

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4036**

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**AN ACT**

Making certain provisions with respect to inter-  
nationally recognized human rights, refugees,  
and foreign relations.

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## AN ACT

Making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations.

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

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Human Rights, Refu-  
5 gee, and Other Foreign Relations Provisions Act of 1996”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents of this Act is as follows:

- Sec. 1. Short title.  
 Sec. 2. Table of contents.

TITLE I—FOREIGN RELATIONS PROVISIONS

- Sec. 101. Fees for machine readable visas.  
 Sec. 102. Report to Congress concerning Cuban emigration policies.  
 Sec. 103. Extension of certain adjudication provisions.  
 Sec. 104. Persecution for resistance to coercive population control methods.  
 Sec. 105. Conduct of certain educational and cultural exchange programs.  
 Sec. 106. Educational and cultural exchanges and scholarships for Tibetans  
 and Burmese.  
 Sec. 107. International Boundary and Water Commission.

TITLE II—FOREIGN ASSISTANCE PROVISIONS

- Sec. 201. Human rights reports.  
 Sec. 202. Assistance for Mauritania.

3 **TITLE I—FOREIGN RELATIONS**  
 4 **PROVISIONS**

5 **SEC. 101. FEES FOR MACHINE READABLE VISAS.**

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

9 (1) by striking paragraphs (2) and (3) and in-  
 10 serting the following:

11 “(2) For fiscal years 1996 and 1997, not more  
 12 than \$150,000,000 in fees collected under the au-  
 13 thority of paragraph (1) for each fiscal year shall be  
 14 deposited as an offsetting collection to any Depart-  
 15 ment of State appropriation to recover the costs of  
 16 the Department of State’s border security program,  
 17 including the costs of—

1           “(A) installation and operation of the ma-  
2           chine readable visa and automated name-check  
3           process;

4           “(B) improving the quality and security of  
5           the United States passport;

6           “(C) passport and visa fraud investiga-  
7           tions; and

8           “(D) the technological infrastructure to  
9           support and operate the programs referred to in  
10          subparagraphs (A) through (C).

11         Such fees shall remain available for obligation until  
12         expended.

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

18                 (2) by striking paragraph (5).

19         **SEC. 102. REPORT TO CONGRESS CONCERNING CUBAN EMI-**  
20                 **GRATION POLICIES.**

21         Beginning 3 months after the date of the enactment  
22         of this Act and every subsequent 6 months, the Secretary  
23         of State shall include in the monthly report to Congress  
24         entitled “Update on Monitoring of Cuban Migrant Return-  
25         ees” additional information concerning the methods em-

1 ployed by the Government of Cuba to enforce the United  
2 States-Cuba agreement of September 1994 to restrict the  
3 emigration of the Cuban people from Cuba to the United  
4 States and the treatment by the Government of Cuba of  
5 persons who have returned to Cuba pursuant to the Unit-  
6 ed States-Cuba agreement of May 1995.

7 **SEC. 103. EXTENSION OF CERTAIN ADJUDICATION PROVI-**  
8 **SIONS.**

9 The Foreign Operations, Export Financing, and Re-  
10 lated Programs Appropriations Act, 1990 (Public Law  
11 101–167) is amended—

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

13 (A) in subsection (b)(3), by striking “and  
14 1996” and inserting “1996, and 1997”; and

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

18 (2) in section 599E (8 U.S.C. 1255 note) in  
19 subsection (b)(2), by striking out “September 30,  
20 1996” and inserting “September 30, 1997”.

