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FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL  
YEARS 2000-2001

APRIL 27, 1999.—Ordered to be printed

Mr. HELMS, from the Committee on Foreign Relations,  
submitted the following

**REPORT**

together with

**MINORITY VIEWS**

[To accompany S. 886]

The Committee on Foreign Relations having had under consideration an original bill to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of and arrears payments to the United Nations, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSES

The Foreign Relations Authorization Act, Fiscal Years 2000-2001:

1. Authorizes funding for the Department of State, United States international broadcasting activities, and other foreign affairs programs for Fiscal Years 2000–2001;

2. Authorizes a five year, \$3 billion embassy construction program to upgrade U.S. diplomatic facilities overseas in the wake of embassy bombings in East Africa, and other terrorist threats; and

3. Mandates reforms at the United Nations that must be met and authorizes the payments of U.S. arrearages to the United Nations in light of such reforms.

#### A. STATE DEPARTMENT AUTHORIZATION

This legislation authorizes appropriations and activities for the Department of State and broadcasting activities for fiscal years 2000–2001. For these two fiscal years, respectively, the bill authorizes \$6,382,404,000 and \$6,031,404,000. The bill is the first authorization of State Department activities since enactment last October of the Foreign Affairs Reform and Restructuring Act, which requires the abolition of the Arms Control and Disarmament Agency (ACDA) and the U.S. Information Agency (USIA) and consolidation of the functions of these agencies into the State Department.

That legislation required the full integration of these agencies into the Department of State. The authorization for the “Diplomatic and Consular Programs” account consolidates most of the funds formerly authorized under the “International Information Programs” account of the United States Information Agency. The most notable exceptions are the funding of exchange programs, which continue to be funded in a separate account, and international broadcasting activities, which will not be merged into the State Department. The Committee believes that consolidation of funding into the Diplomatic and Consular Programs account is essential to the full and effective integration of international information functions into the Department of State. Only through full consolidation and integration of these functions into all bureaus of the Department of State will the objectives of the Foreign Affairs Reform and Restructuring Act be fully realized. The Committee expects, therefore, that this integration will yield both efficiencies in the Department of State, and a more responsive foreign policy under the guidance of the Secretary of State.

#### B. EMBASSY SECURITY

In 1985, the Advisory Panel on Overseas Security, chaired by Admiral Bobby Ray Inman concluded a review which identified significant shortcomings in security at U.S. diplomatic facilities overseas. The Inman panel called for major changes in State Department security standards, and recommended devoting significant financial resources to construct secure embassies in over 100 posts around the world.

In 1986, Congress authorized \$2.1 billion in funding for a major construction program to enhance security at U.S. embassies. Unfortunately, the full funding was not appropriated for this program and some of the appropriated funding was not even obligated by the State Department. The Department revised the “one-size-fits-all” approach of the Inman panel and implemented threat-driven, “risk management” security standards. By the early 1990’s, as the

budget deficit grew and the dissolution of the Soviet Union required the Department to open several new posts, the Inman construction program was all but forgotten.

Even with the Inman funds received by the Department, there were serious problems in implementation, in particular, the State Department had difficulties absorbing such a large infusion of funding. The \$2.1 billion authorized by Congress in 1986 was estimated to allow the State Department to complete 57 projects. According to the General Accounting Office (GAO), of the 57 projects planned in 1986, only 7 had been completed by September of 1991. The GAO determined that there were many factors which led to this result, but a fundamental weakness of the State Department's building plan was the lack of a firm strategy to complete their mission.

On August 7, 1998, two bombs exploded nearly simultaneously at the U.S. embassies in Kenya and Tanzania. Over 200 persons were killed and over 4,000 were injured. As required by law, Accountability Review Boards were convened; the panels were jointly chaired by Admiral William Crowe, USN ret. The Crowe panels found that many of the problems identified by the Inman panel persist. As the report emphasized, there was a "collective failure" on the part of the U.S. Government—both the Executive branch and Congress—in not providing adequate resources for security.

The Crowe panels recommended that the government "undertake a comprehensive and long-term strategy for protecting American officials overseas." Congress is again prepared to provide a significant level of funding for the State Department to initiate a substantial construction program. The cost of rebuilding and upgrading overseas diplomatic facilities will be considerable, and this legislation provides a strong commitment to providing the level of funding to begin accomplishing that goal. The Committee recognizes that unlimited resources are not available. There should, therefore, be clear priorities within the construction program, focusing on those posts which are most vulnerable to terrorist attack and crucial to the conduct of our foreign policy.

Securing U.S. embassies will not be achieved by a single legislative or executive action. Rather, the responsibility for keeping U.S. facilities and personnel safe is a constant duty shared by all parts of the United States Government. Service overseas will never be without risk, but the Committee is determined to do all that is feasible to ensure that the events of August 7, 1998 do not repeat themselves due to lack of attention or effort.

#### C. NONPROLIFERATION

Title VI establishes policy and reporting requirements and establishes a new Assistant Secretary of State for Verification and Compliance, so as to improve the administration of United States arms control, non-proliferation and disarmament policies. Two new State Department funds will enable the Department to encourage other agencies to develop arms control verification technologies and humanitarian demining equipment.

## D. UNITED NATIONS REFORM

Title IX of this legislation authorizes payment of U.S. arrears to the United Nations only after specific reform benchmarks have been met by the United Nations and its specialized agencies. The bill would authorize \$575 million in funds already appropriated in fiscal years 1998 and 1999 for payment of U.S. arrearages, as well as \$244 million in fiscal year 2000 funds and \$107 million in forgiveness of debt owed the United States by the United Nations.

The Committee's plan does not micro-manage how the United Nations should downsize and eliminate its overlapping programs and activities. Just a cursory review of the organizational chart of the United Nations and its agencies, funds, and programs makes it clear that some downsizing is required and must be addressed squarely by Secretary General Kofi Annan and especially the member states. There are many proposals for restructuring the U.N. bureaucracy, including a widely-circulated proposal from the Nordic countries to reform the development and the humanitarian assistance programs of the U.N. This legislation provides flexibility on these issues but requires that there be procedures for sunseting antiquated and ineffective programs.

The core purposes of this legislation are to reduce spending in the United Nations system and to clear up our arrearages with the United Nations. It makes a clear statement as to how much the Congress is willing to pay and the conditions under which it is willing to authorize spending for the United Nations and its affiliated agencies. It mandates a reduction in the U.S. share of the regular budget to at least 22 percent of total assessments by the United Nations. Had this assessment scale been in place during the last five years the United States would have saved the American taxpayers at least a half billion dollars in assessed contributions to the United Nations and its specialized agencies. The legislation also directs the administration to negotiate zero nominal growth budgets at the three largest specialized agencies: the Food and Agriculture Organization, the International Labor Organization, and the World Health Organization.

Another key reform in this legislation is a requirement that the United States seek and obtain reimbursement for all assistance to United Nations peacekeeping operations, unless the President notifies Congress that to do so without reimbursement serves an important national interest. Off-budget billing of the United States will come to an end under this plan. The President will be required to seek authorization of the Congress on all resources to fund United Nations peacekeeping efforts.

Title IX does not contain every reform proposed by Members of Congress. The plan is the result of months of meetings and negotiations between this Committee, the appropriating committees, the leadership of both the Senate and House, and the administration which commenced in 1997 and resumed early this year. It is a consensus plan that provides basic reforms and much-needed curbs on spending in exchange for substantial arrears payments.

## II. COMMITTEE ACTION

The Committee on Foreign Relations held three public hearings on the Foreign Relations Authorization Act, Fiscal Years 2000–2001. On February 24, 1999, Secretary of State Madeleine K. Albright testified before the full Committee regarding the President's budget request for international affairs (function 150). On March 4, 1999, Under Secretary of State for Management Bonnie Cohen, Benjamin Nelson of the General Accounting Office, and State Department Inspector General Jacquelyn Williams-Bridgers, each testified before the International Operations Subcommittee regarding funding levels, needed managerial and organizational reforms, and the President's reorganization plan as required by the Foreign Affairs Reform and Restructuring Act. Finally, on March 11, 1999, Admiral William J. Crowe, who chaired the Accountability Review Boards convened following the simultaneous terrorist bombings of two U.S. embassies in East Africa, testified before the Committee regarding the Boards' recommendations for improving security of U.S. diplomatic facilities.

The Committee considered the authorization bill on April 21, 1999. There were several amendments approved by voice vote during the mark-up. These include:

- an amendment by Senator Feingold regarding U.S. policy toward Nigeria;
- two amendments by Senator Boxer regarding reporting on implementation of the Hague Convention on the Civil Aspects of Parental Abduction;
- two amendments by Senator Torricelli: (1) regarding the use of frozen Libyan assets to assist families of victims of the Pan Am 103 bombing to travel to the Hague for the upcoming trial of two Libyans accused of the bombing, and (2) expressing the sense of Congress regarding assistance to refugees from Israel;
- two amendments by Senator Kerry: (1) earmarking \$5 million in Fulbright Exchange funding for exchanges in Vietnam, and (2) increasing the authorization for the Asia Foundation to \$15 million;
- three amendments by Senators Thomas and Smith: (1) clarifying the language of Sec. 723 regarding Taiwan, (2) deleting section 706 of Title VII of the Committee mark, and (3) deleting section 721 of Title VII of the Committee mark;
- five amendments by Senators Helms and Biden regarding Radio Free Asia Reauthorization, striking of a provision regarding the Cuba Broadcasting Board, and several other technical amendments;
- two amendments by Senator Brownback: (1) expressing the sense of the Senate regarding the extradition of Igor Giorgadze, and (2) regarding the Palestinian Liberation Organization in the United States;
- three amendments by Senator Sarbanes regarding the Foreign Service, which relate to: (1) workforce planning, (2) educational expenses for children of Foreign Service members, and (3) financial benefits for administrative and technical personnel working overseas.

The Committee approved the bill, as amended, by a vote of 17–1. Senators Helms, Lugar, Coverdell, Hagel, Smith, Grams, Brownback, Thomas, Ashcroft, Frist, Biden, Dodd, Kerry, Feingold, Wellstone, Boxer, and Torricelli voted for the bill. Senator Sarbanes voted in the negative.

### III. SUMMARY OF FUNDS IN STATE DEPARTMENT AUTHORIZATION BILL

[Dollars in thousands]

	FY1999 Estimate	FY2000 Request	FY2000 SFRC Mark	FY2001
<b>Administration of Foreign Affairs</b>				
State Programs:				
Diplomatic & Consular Programs .....	1,644,300	2,583,772	2,837,772	2,837,772
Worldwide Security Upgrades .....	785,700	254,000	.....	.....
Salaries & Expenses .....	354,187	.....	.....	.....
Arms Control & Disarmament Agency .....	41,500	.....	.....	.....
International Information Programs (USIA) .....	455,246	.....	.....	.....
Technology Fund (USIA) .....	9,062	.....	.....	.....
Subtotal .....	3,289,995	2,837,772	2,837,772	2,837,772
Capital Investment Fund .....	137,890	90,000	90,000	90,000
Subtotal, State Programs .....	3,427,885	2,927,772	2,927,772	2,927,772
Security & Maintenance of U.S. Missions .....	403,561	434,066	434,066	434,066
Worldwide Security Upgrades .....	627,000	49,617	.....	.....
Capital Projects—Advance Appropriations .....	.....	(3,000,000)	.....	.....
Subtotal, S&MUSM .....	1,030,561	483,683	434,066	434,066
Embassy Security .....	.....	.....	<sup>1</sup> (3,000,000)	<sup>1</sup> (3,000,000)
<b>Other Administration of Foreign Affairs:</b>				
Office of Inspector General .....	28,495	30,054	30,054	30,054
Educational and Cultural Exchanges .....	200,500	210,329	210,329	210,329
Representation Allowances .....	4,350	5,850	5,850	5,850
Prot. of Foreign Missions & Officials .....	8,100	9,490	9,490	9,490
Emerg. in the Dipl. & Consular Service .....	15,500	17,000	17,000	17,000
Repatriation Loans Program Account .....	1,200	1,200	1,200	1,200
American Institute in Taiwan .....	14,750	15,760	15,760	15,760
Subtotal, Admin. of Foreign Affairs .....	4,731,341	3,701,138	3,651,521	3,651,521
<b>International Organizations:</b>				
Contributions to Int'l. Organizations (CIO) .....	922,000	963,308	940,000	940,000
Contr. for Int'l. Peacekeeping Activities (CIPA) .....	231,000	235,000	215,000	215,000
CIO/CIPA Arrearage Payments .....	475,000	446,000	<sup>2</sup> 351,000	.....
Subtotal, International Organizations .....	1,628,000	1,644,308	1,506,000	1,155,000
<b>International Commissions:</b>				
Int'l. Boundary & Water Comm.—S&E .....	19,551	20,413	20,413	20,413
Int'l. Boundary & Water Comm.—Construction .....	5,939	8,435	8,435	8,435
International Fisheries Commissions .....	14,549	16,702	16,702	16,702
American Sections:				
Int'l. Boundary Commission .....	761	859	859	859
Int'l. Joint Commission .....	3,432	3,819	3,819	3,819
Subtotal, American Sections .....	4,193	6,493	6,493	6,493
Subtotal, International Commissions .....	44,232	52,043	52,043	52,043
<b>Related Appropriations:</b>				
The Asia Foundation .....	8,250	15,000	15,000	15,000
National Endowment for Democracy .....	31,000	32,000	31,000	31,000
East-West Center .....	12,500	12,500	12,500	12,500

