisfy these claims, the President is authorized and requested to enter into a settlement with the Government of Iraq providing payment for these claims.

The conference substitute embraces the pre-existing procedures of the Foreign Claims Settlement Commission to ensure uniformity of process with previous claim adjudications such as Iran and Vietnam.

Paying private claims first out of blocked Iraqi assets recognizes that many U.S. companies cannot wait over six years to receive the proceeds from their legitimate commercial transactions. When the President freezes assets of hostile foreign countries, U.S. exporters and businesses should not be forced to shoulder a disproportionate burden of the costs.

Private American claimants cannot readily negotiate with the Government of Iraq for satisfaction of their claims. This legislation does nothing to prohibit the United States Government from fully collecting on the American taxpayer claims through continued negotiations with the Government of Iraq or with the United Nations Compensation Commission.

Reports regarding Hong Kong

The Senate Amendment (sec. 604) amends the Hong Kong Policy Act of 1992 (22 U.S.C. 5731) to extend the requirement in the Hong Kong Policy Act for the Secretary of State to transmit a report on conditions in Hong Kong of interest to the U.S. by March 31, 1995 and every year thereafter.

The provision requires this report to detail information on the status of and other developments affecting: implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including the Basic Law and its consistency with the Joint Declaration; the openness and fairness of the election of the chief executive and the executive's accountability to the legislature; the treatment of political parties; the independence of the judiciary and its ability to exercise the power of final judgement over Hong Kong law; and the Bill of Rights.

The House bill contains no comparable amendment.

Taipei Representative Office

The Senate amendment (sec. 606) redesignates the Taipei Economic and Cultural Representative Office as the "Taipei Representative Office".

The House bill contains no comparable provision.

The conference substitute (sec. 1603) permits the Taipei Economic and Cultural Representative Office to operate under the name of the "Taipei Representative Office".

Prohibition on the use of funds to facilitate Iraqi refugee admissions into the United States

The Senate amendment (sec. 609) prohibits funding for admission into the U.S. of Iraqi refugees currently residing in Turkey and Saudi Arabia.

The House bill contains no comparable provision.

The conference substitute (sec. 1254) requires a report on various aspects of the Iraqi refugee resettlement program. The main purpose of the report is to ensure that the resettlement of Iraqi refugees from Turkey or Saudi Arabia to the United States comports with all applicable immigration and refugee laws and policies.

Special envoy for Nagorno-Karabakh

The Senate amendment (sec. 610) expresses a sense of Congress that the President should appoint a special envoy to settle the conflict in Nagorno-Karabakh.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Efforts against emerging infectious diseases

The Senate amendment (sec. 612) directs the President to develop strategies to combat emerging infectious diseases. It requires the submission to Congress of a strategic plan, in cooperation with the international public health infrastructure, to identify and respond to the threat of emerging infectious diseases which pose a danger to the health of the people of the U.S.

The House bill contains no comparable provision.

The conference substitute (sec. 1604) is identical to the Senate amendment except the reporting date is changed to six months after enactment.

Report on firms engaged in export of dual-use items

The Senate amendment (sec. 613) requires the Secretary of State to issue a report every 180 days until 1998 discussing measures taken to prevent future lapses in the screening process and to coordinate government agencies involved in exports.

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Middle East Peace Facilitation Act

The Senate amendment (sec. 615)

The House bill contains no comparable provision.

The conference substitute is identical to the House bill.

Housing Guarantee Program

The House bill (sec. 3251 & 3252) provides close-down funding for the Housing Investment Guarantee Program in accordance with GAO's recommendation. Loan losses and management problems have plagued this program. Sec. 3252, prohibits the issuance of any new guarantees under the HIG program after the date of enactment of this bill. Existing guarantees which have not been applied to loans are cancelled upon enactment of the bill.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1111) includes the two above-referenced House provisions that would terminate the AID Housing Guarantee Program and impose new penalties to forestall defaults on existing guarantees and increase collection on bad loans. Under these sections, no new guarantees would be issued. Existing guarantees which have not been used would be cancelled, except in South Africa. Borrowers which fall into arrears on a guaranteed loan will have AID assistance suspended until the borrower becomes current on the guaranteed loan, whereupon assistance is restored.