21 **SEC. 104. PERSECUTION FOR RESISTANCE TO COERCIVE**  
22 **POPULATION CONTROL METHODS.**

23 (a) DEFINITION OF REFUGEE.—

24 (1) Section 101(a)(42) of the Immigration and  
25 Nationality Act (8 U.S.C. 1101(a)(42)) is amended

1 by adding at the end the following: “For purposes  
2 of determinations under this Act, a person who has  
3 been forced to abort a pregnancy or to undergo in-  
4 voluntary sterilization, or who has been persecuted  
5 for failure or refusal to undergo such a procedure or  
6 for other resistance to such forced procedures, shall  
7 be deemed to have been persecuted on account of po-  
8 litical opinion, and a person who has a well founded  
9 fear that he or she will be forced to undergo such  
10 a procedure or subject to persecution for such fail-  
11 ure, refusal, or resistance shall be deemed to have a  
12 well founded fear of persecution on account of politi-  
13 cal opinion.”.

14 (2) Not later than 90 days after the end of  
15 each fiscal year, the Attorney General shall submit  
16 a report to the Committee on the Judiciary of the  
17 House of Representatives and the Committee on the  
18 Judiciary of the Senate describing the number and  
19 countries of origin of aliens granted refugee status  
20 or asylum under determinations pursuant to the  
21 amendment made by paragraph (1). Each such re-  
22 port shall also contain projections regarding the  
23 number and countries of origin of aliens that are  
24 likely to be granted refugee status or asylum for the  
25 subsequent 2 fiscal years.

1 (b) NUMERICAL LIMITATION.—Section 207(a) of the  
2 Immigration and Nationality Act (8 U.S.C. 1157(a)) is  
3 amended by adding at the end the following new para-  
4 graph:

5 “(5) For any fiscal year, not more than a total of  
6 1,000 refugees may be admitted under this subsection or  
7 granted asylum under section 208 pursuant to a deter-  
8 mination under the third sentence of section 101(a)(42)  
9 (relating to persecution for resistance to coercive popu-  
10 lation control methods).”.

11 (c) CONTINGENT REPEALER.—Subsections (a) and  
12 (b) of this section and the amendments made by such sub-  
13 sections shall not take effect and this section and such  
14 amendments are repealed whenever the Illegal Immigra-  
15 tion Reform and Immigrant Responsibility Act of 1996  
16 is enacted into law (whether before, on, or after the date  
17 of the enactment of this Act).

18 **SEC. 105. CONDUCT OF CERTAIN EDUCATIONAL AND CUL-**  
19 **TURAL EXCHANGE PROGRAMS.**

20 In carrying out programs of educational and cultural  
21 exchange in countries whose people do not fully enjoy free-  
22 dom and democracy (including but not limited to China,  
23 Vietnam, Cambodia, Tibet, and Burma), the Director of  
24 the United States Information Agency shall take appro-  
25 priate steps to provide opportunities for participation in

1 such programs to human rights and democracy leaders of  
2 such countries.

3 **SEC. 106. EDUCATIONAL AND CULTURAL EXCHANGES AND**  
4 **SCHOLARSHIPS FOR TIBETANS AND BUR-**  
5 **MESE.**

6 (a) ESTABLISHMENT OF EDUCATIONAL AND CUL-  
7 TURAL EXCHANGE FOR TIBETANS.—The Director of the  
8 United States Information Agency shall establish pro-  
9 grams of educational and cultural exchange between the  
10 United States and the people of Tibet. Such programs  
11 shall include opportunities for training and, as the Direc-  
12 tor considers appropriate, may include the assignment of  
13 personnel and resources abroad.

14 (b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

15 (1) Subject to the availability of appropriations,  
16 for fiscal year 1997 at least 30 scholarships shall be  
17 made available to Tibetan students and professionals  
18 who are outside Tibet, and at least 15 scholarships  
19 shall be made available to Burmese students and  
20 professionals who are outside Burma.

21 (2) WAIVER.—Paragraph (1) shall not apply to  
22 the extent that the Director of the United States In-  
23 formation Agency determines that there are not  
24 enough qualified students to fulfill such allocation  
25 requirement.