## III. SUMMARY OF FUNDS IN STATE DEPARTMENT AUTHORIZATION BILL—Continued

[Dollars in thousands]

	FY1999 Estimate	FY2000 Request	FY2000 SFRC Mark	FY2001
North-South Center .....	1,750	2,500	1,750	1,750
Subtotal, Related Appropriations .....	53,500	62,000	60,250	60,250
<b>Broadcasting:</b>				
International Broadcasting Activities .....	384,374	431,722	408,979	408,979
Radio Construction .....	13,245	20,868	20,868	20,868
Broadcasting to Cuba .....	22,095	.....	22,743	22,743
Subtotal, Broadcasting .....	419,714	452,590	452,590	452,590
<b>Refugee Assistance:</b>				
Migration & Refugee Assistance .....	640,000	660,000	660,000	660,000
Subtotal, Refugee Assistance .....	640,000	660,000	660,000	660,000
Total Authorization of Appropriations .....	7,516,787	6,572,079	6,382,404	6,031,404

<sup>1</sup> Administration requested \$3 billion for FY2001–2005. Committee bill authorizes appropriation of \$600 million per year for FY2000–2004.

<sup>2</sup> Includes \$107 million in debt relief not yet appropriated.

## IV. SECTION-BY-SECTION ANALYSIS

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

*Sec. 101. Administration of Foreign Affairs*

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for fiscal years 2000 and 2001. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management. This section includes authorization of appropriations for the conduct of United States public diplomacy programs and for arms control, nonproliferation and disarmament activities within the newly reorganized Department of State, incorporating the programs of the United States Information Agency and the Arms Control and Disarmament Agency.

Subsection (b) requires that the Office of Defense Trade Controls be provided at least \$8,000,000 from funds made available in the Diplomatic and Consular Programs account. This is an increase of slightly more than \$2,000,000 per year to this office beyond what it currently receives within the Department of State. These additional resources are essential to enable the Department of State to process commercial export licenses—including licenses for the export of commercial communications satellites and the use of foreign satellite launch services—in a timely fashion. The funds will be used to hire additional personnel and to update computer systems to enable the office to conduct license reviews more effectively.

*Sec. 102. International Commissions*

This section authorizes appropriations for fiscal years 2000 and 2001 under the heading "International Commissions". It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those commissions dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

*Sec. 103. Migration and Refugees*

This section authorizes appropriations for fiscal years 2000 and 2001 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

*Sec. 104. United States Informational, Educational, and Cultural Programs*

This section authorizes appropriations for fiscal years 2000 and 2001 for Fulbright and other educational and cultural exchange programs, the East-West Center, the North-South Center, and the National Endowment for Democracy.

The Committee has provided two earmarks within this section. The first is an earmark of \$7 million for the Muskie Fellowship exchanges with Russia. U.S. relations with Russia have deteriorated in recent months. The Committee believes that while the United States must not compromise on our fundamental interests in areas like arms control, non-proliferation, and the war in Yugoslavia, we must continue to look for ways to engage Russia. Russia is simply too important to ignore.

Strengthening already successful educational and technical programs with Russia offers a way to continue mutually beneficial engagement. One of the most successful of these programs is named after the former Senator from Maine and former Secretary of State Edmund S. Muskie. The bill increases the Russian portion of the funding for the Edmund S. Muskie Fellowship Program from \$3.7 million to \$7 million over each of the next two fiscal years. The Muskie Fellowship Program selects outstanding citizens to receive fellowships for graduate-level study and professional development programs in the United States. Candidates are recruited through an open, merit-based competition and may apply in the fields of business administration, economics, law, and public administration. Fellows are placed at U.S. colleges and universities in graduate-degree, certificate, and non-degree programs, which last one to two academic years.

The second earmark relates to the Vietnam Fulbright program.

*Sec. 105. Grants to the Asia Foundation*

The Asia Foundation, founded in 1954, is a private, non-governmental organization which makes grants for the purposes of promoting democracy, legal reform, trade and investment liberalization, and peaceful relations within the region.



This section authorizes the administration's full request of \$15 million for the Asia Foundation, a significant increase over the fiscal year 1999 appropriation of \$8.25 million. The increased funding is to support the Asia Foundation's legal reform initiatives in Asia, including programs designed to reduce the arbitrary use of power by facilitating the development of reliable, transparent, legal frameworks. Recent political instability in countries such as Indonesia, Malaysia, and Cambodia, not only underscores the need for impartial judicial systems, it creates opportunities for legal reform.

The Committee expects that in its efforts to promote legal reforms in China and elsewhere, the Asia Foundation will exercise the utmost discretion in choosing its partners. For instance, the Committee shares the Asia Foundation's concern about increasing regulatory control exercised by the Chinese Ministry of Civil Affairs, with which the Foundation has worked to promote village-level democracy in China.

## TITLE II—DEPARTMENT OF STATE BASIC AUTHORITIES AND ACTIVITIES

### SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

#### *Sec. 201. Office of Children's Issues*

On October 1, 1998, the Committee on Foreign Relations convened a hearing to consider U.S. Responses to International Parental Kidnaping. Attorney General Janet Reno testified before the Committee, as did four parents whose children were abducted or wrongfully detained in international jurisdictions. The parents recounted their frustration with the current level of U.S. Government assistance in seeking the return of their children.

Although the Attorney General pointed to limitations in the ability of the U.S. Government to resolve many cases of international parental abduction, she also recognized that the United States could improve its efforts in assisting in the return of abducted children and pledged to take steps to improve coordination between the Departments of State and Justice. Sections 201 and 202 of this bill are intended to improve the operations of the Department of State in addressing international parental abduction cases.

Section 201 requires the State Department to make several changes with regard to its handling of international parental abduction and other children's issues. The section requires that: (1) the Director of the office is a career Senior Executive Service employee; (2) the staffing levels of the office include sufficient caseworkers so that the average caseload is 75; and (3) each embassy designate a point of contact on parental abduction issues and the director of the office must regularly inform the contact of cases in that country; the Secretary of State give notice of abductions to the National Center for Missing and Exploited Children (NCMEC) within 24 hours of a possible abduction, and must report to NCMEC every six months on closed and opened cases during the previous six months.

*Sec. 202. Strengthening Implementation of the Hague Convention on the Civil Aspects of International Child Abduction*

This section makes permanent the reporting requirements enacted in the Foreign Affairs Reform and Restructuring Act of 1998 and adds new requirements that the Secretary report on the specific actions taken by U.S. embassies to facilitate the return of a child and actions by the Secretary to encourage other Hague Convention members to facilitate the work of nongovernmental organizations similar to NCMEC in those countries.

*Sec. 203. Human Rights Reporting on the Treatment of Children*

This section expresses the sense of Congress that the Department of State's annual human rights reports address the treatment of children. This report should include an assessment of each country's implementation of the Hague Convention on the Civil Aspects of International Child Abduction.

*Sec. 204. Diplomatic Telecommunications Service Program Office; Report on Cost Allocation System*

This section requires a report by the Diplomatic Telecommunications Service Program Office (DTS-PO) regarding the feasibility of fairly allocating the costs of DTS-PO to customer agencies at U.S. diplomatic missions overseas. At present, DTS-PO provides a "basic" service to each agency at a post, and charges for enhanced bandwidth beyond this basic service. The Committee is concerned that the rising cost for operations and maintenance is crowding out the continuation of necessary Post Communications Upgrade Projects. The Committee believes that fully allocating the costs of DTS-PO services to customer agencies (a system referred to as "charge-back") would be helpful in alleviating this funding shortfall, and urges the parent agencies of DTS-PO to explore the feasibility of implementing such a system in the near future.

*Sec. 205. Study for Establishment of Russian Democracy Foundation*

This section requires the State Department to study the feasibility of establishing a foundation for the promotion of democratic institutions which would be based in the Russian Federation. Up to \$50,000 in fiscal year 2000 funds is authorized for this purpose.

The concept envisaged is a Russia-based, Russian-run institution. Its work would involve public education in a country where democracy increasingly is equated with crime, insider privatization, and mass poverty. The democracy foundation might also train democratic activists for governmental and non-governmental service.

*Sec. 206. Limitation on Participation in International Expositions*

Section 230 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 provides that, absent a specific authorization of appropriation, funds appropriated for the United States Information Agency (USIA) are not to be used for a United States Government-funded pavilion or other major exhibit at an international exposition or world's fair. The provision has raised questions of whether the Director of USIA may carry out such basic duties as assisting the U.S. Commissioner General responsible for U.S. pavil-

ions in fundraising or publicizing the United States participation in a world's fair. USIA requested the provision because it wants to make clear that these or similar duties supportive of U.S. participation in such activities are unrelated to expenditures for a pavilion or other major exhibit. Amendment of section 230 will remove any ambiguity concerning its scope.

#### SUBTITLE B—CONSULAR AUTHORITIES

##### *Sec. 211. Fees for Machine Readable Visas*

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, permits the Secretary of State to establish and retain a fee for machine readable visas and machine readable combined visa/border-crossing cards. The funds generated by this fee help cover the costs of consular operations, especially the costs of strengthening U.S. border security, such as the development, installation, and utilization of the Machine Readable Visa (MRV), improvements in the consular look-out system, maintenance of automated name-check capability at all nonimmigrant visa-issuing posts, and activities to combat passport and visa fraud.

This provision amends section 140(a) by extending and increasing the authority to collect and retain fees collected for the machine readable visa for fiscal years 2000 and 2001. The provision requires that collections that exceed \$300 million will be available for expenditure subject to congressional approval of a reprogramming notice that details how the Department intends to spend such fees.

##### *Sec. 212. Fees Relating to Affidavits of Support*

Section 213A of the Immigration and Nationality Act as amended by the Illegal Immigration and Immigrant Responsibility Act of 1996 (P.L. 104–208) requires sponsors of family-based and certain other immigrants to submit an affidavit of support (AOS) with respect to the person(s) they are sponsoring that meets stringent legal and financial requirements. The AOS must be legally binding, properly executed, and accompanied by certified copies of the sponsor's Federal income tax return for the three most recent tax years. In addition, the sponsor must meet certain income levels individually or with the assistance of a joint sponsor. Determining the income levels applicable requires reference to poverty guidelines for the applicable family unit. The AOS form and related requirements are complex, and are frequently completed incorrectly. When AOS forms and materials submitted at posts abroad are technically incorrect, significant consular officer resources are expended in an effort to identify and explain the difficulties, but there is little ability to correct the problems at post. Instead, the AOS must be returned to the sponsor, and a valuable immigrant visa interview slot may have been wasted on an applicant whose application was not in fact ready for adjudication. In such cases, the visa must be refused at least on an interim basis until the AOS can be corrected.