These provisions address the findings by the General Accounting Office that the U.S. has paid $542 million to cover the failure of 23 foreign governments to make payments on guaranteed loans and that another $600 million will have to be paid out to cover future defaults on the existing $2.7 billion in outstanding guarantees. That is a total projected loss of $1 billion, or 40 percent. Further, the GAO found that of the $542 million in claims paid, the U.S. government has failed to recover $409 million from the borrowers who failed to make payments on guaranteed loans.

Deobligation of certain AID funds

The House bill (sec. 3286) requires the deobligation of certain categories of economic assistance funds which have remained unexpended for more than three years after being appropriated. Deobligated funds are returned to the Treasury.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1616) is identical to the House provision which would de-obligate certain AID funds left over from prior years which have remained unspent. Under the provision, AID funds remaining unspent after 3 fiscal years would be de-obligated and returned to the Treasury. Exceptions are incorporated for funds devoted to long-term construction projects and projects delayed due to unforeseen circumstances.

This provision addresses a long-standing recommendation by the General Accounting Office that the AID "pipeline" be curtailed. In 1991 when GAO first made its recommendation, AID had $8.8 billion in funds left over from prior years. At the end of FY 1995, 5 years later, the amount was $8.5 billion, of which approximately $1 billion dated back more than 3 years. GAO found that although AID has authority to re-program funds when priorities change, AID has made very little use of this administrative flexibility. GAO further found that leaving AID funds unspent for many years leads to waste.

Limitation on assistance to countries that restrict the transport or delivery of United States humanitarian assistance

The House bill (sec. 3418) prohibits assistance to any country that impedes or prohibits the transport or delivery of U.S. humanitarian assistance. The ban on U.S. aid to countries impeding delivery of U.S. humanitarian aid to third countries would be waived if the President issued Congress a waiver stating the continued aid would be in the U.S. national security interest.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1617) is identical to the House bill.

Industrial park for Gaza or the West Bank

The conference substitute (sec. 1710) requires the President to report to the Appropriate Congressional Committees not later than 180 days after enactment of this bill detailing all actions taken by the U.S. government to establish an industrial park in Gaza or the West Bank and identifying all U.S. government funds intended for the development of such an industrial park.

The Congress finds that (1) extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories; (2) these terrorists acts have exacerbated existing problems in Gaza is now experiencing staggering unemployment nearing fifty percent, increasing chaos and a downward spiral of dashed hopes and deepening poverty; (3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and (4) the development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

International Fund for Ireland

The House bill (sec. 3204) provided a funding cap from Economic Support Funds of $29.6 million in FY 1996 and $19.6 million in FY 1997 for the U.S. contribution to the International Fund for Ireland (IFI). The amounts made available are authorized to remain available until expended.

The House section also amended the Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) to require that U.S. contributions "shall" be used in a manner that effectively increases employment opportunities in communities with rates of unemployment "significantly" higher that the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh).

Under this section funding could be provided by the IFI only if individuals or entities receiving such funds are in compliance with the "principles of economic justice." The principles of economic justice are defined as the "MacBride Principles" as modified, include:

(1) Increasing the representation of individuals, from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs,

(2) Providing adequate security for the protection of minority employees at the workplace,

(3) Banning provocative sectarian or political emblems from the workplace,

(4) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups,

(5) Providing that layoff, recall and termination procedures do not favor a particular religious group,

(6) Abolishing job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion,

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees,

(8) Establishing procedures to assess, identify and actively recruit minority employees with the potential for further advancement, and

(9) Proving for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described above.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1615) reduces the funding cap from $29.6 million to $19.6 million for fiscal year 1996. The committee of conference also inserted "should" for "shall" in the Anglo-Irish Agreement Act amendment to provide the Administration with more discretion in implementing this section. The term significantly was determined to be redundant and was deleted from the referenced areas of high unemployment.

The section also includes the principles of economic justice to insure that these principles should be applied by those individuals or entities who receive any portion of the U.S. contribution to the International Fund for Ireland.

In addition a new provision was added to insure nothing shall require quotas or reverse discrimination, which is consistent with the intent and purpose of the MacBride principles.

Republic of China Taiwan participation in GATT and WTO

The committee of conference (sec. 1709) agreed to this provision (sec. 2709) expressing a sense of Congress on The Republic of Taiwan's membership in the General Agreement on Tariffs and Trade and the World Trade Organization.