1           (3) SCHOLARSHIP DEFINED.—For the purposes  
2 of this section, the term “scholarship” means an  
3 amount to be used for full or partial support of tui-  
4 tion and fees to attend an educational institution,  
5 and may include fees, books, and supplies, equip-  
6 ment required for courses at an educational institu-  
7 tion, living expenses at a United States educational  
8 institution, and travel expenses to and from, and  
9 within, the United States.

10 **SEC. 107. INTERNATIONAL BOUNDARY AND WATER COM-**  
11 **MISSION.**

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

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

1 Dam in New Mexico and the American Diversion Dam in  
2 El Paso.”.

3 **TITLE II—FOREIGN ASSISTANCE**  
4 **PROVISIONS**

5 **SEC. 201. HUMAN RIGHTS REPORTS.**

6 (a) SECTION 116 REPORT.—Section 116(d) of the  
7 Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is  
8 amended—

9 (1) in paragraph (2), by striking “and” at the  
10 end;

11 (2) by redesignating paragraph (3) as para-  
12 graph (5); and

13 (3) by inserting after paragraph (2) the follow-  
14 ing new paragraphs:

15 “(3) the votes of each member of the United  
16 Nations Commission on Human Rights on all coun-  
17 try-specific and thematic resolutions voted on at the  
18 Commission’s annual session during the period cov-  
19 ered during the preceding year;

20 “(4) the extent to which each country has ex-  
21 tended protection to refugees, including the provision  
22 of first asylum and resettlement; and”.

23 (b) SECTION 502B REPORT.—Section 502B(b) of  
24 such Act (22 U.S.C. 2304(b)) is amended by adding after  
25 the second sentence the following new sentence: “Each re-

1 port under this section shall list the votes of each member  
2 of the United Nations Commission on Human Rights on  
3 all country-specific and thematic resolutions voted on at  
4 the Commission's annual session during the period covered  
5 during the preceding year.”.

6 **SEC. 202. ASSISTANCE FOR MAURITANIA.**

7 (a) PROHIBITION.—The President should not provide  
8 economic assistance, military assistance or arms transfers  
9 to the Government of Mauritania unless the President cer-  
10 tifies to the Congress that such Government has taken ap-  
11 propriate action to eliminate chattel slavery in Mauritania,  
12 including—

13 (1) the enactment of anti-slavery laws that pro-  
14 vide appropriate punishment for violators of such  
15 laws; and

16 (2) the rigorous enforcement of such laws.

17 (b) DEFINITIONS.—For purposes of this section, the  
18 following definitions apply:

19 (1) ECONOMIC ASSISTANCE.—The term “eco-  
20 nomic assistance” means any assistance under part  
21 I of the Foreign Assistance Act of 1961 (22 U.S.C.  
22 2151 et seq.), except that such term does not in-  
23 clude humanitarian assistance.

1           (2) MILITARY ASSISTANCE OR ARMS TRANS-  
2           FERS.—The term “military assistance or arms  
3           transfers” means—

4                   (A) assistance under chapter 2 of part II  
5                   of the Foreign Assistance Act of 1961 (22  
6                   U.S.C. 2311 et seq.; relating to military assist-  
7                   ance), including the transfer of excess defense  
8                   articles under sections 516 through 519 of that  
9                   Act (22 U.S.C. 2321j through 2321m);

10                   (B) assistance under chapter 5 of part II  
11                   of the Foreign Assistance Act of 1961 (22  
12                   U.S.C. 2347 et seq.; relating to international  
13                   military education and training);

14                   (C) assistance under the “Foreign Military  
15                   Financing Program” under section 23 of the  
16                   Arms Export Control Act (22 U.S.C. 2763); or

17                   (D) the transfer of defense articles, de-  
18                   fense services, or design and construction serv-  
19                   ices under the Arms Export Control Act (22  
20                   U.S.C. 2751 et seq.), including defense articles  
21                   and defense services licensed or approved for

1 export under section 38 of that Act (22 U.S.C.  
2 2778).

Passed the House of Representatives September 25,  
1996.

Attest:

*Clerk.*