Since the implementation of the new AOS requirement in December 1997, immigrant visa refusal rates have increased from roughly 10 percent to over 50 percent at several high volume posts. The high refusal rates have created backlogs in processing qualified im-

migrants and substantial delays before refused applicants can re-apply.

The State Department proposes to correct this problem by having all affidavits of support screened at the National Visa Center (NVC) in New Hampshire to ensure that they are properly completed before they are forwarded to consular posts for adjudication. This screening would include a telephone inquiry "help desk" to answer questions before the AOS was submitted, a review of the completed AOS for technical correctness and a process for bringing deficiencies to the attention of sponsors to allow corrections to be made prior to the immigrant visa interview. To provide these services, which have not been part of the immigrant visa process in the past, will require new resources which the State Department proposes to fund through a new cost-based fee that it would retain for this purpose. The fee would be set to cover expanded NVC services to sponsors related to AOS processing and enhanced scanning and data communications between NVC and overseas posts to expedite the processing of the AOS. The Department indicates that this service should improve the Department's efficiency by ensuring that consular officer time is allocated only when the AOS is ready for adjudication, and could greatly benefit sponsors and their relatives by reducing the refusal rates of qualified immigrants with incomplete documentation or facially inadequate sponsor resources.

The NVC will not perform any adjudicative functions. With respect to the financial adequacy of an AOS, the NVC will only review the form to ensure that the AOS shows sufficient resources on its face (e.g., that the sponsor has claimed to have the appropriate resources by referencing the proper property guideline for the family unit in question.) The consular officer will undertake the substantive review to determine whether the resources are genuinely available and whether the applicant otherwise meets the public charge requirement. The costs of consular officer adjudication will continue to be covered by the immigrant visa application and issuance fees, as appropriate. Fees will be collected and available for obligation only to the extent or in the amounts as are provided in advance in an appropriation act. The provision ensures, however, that these fees are not charged merely for duplicate copies of an AOS.

### *Sec. 213. Passport Fees*

This section amends Section 1 of the Passport Act of 1920 to provide that, due to the excessive administrative costs, passport fees will not normally be refunded to unsuccessful applicants.

Section 1 of the Passport Act of June 4, 1920 requires that fees be collected and paid into the Treasury for executing each passport application and for issuing each passport. Currently, approximately 17,000 of the nearly 6 million passport applications received are not approved and no passport is issued. Under current interpretations of the statute, these fees must be refunded to the applicants and for fiscal year 1996 amounted to \$0.9 million.

The proposed amendment ends the requirement to refund the fee even if a passport application is denied. In addition to non-citizenship, the regulations set out conditions under which a U.S. passport may not be issued. For example, people incarcerated are not

eligible for a passport notwithstanding their citizenship. The Department would retain the authority to refund the fees as may be prescribed by the Secretary in regulation.

Section 213(b) would also repeal Section 4 of the Passport Act of 1920, which is an anachronistic provision that provides for the discretionary refund of passport fees in the event that a traveler is not able to obtain a visa to the country of intended travel. This authority reflects long-outmoded passport practices and is not in fact used. Given the costs of passport issuance and the fact that passports generally are valid for ten years and are not geographically limited, this provision is no longer necessary or appropriate.

*Sec. 214. Deaths and Estates of United States Citizens Abroad*

This section would repeal 22 U.S.C. 4195 and replace it with new provisions in the State Department Basic Authorities Act to provide a revised statutory basis for the traditional consular function of protection and conservation, and ultimately disposition, of the estates of Americans who die overseas in those cases where a legal representative is not appointed by the heirs or other beneficiaries within a reasonable time. This section also provides a number of specific authorities not found in the original law which have been proposed by the Department of State based on its experience with the current law.

Subsection (b) amends the State Department Basic Authorities Act to provide for reports of death and notification of next-of-kin in certain cases of American citizens dying overseas. The new section 43A of the Act would specifically authorize reports of presumptive death to be issued in the absence of a report by a local authority pursuant to regulations promulgated by the Secretary.

The new section 43B would deal with the overseas conservation and disposition of estates of Americans who die abroad. It authorizes a consular officer to act as the provisional conservator of the U.S. citizen decedent's estate and take possession of the personal effects within his or her jurisdiction.

Until 1996, 22 U.S.C. 4195 provided for consular officers to transfer unclaimed estates to the General Accounting Office and for that Office to conserve the property by various means, including sale of personal property and deposit of the net proceeds in the Treasury in trust for potential claimants. However, in the absence of valid claims after a period of years, such proceeds would be turned over to the U.S. State of last known domicile or, if not known, placed in miscellaneous receipts of the Treasury.

In 1996, P.L. 104-316 substituted the Department of State or Secretary of State for the General Accounting Office, but made no procedural changes. Experience since that time, given the increasing number of Americans who establish permanent residence overseas and acquire interests in real property, and the related number of them who die intestate without clear ties to any particular U.S. State, has led the Department of State to propose expanded, more flexible authority to deal with both real and personal property, particularly where legal representatives or claimants cannot be located within a reasonable time. Taxes and other claims against such property continue to build up, and authority is needed to sell property to pay such claims and preserve the net proceeds. In some

cases, no claimant can be found for real property interests, or none that is willing to take necessary legal action to transfer title, and, where there is a United States Government use for such property, the provision provides authority to take title for that use. There have been cases, absent authority to sell real property to cover estate expenses or to take title, where the only alternative is to abandon the property. Section 43B also provides authority to conserve and settle estates, including passage of title to the State Department for disposition of unclaimed property in accordance with the rules for domestic surplus United States Government property. Under the proposed procedures, after an initial waiting period of one year, followed by a further period of five full fiscal years, subsequent claims would be paid as refunds from the Treasury, which would have received the net proceeds of disposition as miscellaneous receipts. Title to any real property in an estate which is unclaimed by the end of an identified waiting period, shall pass to the Secretary who would retain the property if useful to the Department or dispose of the estate in the same manner as surplus U.S. Government-owned property. Such property would be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949.

Section 43B also provides express authority for the State Department, as detailed by regulations, to settle and pay from official funds estate claims for lost, stolen, or destroyed property in custody of Department employees either overseas or in the United States. Such employees would be treated for purposes of personal liability to the Department in the same manner as for United States Government property for which they would be accountable, but only to the extent of the compensation paid by the State Department to the estate. The Secretary of State will establish by regulation procedures to ensure competent appraisal of effects and appropriate internal control procedures.

*Sec. 215. Major Disasters and Other Incidents Abroad Affecting United States Citizens*

This section amends section 43 of the State Department Basic Authorities Act to add a new subsection incorporating the enlarged definition of employees who may perform consular functions for purposes section 43 of the State Department Basic Authorities Act, and to apply that definition to new sections 43A and 43B (see section 214, above).

TITLE III—ORGANIZATION AND PERSONNEL OF THE  
DEPARTMENT OF STATE

SUBTITLE A—ORGANIZATION MATTERS

*Sec. 301. Legislative Liaison Offices of the Department of State*

This section requires the Department of State to develop a plan for establishing legislative liaison offices for the Department that would be based on Capitol Hill. The Committee believes that establishment of such offices would help improve the relationship between Congress and the State Department. It is the intent of Congress that these offices function like the military liaison offices in

the House and Senate—that is, as active and energetic participants in relations between the Executive and Congress.

The Secretary of State’s plan should treat administrative issues such as cost and space requirements; obviously, Congress would have to find the necessary office space for the liaison staffs. The Committee expects that the State Department would staff such an office with personnel intimately familiar with both the workings of U.S. embassies and Congress. For this reason, the provision includes a recommendation that participants in the State Department’s Pearson fellowship program be the primary candidates for staffing the liaison offices in a second year of the fellowship, after having served a year in a member’s office or on Committee staff.

#### SUBTITLE B—FOREIGN SERVICE REFORM

##### *Sec. 311. Findings*

This section makes a number of findings that explain the need for the reforms contained in this subtitle.

##### *Sec. 312. United States Citizens Hired Abroad*

In 1994, Congress amended section 408 of the Foreign Service Act to require that the compensation of U.S. citizens hired abroad (those who are not family members of government employees assigned abroad) to work at U.S. missions be the same as that of foreign service nationals. Specifically, the provision required that the “total compensation package” (including benefits and Social Security payments) must have the “equivalent cost” to that received by a foreign service national (FSN) occupying a similar position at that post. The provision was designed to facilitate the hiring of U.S. citizens by U.S. missions.

Because, however, U.S. citizens must be paid the minimum wage and because the U.S. Government, as the employer, must pay half of the Social Security (FICA) tax, the provision has led to inequities. In some posts, the costs to the U.S. Government of the total compensation package of a locally hired American exceeds the costs of employing an FSN in the same position. In those cases, to comply with the law, the post must reduce the American’s compensation by all or some portion of the employer’s portion of the FICA tax (7.65 percent) in order to ensure that the “total compensation” does not exceed that of the FSN. Thus, in effect, the American employees in some posts are paying the employer share of the FICA tax.

The amendment made by Section 312 will delete the requirement that the total compensation package have the “equivalent cost” to that of an FSN. In making this change, the Committee intends that the spirit of the 1994 amendment to Section 408 should be honored; that is, the cost of employing the U.S. citizen should remain generally the same, with two exceptions: (1) as Section 408 of the Foreign Service Act requires, the U.S. employee must receive at least the U.S. minimum wage; and (2) in the application of Social Security laws (both host country laws and U.S. laws).

*Sec. 313. Limitation on Percentage of Senior Foreign Service Eligible for Performance Pay*

This section attempts to give “performance pay” some meaning by reducing the percentage of members of the senior foreign service who can receive performance pay in a fiscal year from 50 percent to 33 percent.

*Sec. 314. Placement of Senior Foreign Service Personnel*

This provision requires a regular report on the placement of senior Foreign Service Officers. The Committee has received complaints that senior Foreign Service Officers resist assignments until a desired position becomes available. This reporting requirement will provide information that will assist Congress in assessing whether this question requires a legislative remedy.

*Sec. 315. Report on Management and Training*

This section is intended to oblige the State Department to address the lack of well-trained managers in the Foreign Service, which the Committee believes to be a serious internal flaw of the Foreign Service. The Secretary of State must produce a report to Congress regarding augmenting existing training programs so as to provide Department employees with “significant and comprehensive management training at all career grades for Foreign Service personnel.” The Committee hopes that the Secretary’s report will include suggestions for accomplishing this objective, and urges the Department to consider using outside management consultants to assist in designing the training programs.

*Sec. 316. Workforce Planning for Foreign Service Personnel by Federal Agencies*

Numerous reports, studies and commissions have recommended that the State Department establish a system of long-range planning that would identify the types of skills needed in the future and begin hiring and training appropriate numbers and categories of officers to meet these needs. The Committee believes that such planning is important for the morale and development of the career foreign service, and in helping to prevent shortages and mismatches between capabilities and missions. This section requires the Secretary of State to submit a report to the Congress every four years that describes the workforce plan for the following 5-year period, and that outlines the steps taken to promote uniform policies among agencies utilizing the foreign service personnel system.

*Sec. 317. Records of Disciplinary Actions*

This section requires that any disciplinary action taken against a member of the Foreign Service be included in their personnel file until they are tenured or next promoted. Current regulations provide that records of such actions remain in a personnel file for just two years, or until the officer has gone before two selection (promotion) boards. In recent years, the Department has submitted several nominations for promotion to the Senate in which an officer received serious discipline, but, because of the regulations, such information had not been brought to the attention of the selection



board. The Committee believes that, in an up-or-out system such as the Foreign Service, equity requires that the selection boards consider all information regarding the officer's record since his or her last promotion.

*Sec. 318. Limitation on Salary and Benefits for Members of the Foreign Service Recommended for Separation for Cause*

This provision would require the Secretary to place a Foreign Service member on leave without pay if that individual is recommended for separation from the Service for cause. Therefore, while the case is pending before the Foreign Service Grievance Board (under Section 610 of the Foreign Service Act, individuals cannot be separated for cause unless the agency recommendation is approved by the Board), the member will not receive pay and benefits.