BENJAMIN A. GILMAN,
BILL GOODLING,
HENRY J. HYDE,
TOBY ROTH,
DOUG BEREUTER,
CHRISTOPHER H. SMITH,
DAN BURTON,
ILEANA ROS-LEHTINEN,
Managers on the Part of the House.

JESSE HELMS,
OLYMPIA SNOWE,
HANK BROWN,
PAUL COVERDELL,
JOHN ASHCROFT,
Managers on the Part of the Senate.

PEACE AND SECURITY IN TAIWAN MUST BE MAINTAINED

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, the absence of effective American leadership in East Asia is a major contributing factor to the current heightened crisis in the Taiwan Strait. For the past 25 years our relationship with the Communist People's Republic of China has been contingent upon a peaceful resolution of the Taiwan issue. Before the United States Congress enacted the Taiwan Relations Act, the executive branch of all administrations, from Nixon to the present, committed to the peaceful resolution on the future of Taiwan.

The current crisis in the Taiwan Straits seriously jeopardizes this understanding and the condition of the diplomatic relations between the United States and the People's Republic of China. We must send an unambiguous message to Beijing that the

United States will not stand by idly while the future of Taiwan is threatened. To this end the United States must stand ready to defend Taiwan against any resort of force or other forms of coercion that would jeopardize Taiwan's security.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

COMMENDING PRESIDENT CLINTON FOR SUSPENDING USE OF RACE- AND GENDER-BASED SET-ASIDES IN AWARDING OF FEDERAL CONTRACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, I commend President Clinton for suspending the use of race- and gender-based set-asides for the awarding of Federal contracts. These preferences are the most onerous aspect of affirmative action.

Last year I fought hard with an amendment to the defense appropriations bill to accomplish this same objective. However, that was not possible.

In October, President Clinton reviewed and quietly ended that practice for defense contracts. But today's broader executive branch decision marks the true beginning of the end for race- and gender-based set-asides.

Mr. Speaker, like all Americans, I want my children, Azia, Jessica, and Gary, Jr., to have an equal opportunity to succeed in this great country of ours. I want to them to know that, when selected, they are not just the best black person for the job, but that they are the best person for the job.

It has to be the goal of this Nation to have more blacks, Hispanics, Asians, and women of all hues on the playing field of economic opportunity and growth. We want to see more bids on Government contracts for minorities and women, not fewer than the handful received today. That will truly enhance the likelihood of more Government contracts going to minorities and women.

Mr. Speaker, outreach programs are essential. The are critical. Cabinet members and other high-level Federal officials must be held accountable for their outreach efforts. Once again, the Government should seek as many bids for minorities and women as possible, but once the bids are opened in the small business category, low bids should prevail regardless of one's gender or one's race.

I thank the President for his actions.

MEMBERS OF CONGRESS DO NOT HAVE TO SPEND TAXPAYER DOLLARS JUST BECAUSE THEY HAVE A TAXPAYER-FUNDED EXPENSE ALLOWANCE

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Alabama [Mr. BROWDER] is recognized for 5 minutes.

Mr. BROWDER. Mr. Speaker, today is, for me, personally, one of my finest moments on the floor of Congress since my 1989 special election.

Today, I become the founder, president, and only member of my self-declared "Million Dollar Turnback Club."

Just yesterday, I received notice from the Committee on House Oversight that the unspent balance from my representational allowance for 1995 is $198,990.30.

These 1995 savings, or unspent allowance, bring my total turnback to $1.2 million since I entered Congress in 1989.

As many people know, congressional offices are allowed approximately $838,000 a year for office expenses, staff, and postage. The amount when I first came to Congress was about $500,000. So, my total turnback amount means that I saved, or did not spend, about a quarter out of every dollar that I could have spent during that time.

When I first came to Congress, the political consultants told me to spend every dime of my representational allowance—send out mass mailings, hire all the staff you can, anything to boost your name identification and get you reelected. But, I did not want to do it that way.

I have always remembered that the money we use is taxpayers' money and they expect us to use it wisely and frugally. I made it a practice to watch my office expenses and provide the best service possible at the lowest cost possible.