*Sec. 319. Foreign Language Proficiency*

This section requires an annual report to Congress containing data showing how many overseas positions are filled by language-qualified personnel. This reporting requirement replaces an analogous reporting provision in Section 304(c) of the Foreign Service Act of 1980.

*Sec. 320. Treatment of Grievance Records*

This provision amends the Foreign Service Act to provide the Department the authority to place documentation in the officer's personnel file information that a disciplinary action has been reviewed and upheld by the Foreign Service Grievance Board. Under current practice, an employee typically appends to a discipline letter a statement of rebuttal. But nothing in the file will reflect that the employee has filed a grievance and that the Grievance Board has upheld the disciplinary action.

*Sec. 321. Deadlines for Filing Grievances*

This is one of the key reforms in this title. It reduces from three years to one year the time for filing a grievance. It does provide flexibility of an additional year for members who are filing a grievance regarding an evaluation if the Foreign Service member is still supervised by the reviewer or rater of the evaluation. According to data provided by the American Foreign Service Association, most grievances are filed within this one year time frame.

The Inspector General found, in a report issued in 1998, that the grievance process for the Foreign Service was long, drawn-out, and cumbersome. By comparison, members of the Civil Service have only one year to file a grievance. In the U.S. military, which like the Foreign Service is an up-or-out system, grievances are not permitted.

*Sec. 322. Reports by the Foreign Service Grievance Board*

This provision requires the Foreign Service Grievance Board to compile information regarding its cases, and provide an annual report regarding the Board's activities during the previous year.

## SUBTITLE C—OTHER PERSONNEL MATTERS

*Sec. 331. Border Equalization Pay Adjustment*

This section amends the Foreign Service Act of 1980 to provide for payment of a border equalization adjustment to an employee who regularly commutes from his or her place of residence in the continental United States to an official duty station in Canada or Mexico. The adjustment is equal to the amount that the employee would receive as locality pay (under section 5304 of title 5, United States Code) if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station. A nearly identical provision was contained in the FY 1999 Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriation Act. This provision would make the authority permanent.

The Department of State employs Civil Service visa examiners who work at consulates in Ciudad Juarez and Tijuana, Mexico, but reside in Texas and California. They are caught in an unusual situation that denies them locality pay, which is restricted by law to employees serving at duty stations in the United States, and overseas allowances, which apply only to employees who live overseas. Other Federal personnel employed by the International Joint Commission (IJC) at the Canadian border, who may live in Michigan but work in Canada, face a similar situation. This section would equalize pay for these employees and help to ensure the continued appointment and retention of highly-qualified Civil Service employees to serve in consular and border control positions. It represents a smaller expense to the Government than that of the overseas allowances that would be payable to the same employees if they resided at their duty station.

Subsection (c) provides that the amount of the adjustment will be considered basic pay for the same purposes as a locality rate of pay (e.g. computing retirement deductions and benefits).

*Sec. 332. Treatment of Certain Persons Reemployed After Service With International Organizations*

This section is intended to provide the full scope of retirement benefits to Federal employees who transfer to international organizations under 5 U.S.C. 3582 by allowing such employees to participate in the Thrift Savings Plan ("TSP") for the period of their transfer to the international organization. In this regard it is important to recall that the new Federal retirement plans—the Federal Employees Retirement System ("FERS") and the Foreign Service Pension System ("FSPS")—are integrated plans consisting of three components: Social Security, FERS/FSPS annuity, and the TSP. Under current law, employees who transfer to international organizations may continue coverage under Social Security and FERS/FSPS, but they are not eligible to participate in the TSP component. The period of service with an international organization is creditable for retirement purposes only if it does not form the basis for an annuity or pension under the retirement system of the international organization. Because the TSP is such an integral component of retirement coverage, the lack of full retirement coverage creates a significant disincentive for employees and ham-

pers the State Department's ability to provide U.S. Government experts to international organizations to work on major global issues. It is expected that, unless the law is amended to allow for TSP participation, the number of eligible employees who may seek transfers will continue to decrease.

This section amends the Thrift Savings provisions of Title 5 of the United States Code to allow persons who transfer to international organizations the ability to make up missed TSP contributions after they are re-employed in Federal service. The provisions are modeled after similar provisions for persons who are performing military service under the Uniform Services Employment and Reemployment Act of 1994. The military service provides for the ability for all Federal retirement plan-covered employees (under both the old and the new retirement plans) to make the same TSP contributions they could have made had they remained on the agency's rolls. The employee's make up contributions are limited by the maximum annual employee contributions for the year in which the contributions would have been made. This section also provides that, with respect to persons covered under the "new" retirement systems, the employing agency provide associated agency automatic contributions and retroactive matching contributions, as well as lost earnings on the agency contributions. This arrangement places the returning employee where he or she would have been but for the period of time served with the international organization. It also has the advantage of ensuring that qualified plan contributions are paid out of pre-tax dollars and holding out an incentive for employee to return to the agency.

*Sec. 333. Home Service Transfer Allowance*

This section would amend Title 5 of the United States Code to provide for a home transfer allowance when an employee assigned to a foreign area is killed in the line of duty.

Currently, if a Foreign Service officer is transferred back to the United States from an overseas posting, he or she is provided a home service transfer allowance composed of several elements such as: lump sum payments to cover extraordinary costs (e.g. connecting and disconnecting appliances, utilities or registration of automobiles); subsistence payments intended to offset the costs of temporary lodging and ancillary expenses incurred during the transition to permanent quarters; and a lease penalty payment designed to assist with the often unavoidable penalties associated with early termination of a lease due to transfer required by the Government. If an officer is killed in the line of duty, under current law his survivors are merely provided with a return ticket to the United States and the return of their household effects. The need for a more humanitarian basis for easing the transition of surviving family members back to the United States was clearly evident in the aftermath of the tragic bombing of our embassies in Kenya and Tanzania. The Department of Defense provides a similar benefit for dependents of uniformed members dying on active duty for six months after the death of the service member (37 U.S.C. 403).

*Sec. 334. Parental Choice in Education*

Members of the Foreign Service, when posted abroad, receive an educational allowance for their children. The size of the allowance is equal to the cost of attending an "adequate" school in the local country. In the past, parents could take that same amount of money and use it to send their children to schools in the United States or outside the country of posting. The allowance could be used for room, board and transportation costs as well as tuition, but the total amount could not be any higher than it would have been for local schooling. Last year the Department of State issued a new interpretation of the law, stating that the money may no longer be used for room, board or transportation expenses. This provision clarifies the law to permit the educational allowance to be spent on room, board and transportation, without affecting the current size of the allowance given to Foreign Service Members.

*Sec. 335. Medical Emergency Assistance*

The Foreign Service Act provides broad authority for the Secretary of State to establish a health care program to promote and maintain physical and mental health of members of the Service and other designated eligible Government employees and family members, when incident to service abroad. It authorizes the Secretary to pay the cost of treatment if an individual eligible for health care incurs an illness, injury or medical condition that requires treatment while assigned to a post abroad or located overseas pursuant to Government authorization.

Since the passage of the Act in 1980, the architecture of medical care and its cost has been redesigned. Cost containment has led to the formation of health maintenance organizations and the development of preferred provider networks and negotiated payment schedules. Advances in medical treatment mean that many conditions and treatments that heretofore required hospitalization may now be performed on an outpatient basis. Employees who serve overseas currently pay for the costs associated with outpatient treatment. Even under the Federal Employee Health Benefit Plan coverage overseas, employees must pay for outpatient services provided in host or third country facilities and other overseas locations at the time of the treatment. Immediate payment in full is usually required for expensive in-hospital surgical procedures that do not require overnight hospitalization. Such procedures can run in the thousands of dollars.

The increasing use of outpatient services has created a serious financial burden for Department of State employees serving abroad. While employees in the United States may be charged co-payments at the time of service or are billed at a later date, full payment is usually required at the time of service for outpatient services overseas. If U.S. employees cannot pay promptly at the time of service, ready access to foreign medical professionals and facilities will erode.

This section would permit an agency to advance up to three months' pay to an employee assigned or located outside of the United States on Government authorization (i.e., on temporary duty), when the employee or a family member must undergo medical treatment abroad of the nature specified in regulations to be

promulgated by the Secretary of State. In deciding what kinds of treatments would entitle the employee to request such an advance, the Committee understands that the Secretary will exclude treatments in situations where the Government would actually be advancing payment for the treatment in any case. For example, the Department of State's medical program for Foreign Service and other employees and their eligible family members currently acts as secondary insurer for the cost of hospitalization and related outpatient treatment when the illness, injury or medical condition of such an individual requiring such treatment is incurred while the individual is assigned to a post abroad or located overseas pursuant to Government authorization. Pay advances would generally not be available in that situation, in contrast to a case involving outpatient procedures where the medical program does not currently act as secondary insurer. The requested authority would also be available to advance pay to foreign national employees and non-family member United States citizen employees hired abroad when such individuals need medical care while they are located outside their country of employment on United States Government authorization.

Repayment of pay advances made under this new authority would be made in the same manner as repayment of other types of fund advances currently permitted. Waiver authority is provided, but the Committee understands that it would be used in only extremely unusual circumstances.

*Sec. 336. Report Concerning Financial Disadvantages for Administrative and Technical Personnel*

At U.S. overseas missions, administrative and technical personnel, such as office managers, information systems managers, diplomatic security agents and medical personnel, generally do not hold standard diplomatic status. Without such status, they do not benefit from waivers of local taxes and import duties. This can often impose a substantial financial burden, particularly in posts with high consumption taxes and tariffs, and tends to affect those who can afford it the least. Since it would be very difficult, if not impossible, to negotiate full diplomatic status for these personnel without offering a reciprocal benefit to foreign missions in the U.S., other avenues for reducing this burden must be explored. This section requires the State Department to study and report to the Congress on the financial disparities between diplomatic and non-diplomatic personnel posted abroad, and to make proposals for alleviating the financial burden placed on administrative and technical personnel.

TITLE IV—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

*Sec. 401. Short Title*

Section 401 states that this title may be cited as the "Secure Embassy Construction and Counterterrorism Act of 1999."

*Sec. 402. Findings*

Section 402 sets forth findings regarding the bombing of the U.S. Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya in Au-

gust 1998, and the subsequent investigation by the State Department Accountability Review Boards, which were chaired by Admiral William Crowe, USN ret.

*Sec. 403. United States Diplomatic Facility Defined*

Section 403 defines the term “United States diplomatic facility” which is used throughout this section. The definition is not intended to apply to facilities such as warehouses or other storage facilities used by a diplomatic mission.

*Sec. 404. Authorization of Appropriations*

This section establishes a new account in the Treasury to be entitled the “Embassy Construction and Security” account. It authorizes appropriations of \$3 billion over the next five fiscal years, in \$600 million per year increments.

This authorization equals the President’s budget request, which sought \$3 billion in advance appropriations for embassy security over five years, beginning in fiscal years 2001. The Committee believes the security situation is so critical that the necessary construction program should not be delayed until fiscal 2001. Therefore, the bill accelerates the construction program so that it can begin in fiscal 2000.

It should be noted, as explained below, that this account is only for construction or major security enhancements. But security is more than bricks and mortar. It also requires the necessary personnel to help implement the security standards. The supplemental appropriations provided by Congress for fiscal 1999 following the embassy bombings will permit the Bureau of Diplomatic Security (DS) to hire 200 new special agents. But even with these new hires, DS will remain understaffed, and personnel shortfalls will not be limited to special agents alone. As of March 1, 1999, for example, only 188 of the Bureau’s 267 special agent positions in its domestic field offices were filled, and many of those 188 agents were deployed on temporary duty elsewhere. The Committee notes also that DS is expected to lose nearly 200 agents to mandatory retirement or because of time-in-class rules in the next five years. The Department must begin planning to bring on a steady stream of new agents and technical engineers in the coming years—not only to meet attrition, but also to meet the enhanced security requirements that the current threat requires.

Subsection (b) provides that funds made be available only for new construction or major security enhancements needed to bring U.S. diplomatic facilities into compliance with security standards.

*Sec. 405. Obligations and Expenditures*

This section contains several provisions designed to ensure that funds appropriated to the account established in Section 404 are used only for (1) the intended purpose and (2) high priority projects.

Subsection (a) requires the Secretary of State to submit an annual report on the facilities that are a priority for replacement because of their vulnerability to terrorist attack. The report must list such facilities in groups of 20. The groups of 20 must then be ranked in order of most to least vulnerable. Funds made available

in the account may only be used for those facilities in the first four groups—that is, the 80 most vulnerable facilities. An exception to this rule may be made if the Secretary certifies that it is justified by the national interest.

In requesting \$3 billion in advance funding, the Department of State estimated that it could construct roughly 50 new facilities with this amount of funds. Subsection (a) requires the Department to focus its efforts on the posts that are currently the most vulnerable. The Committee created an exception for important cases. In giving the Department this waiver authority, however, the Committee does not expect that it will be used casually or frequently.

Subsection (b) subjects transfers of funds from this account to re-programming procedures.

Subsection (c) requires semiannual reports on obligations and expenditures from the account, projected obligations and expenditures, and the status of ongoing projects. The Committee intends to monitor the progress of the construction program closely as it proceeds in the coming years. The Committee believes these reports will be useful to the Committee in the exercise of its oversight responsibilities.

*Sec. 406. Security Requirements for United States Diplomatic Facilities*

Section 406 identifies new security requirements with respect to United States diplomatic facilities. These new requirements, which are based on recommendations of the Accountability Review Board, are specifically focused on the threat of large vehicular bombs. Section 406(a)(1)(A) requires that the Emergency Action Plan of each United States mission address the threat of large explosive attacks on vehicles and the safety of employees during such an attack.

Section 406(a)(1)(B) requires the State Department Security Environment Threat List to contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism, host government support and other relevant factors.

Section 406(a)(2) requires that the State Department, in selecting sites for diplomatic facilities overseas, adhere to its existing security standard (set forth in 12 Foreign Affairs Handbook-5) requiring that all U.S. Government offices and activities subject to the authority of the Chief of Mission be located in the same chancery buildings or on the same compound. The Committee recognizes that there may need to be exceptions to the rule, as there are in the present standards. Exceptions can be granted if the Secretary of State certifies to Congress that it is in the national interest of the United States to do so.

This authority cannot be delegated by the Secretary of State. The Committee has included this non-delegation provision in order to ensure that, as recommended by the Crowe panels, the Secretary take a personal and active role in security matters.

Section 406(a)(3) requires that each newly acquired or constructed U.S. diplomatic facility be situated not less than 100 feet from the perimeter of the property on which the facility is located. An exception can be granted if the Secretary of State certifies to

Congress that it is in the national interest of the United States to do so.

The best tool for mitigating the effects of a large bomb blast is to provide sufficient distance, or setback, for diplomatic facilities from their perimeters. There will be circumstances when it will not be feasible or practical to provide 100 feet of setback distance. The Committee recognizes this fact and provides the flexibility to the State Department to allow for such circumstances.

The State Department should survey the status of high technology infrastructure blast protection and ballistics mitigation products as well as protective films for glass windows now commercially available. The use of commercially available technologies should be given prime consideration in the Department's security enhancement decisions. In particular, effective products and technologies that can be immediately incorporated into new building construction and ongoing retrofit solutions could save significant funds.

The Committee notes that the Federal Aviation Administration has undertaken extensive laboratory and field testing of equipment to improve airport security, including comparisons of electronic explosive detection equipment. The State Department should consider the results, data and conclusions of the FAA and of other Federal agencies which have previously tested existing commercial technology.

Although the prime threat against U.S. embassies has been large vehicular bombs, as evidenced by the bombings in East Africa, there are other significant security threats. Attention also should be given to providing integrated, real-time chemical and biological agent detection and identification, which is critical to protecting diplomatic facilities. Immediate detection and alarm allows personnel to respond appropriately to an attack, minimizing casualties. As it reviews and updates its security requirements, the State Department should begin to evaluate the threat to U.S. diplomatic facilities of chemical or biological terrorist attack. The State Department should also evaluate the possibility of integrating a chem/bio detection capability, and immediate action response to such a detection, into the physical security procedures of diplomatic facilities overseas.

Section 406(a)(4) requires that the State Department conduct crisis management training for State Department Headquarters personnel, as well as personnel serving in facilities overseas.

Section 406(a)(5)(A) requires that the State Department provide sufficient support to the Foreign Emergency Support Team (FEST) to identify personnel to serve on the FEST as a collateral duty, conduct routine training exercises, and provide any additional support that may be necessary to make the FEST more effective in a post-crisis environment.

Section 406(a)(5)(B) requires the President to develop a plan to replace on a priority basis the current FEST aircraft funded by the Department of Defense with a reliable replacement and backup aircraft. The Committee understands that the executive branch is examining the issue of replacing the FEST aircraft. The Committee understands that the airplanes will continue to be funded, operated and maintained by the Department of Defense. Not later than 60



days after the enactment of this act, the President shall submit to Congress a report describing the aircraft selected pursuant to this provision.

Section 406(a)(6) requires the Secretary of State to enter into a memorandum of understanding with the Secretary of Defense to better coordinate the requirements for a more effective rapid response procedure in times of emergency with respect to U.S. diplomatic facilities.

Section 406(a)(7) requires all United States diplomatic facilities to maintain emergency equipment and records required stored at an offsite facility in case of an emergency situation.

Section 406(b) is a statutory construction provision intended to make clear that the provisions set forth in this section are not intended to alter or amend any existing security requirements not addressed in this section.

*Sec. 407. Closure of Vulnerable Posts*

Section 407 requires the Secretary of State to review the work of the Overseas Presence Advisory Panel, which the State Department established in February 1999. According to the Charter of the Panel, it is charged with preparing a report recommending the criteria by which the Department, working with Chiefs of Mission, might determine the location, size, and composition of overseas posts in the coming decade. The Panel is also tasked to propose a multi-year funding program for the Department to achieve the appropriate U.S. presence overseas.

The Panel is expected to provide its report later this year. After reviewing the work of the Panel, the Secretary is required to submit to Congress a report responding to that review. The Secretary's report will determine whether any U.S. diplomatic facility should be closed due to high vulnerability to terrorist threat and if adequate security enhancements cannot be provided to that facility. It will contain an analysis of the concept of regional facilities and recommend whether such a concept should be implemented at appropriate diplomatic facilities. In addition, the report will evaluate the foreign policy objectives served by missions in countries that may be dangerous or of limited strategic value to the United States.

The Committee notes that the Panel does not include a representative from the body which is the elected voice of Foreign Service Officers and Specialists, the American Foreign Service Association (AFSA). Foreign Service members obviously have a professional and personal stake in the work of the Panel. As of mid-March, the Panel consisted of nearly two dozen members, from both the government and the private sector. The Committee urges the Panel chairman to provide a place at the table for an AFSA representative.

*Sec. 408. Accountability Review Boards*

This section amends Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, which requires the convening of Accountability Review Boards to examine an instance of serious injury, loss of life, or significant destruction of property at or related to a U.S. Government mission abroad, or in case of serious breach of security involving intelligence activities of a foreign gov-

ernment. Under current law, there is no deadline for the convening of a board following such an event. This provision requires the Secretary of State to convene a board within 60 days of the event, and allows two 30-day extensions of this deadline. This provision does not apply to breaches of security involving intelligence activities.

*Sec. 409. Awards of Foreign Service Stars*

Section 409 amends the State Department Basic Authorities Act of 1956 to create the Foreign Service Star award. The Foreign Service Star may be awarded by the President to any member of the Foreign Service or other Federal employee who is wounded, injured, or contracts an illness while employed in an official capacity overseas. The Secretary of State will determine the procedures for awarding the Foreign Service Star, as well as selecting those to be recommended for the award.

TITLE V—UNITED STATES INTERNATIONAL  
BROADCASTING ACTIVITIES

*Sec. 501. Authorization of Appropriations*

This section authorizes appropriations for U.S. Government-sponsored international broadcasting—the Voice of America, Worldnet, Radio and TV Marti, Radio Free Europe/Radio Liberty, and Radio Free Asia—at the requested level in fiscal 2000. The same authorization levels apply to fiscal 2001.

*Sec. 502. Radio Free Asia Reauthorization*

This section reauthorizes Radio Free Asia until the end of fiscal year 2005. The radio service, modeled on Radio Free Europe and Radio Liberty, was first authorized in the United States International Broadcasting Act of 1994 (title III of the Foreign Relations Authorization Act for Fiscal Years 1994–95). For various reasons, however, the radio service did not begin broadcasting until Fall 1996. As authorized by law, Radio Free Asia broadcasts news and information to the non-democratic states of East Asia: the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam about events in those countries and in the East Asian region.

In addition to reauthorizing Radio Free Asia for another six years, this section makes one other significant change in the Broadcasting Act: it raises the current limit on annual expenditures for Radio Free Asia's operating costs—\$22 million per year—to \$28 million over the next two fiscal years. The section also makes several minor and technical changes to Section 309 of the Broadcasting Act.

*Sec. 503. Nomination Requirements*

This section amends the provision of law creating the Broadcasting Board of Governors (Sec. 304 of the United States International Broadcasting Act of 1994), which oversees all U.S. government-sponsored international broadcasting. The section subjects the designation of the position of Chairman of the Broadcasting Board of Governors to Senate advice and consent. Current law provides that all members are subject to Senate confirmation, but the President

may designate any of these members as chairman at any time. This occurred late last year without any action by the Senate. Given that the Board will become an independent entity in October, pursuant to the Foreign Affairs Reform and Restructuring Act of 1998, the Committee believes the appointment of the Chairman of the Board should be subject to Senate confirmation.

TITLE VI—ARMS CONTROL, NONPROLIFERATION, AND  
NATIONAL SECURITY

SUBTITLE A—ARMS CONTROL

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS  
CONTROL AGREEMENTS

*Sec. 611. Key Verification Assets Fund*

This provision makes \$5,000,000 available each year from existing funds for fiscal years 2000 and 2001 to a “Key Verification Assets Fund.” This fund will be used for the research, development, and acquisition of arms control, non-proliferation and disarmament verification technologies. Because only limited funding is available, the Fund generally should be used as “seed money” for the Department to encourage other agencies either to develop new technologies or to adapt existing projects to the needs of arms control verification. Thus, some of the fund might be offered in a competition among laboratories serving other departments and agencies.

Funds made available also may be used to retain existing verification assets. The Fund therefore can serve as a tool of the policy community in those instances when policy objectives diverge from intelligence community priorities. Again, because resources are limited, this Fund should not be used for the long-term retention of assets, but rather as an emergency, “stop-gap” funding source to keep critical verification assets in operation until a more appropriate source of funds can be identified.

The Secretary of State needs discretionary funds to prevent verification technologies and programs from falling by the wayside. In recent years, both the WC-135 aircraft that is used to collect debris from nuclear tests and the Cobra Dane radar that monitors missile tests in the northern Pacific region have been threatened with loss of funding. The Committee hopes that with defense budgets once again on the rise, the Secretary of Defense and the Director of Central Intelligence will accept more readily the need to monitor the nuclear and missile activities of foreign nations.

While the authority to transfer funds made available to the “Key Verification Assets Fund” resides with the Secretary, the Committee intends that the Assistant Secretary of State for Verification and Compliance will assume responsibility for the identification of technologies or programs to be funded and manage those programs if that should prove necessary. Funds may not be reprogrammed from this account.

*Sec. 612. Assistant Secretary of State for Verification and Compliance*

This provision establishes a new bureau in the Department of State headed by an Assistant Secretary for Verification and Com-

pliance. The reorganization plan proposed by the Department of State pursuant to the Foreign Affairs Reform and Restructuring Act of 1998 (P.L. 105-277) unfortunately did not provide for such a Bureau as a successor to the Arms Control and Disarmament Agency's Bureau for Intelligence, Verification, and Information Support (IVI), which was the only entity within the United States Government whose principal function was the verification and enforcement of arms control treaties and commitments.