Mr. Speaker, I would like to enter into the RECORD a letter from the National Taxpayers Union, which says, in part:

DEAR REPRESENTATIVE BROWDER: I have just learned of your most recent effort to save taxpayer dollars through the frugal use of your congressional office account. Returning over $200,000, about 25 percent of your allotted budget, is certainly worthy of our thanks and praise. Your efforts are especially rewarding for taxpayers because the money returned must, for the first time, be used for deficit reduction.

Your wise use of funds over which you have direct control has resulted in, as I understand it, the return of over $1 million to the U.S. Treasury in the last 5 years. That's a fine record that your constituents can reflect on with pride.

So, today I am going to sign this facsimile check for $1 million to the American taxpayer.

Clearly, not every Member of Congress can take the approach that I have taken because of their own philosophy of representation or the nature of their districts. And taxpayers know that I am not Ed McMahon and they are not going to be receiving this check in the mail.

But I want to dramatize this moment to demonstrate that we do not have to spend taxpayer dollars just because we have a taxpayer-funded expense allowance. And I also want our taxpayers to know that many of us do put public service above our own political careers.

NATIONAL TAXPAYERS UNION,
February 9, 1996.

HON. GLEN BROWDER,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BROWDER: I have just learned of your most recent effort to save taxpayer dollars through the frugal use of your Congressional office account. Returning over $200,000, about 25 percent of your allotted budget, is certainly worthy of our thanks and praise. Your efforts are especially rewarding for taxpayers because the money returned must, for the first time, be used for deficit reduction.

Your wise use of funds over which you have direct control has resulted in, as I understand it, the return of over $1 million to the U.S. Treasury in the last 5 years. That's a fine record that your constituents can reflect on with pride.

As you know, the National Taxpayers Union has for several years supported legislation by Representatives Tim Roemer and Dick Zimmer to ensure that any and all unused office funds returned by thrifty Members go only to reduce our annual deficits. You have contributed greatly to further that drive and we are most appreciative.

Again, please accept our thanks and compliments for your frugal management efforts as well as for your legislative leadership on this issue.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWDER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BROWDER) and to include extraneous matter:)

Mr. ANDREWS.

Mr. LANTOS.

Mr. DURBIN.
Mr. RAHALL.
Mr. HILLEARY.
Mr. COBLE.

ADJOURNMENT

Mr. BROWDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes a.m.), under its previous order, the House adjourned until Tuesday, March 12, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2213. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

2214. A letter from the Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on National Security.

2215. A letter from the Secretary of Defense, transmitting certification that certain officers currently serving in the Armed Forces of the United States have served satisfactorily in their current grades, therefore the Secretary has approved their retirements in the grades listed below: Leon E. Salomon, general, U.S. Army; Howard D. Graves, lieutenant general, U.S. Army; Robert J. Spane, vice admiral, U.S. Navy; and Richard M. Scofield, lieutenant general, U.S. Air Force, pursuant to 10 U.S.C. 1370(c); to the Committee on National Security.

2216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Country Reports on Human Rights Practices for 1995," pursuant to sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended; to the Committee on International Relations.

2217. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for drawdown under sections 552(c)(2) and 506(A)(1) of the Foreign Assistance Act to support the provision of emergency antiterrorism assistance to the Government of Israel, pursuant to sections 506(b) and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

2218. A letter from the Vice President (Government and Public Affairs), National Railroad Passenger Corporation [Amtrak], transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2219. A letter from the Special Counsel, Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2220. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2221. A letter from the Attorney General of the United States, transmitting the Attorney General's report entitled "Report on State Domestic and Sexual Violence Data Collection," pursuant to 42 U.S.C. 13962; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports on committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2969. A bill to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 (Rept. 104–467, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with amendments (Rept. 104–469, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 1561. A bill to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes (Rept. 104–478). Ordered to be printed.

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2202. The Committees on Banking and Financial Services, Economic and Educational Opportunities National Security, and Ways and Means, discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS (for himself and Mr. FAZIO of California):

H.R. 3058. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the period for receipt of absentee ballots, and for other purposes; to the Committee on House Oversight.

By Mr. DURBIN:

H.R. 3059. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII,

204. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to urging the Congress of the United States to reject the proposal to sell facilities used to generate electric power marketed by the Southeastern Power Administration; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H. Con. Res. 127: Mr. METCALF, Mr. LIPINSKI, Mr. RUSH, and Mrs. MEYERS of Kansas.