The Department of State proposed to divide the ACDA bureau's verification staff functions between a "Special Advisor" to the Under Secretary for Arms Control and International Security and a Deputy Assistant Secretary within the larger bureau for arms control, neither of whom would be confirmed by the Senate. This would be a demotion of verification and compliance functions, as the principal advocate for arms control verification would have far less stature than officials within the State Department and elsewhere in the administration who are responsible for reaching agreements or for maintaining good relations with countries that may violate their arms control obligations.

This portion of the State Department reorganization plan runs counter to the Senate's stated purpose for ACDA's incorporation within the State Department. As the Committee's report of June 13, 1997, accompanying S. 903 made clear, the Committee considers it essential that the verification and compliance aspects of arms control agreements are given a voice at the most senior level of the Administration. A true commitment to vigorous enforcement of arms control and nonproliferation agreements and sanctions cannot be maintained by submerging compliance analysis within other bureaus.

In keeping with the bipartisan commitment to verification, several key Reagan, Bush, and former Clinton administration officials, including former ACDA Directors Ron Lehman and Eugene Rostow, have written to the Committee regarding the need for an Assistant Secretary—and a Bureau—for Verification and Compliance. In addition, the chairman and vice chairman of the Senate Select Committee on Intelligence have expressed support for these steps.

Accordingly, Section 612 establishes the position of Assistant Secretary of State for Verification and Compliance and identifies the principal authorities and responsibilities of the position. Specifically, Section 612(c)(1) provides that the Assistant Secretary shall have primary responsibility for all verification and compliance issues associated with arms control, nonproliferation, and disarmament agreements or commitments. As such, the Committee intends the Assistant Secretary to have overall oversight of policy and resources for verification and compliance regarding not only various treaties, but also executive agreements and commitments, including those falling within the purview of regional bureaus when such agreements or commitments pertain to arms control, nonproliferation, or disarmament.

Section 612(c)(2) ensures that—with some specific exceptions—the Assistant Secretary shall serve as the principal State Department participant in all executive branch interagency groups, including intelligence groups, concerned with verification or compli-

ance matters. The exceptions are cases in which (a) a more senior official represents the Department; or (b) either the President or a cabinet official responsible for safeguarding exceptionally sensitive information determines that inclusion of the Assistant Secretary would not be in the national security interests of the United States and so notifies the foreign relations and intelligence committees of Congress. Section 612(c)(3) provides that the Assistant Secretary, rather than any other official within the Department of State or elsewhere, shall be considered the principal liaison with the intelligence community on verification and compliance issues.

Finally, Section 612(c)(4) identifies those reports, or portions thereof, for which the Assistant Secretary is to have primary responsibility. The Committee notes the inevitable tension between the enforcement of arms control, nonproliferation, and disarmament agreements and the implications that such enforcement has for U.S. relations with various countries—and therefore the implications that the policies pursued by the Assistant Secretary will have upon the policies pursued by other Bureaus. The Committee urges that these reports be submitted to Congress as prepared by the Assistant Secretary to the maximum extent possible, with any concerns of other Bureaus or State Department officials presented in annexes to such reports.

*Sec. 613. Enhanced Annual (“Pell”) Report*

With the reorganization of the executive branch’s foreign affairs apparatus, the Department of State has undertaken responsibility for the preparation of an annual report by the President to Congress detailing the adherence of other nations to arms control, nonproliferation, and disarmament agreements. Section 613 expands the reporting requirement contained in Section 51 of the Arms Control and Disarmament Act to include an assessment of the adherence of other nations to commitments such as the Missile Technology Control Regime (MTCR). Compliance with commitments such as the MTCR (which is central to United States nonproliferation efforts) is no less important than compliance with arms control measures, and should be assessed in the same report, according to the same standards.

Section 613 further amends Section 51 of the Arms Control and Disarmament Act by requiring that each report specifically identify, to the maximum extent practicable in unclassified form, each and every compliance question that arises. Although the Committee understands the need to protect sensitive intelligence information and information on diplomatic initiatives, it rejects the argument that the confidentiality clause of the START Treaty, in and of itself, bars public identification of violations of that treaty. Previous reports included specific unclassified discussions of compliance issues, which Congress found most useful. In recent years, however, the unclassified section of the annual “Pell Report” has dwindled. The most recent report does not have an unclassified mention of any specific violation under the START Treaty, for instance. The Committee urges the administration to include in the current annual report, which is now overdue by three months, an unclassified section assessing specific compliance questions.

Additionally, Section 613 requires that compliance questions be carried in each successive report until the situation of concern has been resolved and the conclusion reported to the Congress. In this way, such issues will not be allowed to go unresolved or be forgotten.

*Sec. 614. Report on START and START II Treaty Monitoring Issues*

The Senate gave its advice and consent to both the START treaty and the START II treaty on the basis of several commitments from the executive branch regarding planned capabilities to monitor those treaties. Section 614 requires an assessment by the Director of Central Intelligence of the extent to which those capabilities have, or have not, materialized as promised.

Specifically, the report shall include an assessment of all monitoring activities, intelligence community assets and capabilities deemed necessary to accomplish those activities, and the status of those assets. In addition, section 614 requires an assessment of any Russian activities which have an impact on the United States' ability to monitor Russian compliance. This section also allows the Director of Central Intelligence to provide extremely sensitive, compartmented information separately to the intelligence committees of Congress. The Committee notes that the Senate Select Committee on Intelligence, in turn, has an obligation under section 4(a) of Senate Resolution 400, 94th Congress, to "promptly call to the attention of" the Foreign Relations Committee "any matter requiring the attention of" this Committee.

*Sec. 615. Standards for Verification*

Terms such as "effective verification" and "militarily significant violation" are used often in reports and testimony regarding arms control and nonproliferation agreements. Section 615 sets forth the Senate's understanding of these terms, and encourages the executive branch to adhere to the standards embodied in previous administrations' testimony regarding the meaning of these terms, in order to establish a clear framework in which the terms can be used and understood.

The definition of "effective verification" was first offered to the Committee during its consideration of the Intermediate Nuclear Forces (INF) Treaty in 1988 by Ambassador Paul Nitze:

What do we mean by effective verification? We mean that we want to be sure that, if the other side moves beyond the limits of the Treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively and thereby deny the other side the benefit of the violation.

The standard for effective verification was reaffirmed and clarified by the then-Director of the Arms Control and Disarmament Agency, Major General William Burns, in testimony before the Committee on January 24, 1989, on ongoing negotiations for a multilateral chemical weapons ban:

What is effective verification? It is a system by which we can have a high level of assurance that we will be able to detect a violation of the terms of the treaty early enough

so we can do something about it. That is sort of a simple layman's definition, I think, of effective verification.

Then-Secretary of State James Baker further elaborated upon the nature of an effective verification regime when responding to a question from Senator Pell on the START Treaty in January 1992:

A key criterion in evaluating whether the START agreement is effectively verifiable is whether, if the other side attempts to move beyond the limits of the Treaty in any militarily significant way, we would be able to detect such a violation well before it became a threat to national security so that we are able to respond. Additionally, the verification regime should enable us to detect patterns of marginal violations that do not present immediate risk to U.S. security.

As can be seen from these statements, "effective verification" consists of: (1) a "high level of assurance" in the United States' ability to detect (2) a "militarily significant" violation in (3) a "timely fashion." Moreover, an effective verification regime should, according to Secretary of State Baker's testimony, provide detection of patterns of marginal violation. These, then, are the elements of the standard of effective verification put forward since the 1980's during Senate consideration of arms control treaties.

This is the standard reaffirmed by this provision. In addition, this section makes clear that it is the Chairman of the Joint Chiefs of Staff who determines what would constitute a militarily significant violation.

Section 615 also amends Section 37 of the Arms Control and Disarmament Act, providing the chairman and ranking minority member of the foreign relations committees of Congress the authority to request verification assessments of arms control, nonproliferation, and disarmament proposals under consideration. The Committee anticipates that the Assistant Secretary of State for Verification and Compliance will be responsible for responding to such requests in a thorough and timely fashion.

*Sec. 616. Contribution to the Advancement of Seismology*

Scientists who work in the field of seismology provide an invaluable service around the world. Their close monitoring of data helps mankind to anticipate earthquakes, tsunamis and other natural disasters. This provision ensures that they are given immediate access to all unclassified seismological data provided to the United States Government by any international organization that is directly responsible for seismological monitoring. The Committee is of the opinion that, if the United States is going to invest funds in these types of organizations, it should ensure that its participation benefits the nation's universities, science centers, and seismological community. Section 616 is not intended to require, however, that the United States make public seismological data that a country might submit to an international organization, but that is not part of a network managed or sponsored by such organization.

*Sec. 617. Protection of United States Companies.*

When the Senate gave its advice and consent to ratification of the Chemical Weapons Convention, an issue of great concern was the right of international inspectors to conduct intrusive inspections of any company in the United States. To guard against the potential for economic espionage, the Congress required that a special agent of the Federal Bureau of Investigation (FBI) accompany every inspection team. This imposes a financial burden on the FBI. The Committee therefore supports the transfer of up to \$1,000,000 per year from the Department of State to the FBI to ensure that United States companies are protected.

For the time being, the Committee is willing to support the transfer of such funds to the FBI in order to ensure that an effective program to protect companies is established and supported within the FBI. Ultimately, however, the Committee intends to work with other committees of Congress to ensure that this program is carried within the Bureau's budget line.

CHAPTER 2—LANDMINE POLICY, DEMINING ACTIVITIES, AND RELATED MATTERS

*Sec. 621. Conforming Amendment*

Section 621 ensures that the Foreign Relations Committee will be kept fully apprised of the development of landmine alternatives by the Department of Defense. The Committee has a need for this information by virtue of its role in the review and approval of treaties regarding such weapons. Unfortunately, the foreign relations committees of Congress were not included as recipients of the relevant report in the original legislation. This provision fixes that oversight.

*Sec. 622. Development of Advanced Humanitarian Demining Capabilities Fund*

Section 622 provides \$5,000,000 in "seed money" to the Department of State to capitalize on demining technology under development by the Department of Defense, the Department of Energy, or any of the military departments, and to adapt that technology to serve humanitarian objectives. There are a number of promising programs under review or development by these agencies. With the funding flexibility provided under this section, the Department of State will be able to ensure that these capabilities are utilized to their maximum potential for humanitarian demining programs.

Funds made available under the "Development of Advanced Humanitarian Demining Capabilities Fund" may not be reprogrammed.

SUBTITLE B—NUCLEAR NONPROLIFERATION, SAFETY, AND RELATED MATTERS

*Sec. 631. Reporting Burden on United States Nuclear Industry*

Section 631 prohibits the executive branch from using United States obligations under the recently ratified Convention on Nuclear Safety to impose any new reporting requirements on United States nuclear power utilities and companies. The nuclear industry



in the United States expressed concern about this possibility during Committee consideration of the Convention. Given the massive volume of information already demanded of these companies by the Federal Government, the Committee judges that there is no need to subject the nuclear industry to any additional reporting obligations. The Committee has been assured by the executive branch, moreover, that there is no need or intent to impose such reporting obligations for this purpose.

*Sec. 632. Authority to Suspend Nuclear Cooperation for Failure to Ratify Convention on Nuclear Safety*

Section 632 amends Section 132 of the Atomic Energy Act, providing the President the right to suspend domestic nuclear cooperation with any country that does not ratify the Nuclear Safety Convention. The President currently has this right with respect to nations that do not ratify the Convention on the Physical Security of Nuclear Material.

*Sec. 633. Elimination of Duplicative Government Activities*

The United States currently participates in and expends funds on a number of organizations dealing with nuclear safety issues. Review of the terms of reference/mandates of these various groups, and of the subject matters considered by them in recent years, reveals that the stated objectives of all of these organizations duplicate—at least in part—those of the Convention on Nuclear Safety, as expressed in Article 1 of that treaty.