H. Con. Res. 144: Mr. RICHARDSON, Mr. SISISKY, and Mr. TEJEDA.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 10, March 7, 1996, by Mr. STOCKMAN on House Resolution 210, was signed by the following Member: Steve Stockman.

Petition 11, March 7, 1996, by Mr. BARR on House Resolution 364, was signed by the following member: Bob Barr.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 9 by Mr. CONDIT on House Resolution 333: John S. Tanner.

EXTENSIONS OF REMARKS

LEDFORD HIGH SCHOOL VARSITY CHEERLEADING TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. COBLE. Mr. Speaker, as the college and high school basketball seasons move into high gear, we pause for a moment to give praise to one group closely associated with the sport of round ball which is often overlooked, namely the cheerleaders. These dedicated young people contribute much to the joy and enthusiasm which exists at our Nation's high school and college basketball games, as well as many other sporting events.

Of course, everyone knows that North Carolina is a basketball hotbed. We are proud of the level of basketball skills exhibited at the high school and college levels and that includes our cheerleaders. We think they are the best. Now, we have proof that the Sixth District of North Carolina is home to the best cheerleaders in our State.

The members of the Ledford High School varsity cheerleading team were declared State champs recently in the North Carolina State 2A cheerleading championships. The Davidson County high school squad, coached by Debbie Pope, won the State title which was sponsored by the North Carolina Cheerleading Coaches Association and recognized by the North Carolina High School Athletic Association.

The Panthers' cheerleading squad is comprised of team captains Heather Pitts and Courtney Troutman, as well as Shannon Montgomery, Chrissy Ayers, Lauren Garner, Leslie Varner, Kellie Jackson, Ashley Craven, April Kindred, Brittany Yountz, Mellisa Quinn, and Alicia Belle.

The most recent State championship is not the only trophy captured by the Ledford cheerleaders. The squad won the varsity dance/pom championship at UCA summer camp and the ECA regional championship in the varsity division. Ledford was also invited to the ECA Nationals. Three team members were selected as all-stars at UCA summer camp, and Chrissy Ayers was chosen to be a member of the West squad for the N.C. East/West All-State Cheerleading Team.

For winning this title, we offer our congratulations to Ledford principal Max Cole, athletic director Gary Hinkle, Coach Debbie Pope, the faculty, staff, students and families of Ledford High School. We are certain that the whole community is sharing in the excitement.

So, if you attend a sporting event at Ledford High School anytime soon, take special notice of the cheerleaders because they are State champions. From the citizens of the Sixth District of North Carolina, three cheers to the Ledford High School Varsity Cheerleading Team.

HOME EDUCATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. HILLEARY. Mr. Speaker, I would like to insert Gov. Don Sundquist's proclamation declaring this week, March 4–10, 1996, "Tennessee Home Education Week," into the CONGRESSIONAL RECORD. I fully support this worthy proclamation, and I will continue to work to allow America's parents to have more control over their children's education.

STATE OF TENNESSEE—PROCLAMATION

BY THE GOVERNOR

Whereas, Tennessee is committed to excellence in education and to public policy that strengthens the family; and

Whereas, Tennessee recognizes parental choice in pursuit of that excellence and the importance of parental involvement in education; and

Whereas, Tennessee appropriately and statutorily authorizes home education as an educational alternative, as well as recognizes the rights of parents to teach and train their children because of their religious beliefs; and

Whereas, home schools can afford families the opportunity to develop positive character qualities and instill desired values in their children; and

Whereas, parents rightfully have the final authority and responsibility for the care, upbringing and choice of education for their children; and

Whereas, home education was a predominant form of education in the early years of America, and many Americans such as George Washington, Patrick Henry, John Marshall, Robert E. Lee, Booker T. Washington, Benjamin Franklin, John Quincy Adams, Thomas Edison, Douglas MacArthur, Pearl S. Buck and Franklin Roosevelt were primarily educated at home; as well as many other diverse and creative Americans; and

Whereas, studies continue to confirm that children who are home educated score well on national achievement tests, exhibit self-confidence, and are fully prepared to meet the challenges of today's society; and

Whereas, it is appropriate that Tennessee home educators and home-educated children be recognized for their contribution to the diversity and quality of education in this great state,

Now Therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of March 4–10, 1996, as Tennessee Home Education Week in Tennessee and I call this observance to the attention of all our citizens.

In Witness Whereof, I hereunto set my hand and caused the official seal of the State of Tennessee to be affixed at Nashville on this 30th day of June, 1995.

DON SUNDQUIST,
Governor.
RILEY C. DARNELL,
Secretary of State.

THE PRESCRIPTION DRUG CONSUMER INFORMATION ACT WILL HELP SENIORS REDUCE THEIR HEALTH CARE COSTS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. DURBIN. Mr. Speaker, as the price of health care continues to rise, spending on prescription drugs becomes an ever-increasing burden for millions of Americans. A recent study by the PRIME Institute at the University of Minnesota College of Pharmacy shows that producer list prices for the 500 most prescribed drugs climbed an average of 4.6 percent in 1995. This 4.6 percent increase exceeds the 2.6 percent increase in Social Security benefits over the past year. Furthermore, the increase in prescription drug prices is more than twice the increase in the 1995 producer price index. As the prices of prescription drugs continue to outpace the general cost of living for seniors, these Americans on fixed incomes often face the choice between food and medicine.

Consumers and their doctors need comparative information about prescription drug prices to help them reduce spending on prescription drugs without compromising quality. But comparative information is not readily available. Prescription drugs do not sit on grocery shelves with separate price tags under each item. Even doctors often do not know the prices of medications and whether a less expensive but equally effective alternative is available.

The Prescription Drug Consumer Information Act of 1996 will make this essential information more available by directing the Secretary of Health and Human Services [HHS] to publish annually an easy-to-understand consumer guide to prescription drug prices that presents price and cost-effectiveness information by therapeutic category for easy comparison to other drugs and to other therapies.

The guide will provide consumers with the information they need to intelligently discuss the cost effectiveness of various prescription drug options with their doctors and pharmacists. The guide will also provide doctors with information that will help them determine the most cost-effective therapies for their patients. This information is not available anywhere else at this time. The increased availability of price information could also unleash free market forces to help reduce the cost of medications that are excessively priced.

This legislation directs the Secretary of HHS to publish a consumer guide to prescription drug prices annually, beginning no later than 2 years after the legislation is enacted. The guide will be made available electronically—that is, through computer networks—and in print. The Secretary may publish periodic bulletins that reflect changes in the prices in the

consumer guide between the dates of annual publication of the guide. The consumer guide will be provided to public libraries free of charge. The Secretary will also provide the guide to individuals and other organizations for a reasonable fee which is not to exceed the cost of printing and distributing the guide. Organizations representing consumers, seniors, and health professionals will be encouraged to make the consumers guide widely available.

This legislation offers consumers a new tool to help them manage their prescription drug costs. Armed with price information, they will be in a better position to save money without cutting corners on their health care.

I strongly urge my colleagues on both sides of the aisle to join me in cosponsoring this legislation to help Americans fight the rising cost of health care.

TRIBUTE TO SENATOR JENNINGS RANDOLPH OF WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. RAHALL. Mr. Speaker, retired U.S. Senator Jennings Randolph of West Virginia will be 94 years old on March 8, 1996.

On this occasion, on behalf of myself and all West Virginians, I wish a happy 94th birthday to Senator Randolph, and we wish him many happy returns of the day.

Senator Randolph served the great State of West Virginia for 40 years, beginning in 1933—during Franklin Roosevelt's first 100 days as a Member of the U.S. House of Representatives.

Senator Randolph served in the House of Representatives from 1933 to 1947, and then, served in the U.S. Senate from 1958 until his retirement in 1984.

Known for his courtly manner and as the epitome of a southern gentleman, Senator Randolph could also be tenacious and unyielding as a proponent of the working men and women of West Virginia and the Nation. As a strong supporter of President Franklin Roosevelt's depression-era legislative remedies, he also followed another Roosevelt's maxim. It was Teddy Roosevelt who cautioned: Speaker softly, but carry a big stick. Even though Senator Randolph had a true orator's voice when he spoke on the floor, during meetings, or in public speeches to his constituents, it was during his one-on-one dealings with his colleagues that he used his softest voice, folded his massive hands into a supplicant's gesture, his words while gentle conveying that he said what he meant and meant what he said.

This philosophy that a soft voice turneth away wrath was especially evident when it came to legislation that addressed the needs of the coal miners in his State and throughout the country, and when he spoke for all blue collar workers everywhere whose rights he protected with every fiber of his being.