For example, the International Nuclear Regulators Association (INRA) replicates the object and purpose of the Convention on Nuclear Safety in entirety. Article 2 of the terms of reference for INRA states that the Association's fundamental purpose is to "influence and enhance nuclear safety, from the regulatory perspective, among its members as well as worldwide." This differs little in substance from the primary objective of the Convention on Nuclear Safety, which is "to achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international cooperation including, where appropriate, safety-related technical cooperation."

Section 633 urges the Secretary of State to ensure that INRA's functions are undertaken to the maximum extent practicable in connection with implementation of the Convention on Nuclear Safety.

In providing advice and consent to United States ratification of the Convention on Nuclear Safety, the Senate required the President to agree to eliminate U.S. participation in any multilateral activity in this field that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention. While this certification was made by the President, the Committee is unaware of any practical impact on the large number of multilateral nuclear safety fora in which the United States participates. Section 633 requires the President to report to the Congress on all steps taken to eliminate redundancy in nuclear safety fora.

*Sec. 634. Congressional Notification of Non-Proliferation Activities*

Section 634 revises and expands the obligation of executive branch agencies to keep the Committee “fully and currently informed” of nonproliferation issues. Several agencies have had this obligation for decades, including the Departments of Commerce, Energy, Defense, and State. However, the Committee has become concerned that few have been fulfilling their obligations in a timely manner.

Section 634 extends part of the reporting obligation contained in Section 602(c) of the Nuclear Nonproliferation Act of 1978 to the Director of Central Intelligence, makes clear that all proliferation matters are to be covered, and requires disclosure to the Committee of sensitive matters relating to significant proliferation activities of foreign nations within 60 days of the executive branch agency in question becoming aware of such activity.

*Sec. 635. Effective Use of Resources for Non-Proliferation Programs*

Section 635 requires the Secretary of Energy to submit a report responding to a February 1999 study by the General Accounting Office (GAO) entitled “Nuclear Nonproliferation: Concerns With DOE’s Efforts to Reduce the Risks Posed by Russia’s Unemployed Weapons Scientists.” The GAO found several serious concerns with DOE’s Initiatives for Proliferation Prevention program (IPP) and the Nuclear Cities Initiative.

Further, Section 635 prohibits the allocation of funds under the International Science and Technology Center program of the Department of State or the Initiatives for Proliferation Prevention program to any individual who is involved with offensive chemical or biological warfare programs. Such activities would violate the Chemical Weapons Convention or the Biological Weapons Convention. This prohibition does not extend to those individuals working on legitimate chemical or biological defense programs that are permitted under those Conventions.

*Sec. 636. Disposition of Weapons-Grade Material*

Section 636 requires the Department of Energy to identify for Congress the number of nuclear weapons “pits” of each type that it intends to dismantle pursuant to an excess plutonium disposition agreement with Russia. It is not clear to the Committee whether the administration has identified the sources for a self-declared 50 metric tons of “excess” plutonium or thought through the implications of that selection for maintenance of the United States nuclear weapon stockpile under the Comprehensive Nuclear Test-Ban Treaty.

Section 636 also requires the Secretary of State to certify that the proposed establishment of a mixed oxide (MOX) nuclear fuel fabrication plant in Russia will not become a major proliferation headache for future administrations. Section 636 seeks to guard against such nonproliferation concerns by prohibiting the use of funds for the establishment of such a plant unless Russia provides clear guarantees that it will not supply fuel assemblies containing weapons-grade plutonium, or sensitive nuclear technology related to the MOX facility, to any country of concern to the United States. This is essential given the nuclear-supply relationship that Russia

has with countries such as Iran and India. Further, Section 636 requires Russia to agree that the MOX facility will be subject to sufficient international safeguards to ensure that special nuclear material (e.g., weapons-grade plutonium) is not diverted.

*Sec. 637. Status of Hong Kong and Macao in United States Export Law*

Section 637 establishes a set of clear and reasonable expectations for Hong Kong and Macao regarding their practices for protecting sensitive commodities exported from the United States. Specifically, it requires both entities to allow U.S. officials to do all necessary pre-license and post-shipment checks to ensure that the United States' commercial relationship is not fueling China's military programs, or the programs of any other nation. The Committee's intent is to guard against Hong Kong and Macao becoming a haven for "front companies" buying sensitive technology for nations that are prohibited from acquiring such items directly from the United States.

In the event that either Hong Kong or Macao should refuse to allow pre-license verification of an end-user's identity, no license could be issued. If the United States were denied the ability to conduct post-shipment verification of the end-use of a licensed export, the administration is given the discretion to treat the entity in question just as it does the rest of China. However, because Macao does not revert to Chinese rule until the end of this year, the provisions of this section are delayed in their applicability to Macao until January 1, 2000.

For items on the United States Munitions List, the Secretary of State may waive the imposition of these penalties upon certification to Congress that the underlying case has been settled to the satisfaction of the United States or that there are specific reasons why such waiver is in the national interest of the United States. For items controlled by the Department of Commerce, the Secretary of Commerce will have those waiver rights.

SUBTITLE C—MISCELLANEOUS PROVISIONS

*Sec. 641. Requirement for Transmittal of Summaries*

Section 641 requires that the Committee receive the various arms control negotiation summaries that are routinely prepared by U.S. delegations overseas. While those summaries have been submitted to the Arms Control Observer Group of the Senate, many Committee members are not part of that group and do not have access to the information. The Foreign Relations Committee, not the Observer Group, has oversight and legislative responsibilities regarding the negotiation, ratification and implementation of arms control treaties.

*Sec. 642. Prohibition on Withholding Certain Information From Congress*

This provision makes clear that no executive branch agency may legally withhold information from the Committee that it is required to submit pursuant to Section 602 (c) or (d) of the Nuclear Non-proliferation Act of 1978. It also requires the issuance of regula-

tions by these agencies to ensure that all necessary information is provided to the Committee in a timely fashion, as required by law. As noted with regard to Section 634, timeliness has been a problem at times. Department of Defense guidelines have called into question, moreover, the Committee's access to highly compartmented information even if that access were necessary in order for the Defense Department to comply with Section 602 (c) or (d) of the Nuclear Nonproliferation Act.

## TITLE VII—MISCELLANEOUS PROVISIONS

### SUBTITLE A—PEOPLE'S REPUBLIC OF CHINA

#### *Sec. 701. Findings*

The Committee remains seriously concerned with the human rights situation in the People's Republic of China, in particular the major crackdown on dissent begun in late 1998. The findings in this section are largely a restatement and concurrence with the findings of the State Department in its Country Reports on Human Rights Practices, which noted that serious human rights abuses persisted and, in some cases, intensified in the People's Republic of China in 1998.

#### *Sec. 702. Funding for Additional Personnel at Diplomatic Posts To Report on Political, Economic, and Human Rights Matters in the People's Republic of China*

This section provides \$2,200,000 for each of fiscal years 2000 and 2001 for additional personnel at the United States embassies in the People's Republic of China and Nepal, and U.S. consulates in the People's Republic of China, in order to monitor political and economic conditions, in particular the human rights situation, in the People's Republic of China.

#### *Sec. 703. Prisoner Information Registry*

This section requires the establishment of a registry to list and provide information on all known political prisoners in the People's Republic of China. According to the State Department, there are thought to be thousands of such prisoners in the People's Republic of China, but to date, no comprehensive list of all known prisoners exists. The provisions allow the State Department to make funds available to non-government organizations to assist in establishing and maintaining the registry.

#### *Sec. 704. Report Regarding the Establishment of Organization for Security and Cooperation in Asia*

This section requires a report to Congress on the feasibility and utility of establishing an Organization for Security and Cooperation in Asia modeled on the Organization for Security and Cooperation in Europe within 180 days of enactment.

#### *Sec. 705. Sense of Congress Regarding Organ Harvesting and Transplanting in the People's Republic of China*

The Committee views the practice of harvesting organs from executed prisoners in the People's Republic of China as a particularly

gruesome form of human rights abuse in that country. This section expresses the sense of Congress that the government of the People's Republic of China should be condemned for this practice, that any officials involved in the practice should be barred from the United States and that any individuals involved in the sale of such organs in the United States should be prosecuted to the fullest extent of the law.

#### SUBTITLE B—OTHER MATTERS

*Sec. 721. Denial of Entry Into United States of Foreign Nationals Engaged in Establishment or Enforcement of Forced Abortion or Sterilization Policy*

This section requires the Secretary of State to deny a visa to any foreign national whom the Secretary of State finds to have been directly involved in the establishment or enforcement of coercive population control policies. Drafted with flexibility for the executive branch in mind, this provision allows the Secretary of State to determine which officials meet this definition, contains exceptions for heads of state, heads of government and cabinet level officials, and also contains a vital national interest waiver.

*Sec. 722. Semiannual Reports on United States Support for Membership or Participation of Taiwan in International Organizations*

In its 1994 Taiwan Policy Review, the Clinton administration announced, in recognition of Taiwan's important role in transnational issues, that the administration would support Taiwan's membership in international organizations where statehood is not a prerequisite, and would support opportunities for Taiwan's voice to be heard in those organizations where membership is not possible. The Committee supports Taiwan's membership and participation in appropriate organizations, and lauds efforts to bring this about. The Committee is concerned, however, over the slow pace of progress toward this goal. In recent testimony before the Committee, the administration admitted that this task has been more difficult than it anticipated. In order to boost efforts toward Taiwan's appropriate membership or participation in international organizations, this section requires semi-annual reports from the Secretary of State on the United States Government's efforts to achieve this goal.

*Sec. 723. Congressional Policy Regarding United Nations General Assembly Resolution ES-10/6*

It is the view of this Committee that U.N. Resolution ES-10/6, which would convene the parties of the Fourth Geneva Convention in order to criticize Israeli actions in the West Bank and Gaza, dangerously politicizes the Convention, which was established to deal with critical humanitarian crises. Further, it would unfairly blame Israel for the deterioration of the Middle East peace process, prejudice subsequent negotiations, and offer no relief to the Palestinian people it purports to help.

The amendment commends the Department of State for the U.S. vote against the U.N. resolution and urges the Department to continue its efforts against convening the conference.

*Sec. 724. Waiver of Certain Prohibitions Regarding the Palestine Liberation Organization*

This section permits the President to waive the provisions of Section 1003 of P.L. 100–204 (barring the existence of the office of the Palestine Liberation Organization in the United States) if he determines and so certifies in writing to the Congress that it is both in the national interest of the United States to do so, and that after the date of enactment of this Act, no governing body of the Palestinian people (including but not restricted to the PLO or Palestinian Authority) has made a declaration of statehood outside the framework of negotiations with the State of Israel.

The Congress has spoken to this issue several times, most recently by a vote of 98–1 in the Senate on a concurrent resolution to oppose any unilateral declaration of Palestinian statehood. While the Committee acknowledges some of the positive steps taken by the Palestinian Authority, including ongoing security cooperation with Israeli authorities which recently thwarted a planned attack by Hamas, the Committee believes strongly that the unilateral declaration of a Palestinian state would do irrevocable damage to the Middle East peace process, and urges the Palestinians not to take this step.

*Sec. 725. United States Policy Regarding Jerusalem as the Capital of Israel*

Subsection (a) reaffirms and updates the Jerusalem Embassy Act of 1995 (P.L. 104–45). It reaffirms congressional intent concerning the establishment of the U.S. Embassy in Jerusalem, Israel, no later than May 31, 1999.

Subsection (b) urges the President to correct the current anomalous situation in which the United States Ambassador to Israel, currently resident in Tel Aviv, does not supervise all U.S. diplomatic and consular activities in the State of Israel, and particularly, does not supervise the Consul General and Consulate personnel in Jerusalem, Israel.

Subsection (c) requires new public documents to describe Jerusalem as Israel’s capital as a prerequisite for funding under the bill. This restriction follows State Department practice in such publications as the “Background Notes” for Israel.

Subsection (d) requires that for purposes of registration of birth, certification of nationality, or issuance of a passport, that the Secretary of State, upon the request of a U.S. citizen born in Jerusalem, record the place of birth as Israel. This section does not constitute a requirement that U.S. citizens born in Jerusalem have Israel recorded as their place of birth.