He never backed away from a fight over spending priorities either in the House, the Senate, or when confronted by one of the 10 Presidents under whom he served during his 40-year tenure of service to West Virginia.

Senator Randolph loved the House and the Senate, serving 14 and 26 years respectively in both bodies, and he did so with distinction. He was a legislator of integrity and style. He deserves the respect and admiration of all of us for the outstanding job that he did and the many contributions he made to both institutions.

If he were here today, he would be out in front, leading all those who can be heard calling for an end to name calling and for complete civility between and among Members of both the House and the Senate as they conduct the people's business. Senator Randolph was a stickler for correct demeanor at all times, and for keeping the House and the Senate in proper order. On the Senate floor he was often heard to call for order in the Senate. He strongly believed that Members of the Senate should come to the floor and vote from their seats—calmly and quietly—rather than milling about on the floor and in the well. And, of course, they seldom did so.

I am as much in awe of Senator Randolph's life of public service as I was when, in 1976, I was about to be sworn in as the then-youngest Member of the House of Representatives, and my respect for his achievements has but grown over the years.

More than anything else, I am proud to be associated as a West Virginian and as a Member of this House, with his record of leadership. The record will show that he acted always with clarity of thought; that he believed deeply in the inherent abilities and talents that lie within every American.

Senator Randolph was able to lead others, never through outrageous or revolting words or deeds, or through bellicosity or belligerence, but simply with an honest expression of confidence made quietly, a silent gesture or salute, or a humorous anecdote. And, if absolutely necessary, a gentle rebuke.

Senator Randolph treated each of us with the characteristic wit and wisdom of a true gentleman, embodying the finest traditions of the House and the Senate, and of this great country, which he loved dearly.

Senator Randolph now lives in a personal care home in St. Louis, MO near his eldest son Jay Randolph, and his grandchildren.

Again, Senator Jennings Randolph, happy 94th birthday.

NEW JERSEY'S PUBLIC PENSION FUND SHORTFALL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. ANDREWS. Mr. Speaker, yesterday the Star-Ledger of New Jersey reported on the troubling situation of pension funds for New Jersey's public employees. Governor Christine Todd Whitman has used these workers' investments to pay for her campaign promises from 1993, which the State could not afford. When Governor Whitman ran short on money to pay for important programs like Medicaid and education, she either tried to cut them, or she simply stopped paying the government's full share of the State employees' pensions.

The result is a massive shortfall in State pensions, including a $2.5 billion unfunded liability in the teachers' fund alone. What allowed this to happen is a legal system that lets the Governor use inaccurate economic estimates, and a State legislature that proved willing to comply. Governor Whitman is balancing the New Jersey budget on the backs of the State's workers, who are seeing their retirement funds placed in the greatest of danger.

I have proposed a solution to this problem. In May of last year, I introduced legislation to grant State public employee pension beneficiaries the right to sue the State in a Federal court. My bill, H.R. 1683, does not stop a State from changing its contribution to retirement funds. Rather, it encourages the State to obtain the approval of a review board first. The board's primary responsibility will be the fund's economic health, not a political agenda. If a State uses such a panel, then any lawsuit filed by pension beneficiaries will be held to a much higher standard of proof.

My bill will put the fate of State employees not in the hands of political opportunists, but of people who know how to make a pension fund work for the benefit and security of its members.

LEONID KUCHMA, PRESIDENT OF UKRAINE, RECEIVES FREEDOM HOUSE 1996 FREEDOM AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. LANTOS. Mr. Speaker, I rise today to join Freedom House in paying tribute to His Excellency Leonid Kuchma, President of Ukraine. Recently he was the honored recipient of the Freedom Award for his contributions to regional stability and ethnic relations in the Ukraine. The award is given periodically by Freedom House, one of our country's oldest human rights groups. It was established in 1941 to encourage American public support for the struggle against Fascism, and through the years it has been a leading voice for tolerance, human dignity, human rights, and freedom.

Previous recipients of this distinguished award include Dwight Eisenhower in 1945, Edward R. Morrow in 1954, Winston Churchill in 1955, 15 Soviet dissidents in 1973, the Dalai Lama in 1991, and Czech President Vaclav Havel in 1991.

President Kuchma was honored at a gala dinner at the Mayflower Hotel in Washington attended by some 500 Government and congressional leaders, members of the diplomatic corps, corporate and business executives, leaders of the nongovernment organizations, and leaders of the Ukrainian-American community.

President Kuchma has served as President of Ukraine since July 9, 1994. His election marked the first democratic Presidential transition in the Republics of the former Soviet Union. His policy priorities have included initiating a program of market reforms, securing Western financial assistance to his country,

normalizing relations with Russia, facilitating the passage by the Ukrainian Parliament of the Nuclear Non-Proliferation Treaty, promoting interethnic harmony, and strengthening Ukrainian statehood and security.

President Kuchma is an engineer by profession. He served as technical director of rocket testing at the Soviet Baikonur Space Center and as general director of the Southern Machine-Building Plant in Dnipropetrovsk, Ukraine. After serving 1½ years as a deputy in the Ukrainian Parliament, Mr. Kuchma became Prime Minister and served in that post from October 1992 until September 1993.

After leaving the post of Prime Minister, Mr. Kuchma became president of the Ukrainian Association of Industrialists and Entrepreneurs, which brought together top business leaders and managers from over 14,000 enterprises and workplaces throughout Ukraine. He also led the Interregional Block for Reform, a centrist faction in Parliament, until his election as President of Ukraine.

In his opening remarks at the gala dinner honoring President Kuchma, Ambassador Mark Palmer, former United States envoy to Hungary, praised the Freedom House democracy-building programs in Ukraine—a strategically important country of 52 million people which covers an area the size of France which lies in the very heart of Europe. He praised President Kuchma for his determined commitment to democracy and economic reform.

United States Ambassador at Large for the Newly Independent States, James Collins, underlined Ukraine's strategic importance in Europe, and cited President Kuchma for his contribution to regional stability and peace. He reiterated American material and moral support for Ukraine's efforts to preserve its national identity and build a truly pluralistic and free society while maintaining good relations with the West, and abiding international agreements on nuclear weapons and troop strengths in Europe.

Dr. Zbigniew Brzezinski, former National Security Advisor, the President and Freedom House Trustee, praised President Kuchma for moving firmly in the right direction and making his country a constructive partner in the international community. He also praised the courage and determination of the Ukrainian people who tenaciously maintained their language, customs, and history through centuries of foreign and Communist domination.

Following Ukraine's achievement of freedom at long last, it has demonstrated remarkable political stability. Dr. Brzezinski called attention to the fact that the transition to President Kuchma from his predecessor was a peaceful change carried out through free and fair elections—the first such transition in among all of the former Republics of the Soviet Union. The countries of Central and Eastern Europe and the former Soviet Union could earn much from Ukraine, Dr. Brzezinski noted. Ukraine has achieved relative ethnic stability, with Ukrainians, Russians, Jews, Poles, and Crimean Tatars living in relative harmony.

In his address accepting the award, President Kuchma assured American leaders that Ukraine wants to remain a part of Europe, and he pledged continued cooperation with NATO, the European Community, and other economic and regional organizations. The President said, however, that if Ukraine is to be successful in becoming an integral part of Europe, then the countries of Europe and their leaders must be willing to move toward Ukraine through economic cooperation, trade, and closer political links.

Mr. Speaker, I invite my colleagues in the Congress to join me in extending congratulations to President Kuchma personally—as well as to the Government of Ukraine and to the Ukrainian people—for this well-deserved and most appropriate honor. I also invite my colleagues to join me in paying tribute to Freedom House and to its leaders who played key roles in honoring President Kuchma—Vice Chairman of the Board Mark Palmer, Trustee Zbigniew Brzezinksi, and President Adrian Karatnycky.

HOUSING OPPORTUNITY PROGRAM EXTENSION ACT

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 8, 1996

Mr. FLANAGAN. Mr. Speaker, I rise today to commend the House on its passage of S. 1494, the Housing Opportunity Program Extension Act. This is an excellent bill which includes language from several bills passed by the House previously, including H.R. 117, the Senior Citizens Housing Safety Act of 1995.

The safety of America's seniors is important to each and everyone of us. S. 1494, like H.R. 117 ensures the safety of America's seniors living in public housing complexes. It toughens placement and eviction policies in order to protect residents of public and assisted housing programs from substance abusers. These provisions are the key reasons I cosponsored H.R. 117 and am in full support of S. 1494.