*Sec. 726. United States Policy With Respect to Nigeria*

This section declares that the United States supports a timely, effective, and sustainable transition to democratic, civilian government in Nigeria and encourages the incoming civilian government in Nigeria to make the political, economic and legal reforms nec-

essary to ensure rule of law and respect for human rights in Nigeria. The Committee welcomed the transition program, announced in July 1998, which will culminate in the inauguration of a civilian president, members of the National Assembly, governors, and local leaders on May 29, 1999. However, the Committee is concerned about the massive reports of fraud during the four rounds of elections leading up to that date, and the potentially negative impact of that fraud on the legitimacy of the incoming government. The Committee believes that the performance of the incoming government needs to be closely monitored to ensure the establishment of effective democratic institutions, the integration of the military into democratic society, and the creation of mechanisms of transparency and accountability.

*Sec. 727. Partial Liquidation of Blocked Libyan Assets*

This section requires the President to liquidate Libyan assets blocked by the United States to pay for the reasonable costs of travel to and from the Hague, Netherlands, by immediate family members of the victims of the crash of Pan American flight 103 on December 21, 1988, who may wish to attend the trial of Libyans suspected of committing terrorist acts that caused the crash.

The Committee notes that the Government of Libya defied United Nations Security Council resolutions for over seven years by refusing to surrender two suspected terrorists for trial before a court in the United States or the United Kingdom. It also notes that Libya continues to be designated by the Secretary of State as a state sponsor of terrorism. It therefore considers it appropriate that blocked Libyan assets be used to reimburse the reasonable travel costs for immediate family members of victims so that they may attend trial proceedings in the Hague. This provision is not intended to affect the outcome of any civil suit filed by the families against the Libyan Government.

The Committee also notes that funds have been disbursed from assets frozen by the United States on a previous occasion. In November 1996, President Clinton authorized the disbursement of \$300,000 to each of the four families of the victims of the Brothers to the Rescue flight shot down by Cuban MiG-29 fighters on February 24, 1996 over international waters. The funds were disbursed from Cuban assets frozen by the United States.

*Sec. 728. Support for Refugees From Russia Who Choose To Resettle in Israel*

This provision is a sense of the Congress that the United States should support members of Russia's Jewish community and continue to provide assistance to refugees resettling in Israel.

*Sec. 729. Sense of Congress Regarding Extradition of Lt. General Igor Giorgadze*

This provision is a sense of the Congress that the President and other senior officials should raise at each bilateral meeting between officials of the U.S. Government and of the Russian Federation the issue of the extradition of Lt. General Igor Giorgadze to Georgia to stand trial for the attempted assassination of Georgian President Eduard Shevardnadze.

TITLE VIII—INTERNATIONAL ORGANIZATIONS AND  
COMMISSIONS

SUBTITLE A—AUTHORIZATION OF APPROPRIATION

*Sec. 801. Contributions to International Organizations*

This section authorizes appropriations for fiscal years 2000 and 2001 under the heading “Contributions to International Organizations”. It authorizes \$940 million in fiscal years 2000 and 2001 for United States contributions of its assessed share of the expenses of the United Nations and some 50 other international organizations of which the United States is a member.

Paragraph (2) of subsection (a) responds to a condition in the Senate resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Poland, Hungary, and the Czech Republic, which was adopted by the Senate on April 30, 1998. Condition 2(C)(ii) of that resolution limits the total amount of expenditures by the United States in any fiscal year on or after October 1, 1998, for payments to the common-funded budgets of NATO to the total of all such payments made by the United States in fiscal year 1998, unless specifically authorized by law. For fiscal year 1999, a proviso in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105–277) addressed this condition. Paragraph (2) provides the authorization called for in this condition for fiscal years 2000 and 2001.

*No Growth Budget*

Of the funds authorized, subsection (b) makes available \$80,000,000 on an annual basis only when the Secretary of State certifies to the Congress that no action has been taken by the United Nations to increase the United Nations 1998–99 budget of \$2,533,000,000 during that period without finding an offset elsewhere in the United Nations budget during that period.

*Inspector General*

Of the funds authorized, subsection (c) withholds 20 percent of the funds made available for the United Nations until the Secretary of State certifies that the Office of Internal Oversight Services (OIOS) continues to function as an independent inspector general. This subsection requires the Director of the OIOS to report directly to the Secretary General on the adequacy of his resources and to notify in writing each program, project, or activity funded by the United Nations that it has the authority to audit, inspect, or investigate it.

*Prohibition on Certain U.N. Global Conferences*

Of the funds authorized, subsection (d) prohibits U.S. funding of U.N. global conferences, except that it exempts conferences that were approved by the United Nations prior to October 1, 1998. The Committee agrees that the U.N. Global Conferences referred to in this section are those organized on a one-time basis with universal participation to address a single subject, such as the environment or population, outside of the normal course of regularly scheduled deliberations by existing U.N. bodies. For example, this section



would have applied to the Rio Earth Summit, the Beijing Women's Conference, or the Habitat Conference. Should the U.N. schedule a conference of this kind, the U.S. will not fund such a conference nor any arrears related to such a conference. This section does not include conferences directed to the achievement of a binding international agreement, or other legal instrument, on a particular matter (such as, the negotiation on the control and elimination of anti-personnel land mines in the U.N. Conference on anti-personnel land mines in the U.N. Conference on Conventional Weapons and the U.N. Conference on Disarmament).

*Prohibition on Funding Organizations Other Than the United Nations From the United Nations Regular Budget*

Of the funds authorized, subsection (e) requires that no portion of the U.S. contribution to the United Nations regular budget should be used to fund the operating cost of another organization, which has been established through a framework treaty. Such organizations are those established under separate treaties of a framework nature, composed only of parties to the treaties, having their own secretariats. This term does not include U.N. human rights treaty bodies. Should any framework treaty organization be funded out of the regular budget, the provision will require that the United States withhold from it assessment to the U.N. budget the U.S. share of the amount budgeted for such organizations.

*Refund of Excess Contributions*

The United States is directed to continue to press its policy that the United Nations and its specialized and affiliated organizations should have procedures in place to return excess contributions to member states when contributions exceed expenditures.

*Sec. 802. Contributions for International Peacekeeping Activities*

This section authorizes appropriation of \$215 million in fiscal year 2000, and \$215 million in fiscal year 2001, for assessed contributions to international peacekeeping activities under United Nations auspices. This section also consolidates many current reporting requirements regarding international peacekeeping activities.

SUBTITLE B—UNITED NATIONS ACTIVITIES

*Sec. 811. United Nations Policy on Israel and the Palestinians*

It is the view of the Committee that it is inequitable that Israel be denied participation in a regional bloc at the United Nations and therefore the opportunity of a rotating seat on the Security Council of the United Nations. Paragraph (a) of this section states that it shall be the policy of the United States to end this inequity.

Further, the existence of certain groups within the United Nations, such as the Committee on the Exercise of the Inalienable Rights of the Palestinian People reflects an anti-Israel bias. Paragraph (b) of this section states that it shall be the policy of the United States to seek the abolition of such groups.

Paragraphs (c) and (d) require annual reports and consultations with the Congress on actions to accomplish the stated policies in (a) and (b).

*Sec. 812. Data on Costs Incurred in Support of United Nations Peacekeeping Operations*

This section requires the President to report annually to the United Nations on the total costs of United States Department of Defense activities in support of Security Council resolutions—including assessed, voluntary and incremental costs. The section also requires the President to request that the United Nations prepare and publish a report that compiles similar information for other United Nations member states. The Committee expects that this comprehensive reporting will quantify all costs to the Department of Defense for support of U.N. Security Council resolutions, and enable the Congress to consider those costs in relation to the proposed operation or expansion of an operation prior to action by the United Nations Security Council.

*Sec. 813. Reimbursement for Goods and Services Provided by the United States to the United Nations*

This section is intended to ensure that the U.S. Government is reimbursed by the United Nations in a timely manner for military assistance it provides in support of the United Nations or U.N. peacekeeping operations, whether this assistance is provided to the United Nations or to another country participating in such an operation. The section is not intended to apply to civilian police monitors, which are funded individually by the nation contributing monitors.

As drafted, the Committee believes that this section does not impede the President in his ability to use any constitutional authority to provide assistance at any time. This section exempts the deployment of United States troops by the President from the requirement of reprogramming procedures under section 634A of the Foreign Assistance Act of 1961. As written, this section does not affect the President's constitutional authority as Commander in Chief. Nothing in this section shall be construed as an authorization of the use of force.

SUBTITLE C—INTERNATIONAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS

*Sec. 821. Restriction Relating to United States Accession to the International Criminal Court*

This section prohibits funding for use by, or in support of the International Criminal Court, without Senate advice and consent to the treaty establishing the Court. On July 17, 1998, a majority of nations at the U.N. Diplomatic Conference in Rome, Italy, on the Establishment of an International Criminal Court voted 120–7, with 21 abstentions, in favor of a treaty that would establish an international criminal court. The court is empowered to investigate and prosecute war crimes, crimes against humanity, genocide and aggression. The United States voted against the treaty.

*Sec. 822. Prohibition on Extradition or Transfer of United States Citizens to the International Criminal Court*

Subsection (a) prohibits the use of funds to extradite any U.S. citizen to a foreign country that is under an obligation to surrender individuals to the International Criminal Court unless that country provides direct assurances to the United States that applicable prohibitions in existing extradition treaties apply to such surrender or gives other satisfactory assurances to the United States that it will not transfer that individual to the International Criminal Court (ICC). Subsection (b) bars the United States from providing consent to the transfer of such individual to a third country under an obligation to surrender persons to the ICC unless that third country confirms to the United States that applicable prohibitions on re-extradition apply or gives other satisfactory assurances to the United States that it will not transfer that individual to the ICC.

*Sec. 823. Permanent Requirement for Reports Regarding Foreign Travel*

This section makes permanent reporting requirements on executive branch travel for purposes of diplomatic conferences.

*Sec. 824. Assistance to States and Local Governments by the International Boundary and Water Commission*

Section 501(a) authorizes the Commissioner of the U.S. Section of the International Boundary and Water Commission to provide technical tests, evaluations, information, surveys or other services to State or local governments upon request on a reimbursable basis. The IBWC is charged by treaty to establish and preserve the 1,254 mile boundary of the Rio Grande and the 24 mile boundary of the Colorado River. The IBWC is also responsible for demarcation of the land boundary and for management and sanitation of transboundary water bodies. Their work includes the monitoring and improvement of water quality, border sanitation, hydroelectric generation, flood protection control, and the maintenance of levee roads and river channels. From time to time, this work requires the IBWC to work with local communities to gain solutions to problems on border issues and to share information affecting water issues. Joint ventures with State and local entities, such as universities, can leverage the ability to conduct research on issues such as ground water monitoring. For instance, the IBWC could form a partnership with a State agency to establish monitoring wells for transboundary groundwater flows in areas where contamination is suspected. This provision would authorize such cooperative initiatives.

Section 501(b) provides that reimbursements to the IBWC shall be provided in advance and shall be credited to the appropriation from which the cost of providing the services will be charged.

TITLE IX—ARREARS PAYMENTS AND REFORM

SUBTITLE A—GENERAL PROVISIONS

This subtitle (sections 901 and 902) outlines the short title and key definitions regarding this title.

## SUBTITLE B—ARREARAGES TO THE UNITED NATIONS

## CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS OBLIGATIONS AND EXPENDITURE OF FUNDS

*Sec. 911. Authorization of Appropriations*

The section authorizes \$100,000,000 in fiscal year 1998, \$475 million in fiscal year 1999, and \$244 million in fiscal year 2000 for the repayment of arrears to the United Nations, United Nations peacekeeping activities, United Nations specialized agencies, and other international organizations. Funds are authorized to remain available until expended.

*Sec. 912. Obligation and Expenditure of Funds*

The section outlines the manner in which disbursements will be made, and requires that certification of specified reforms be completed prior to any disbursement of funds by the United States. The Secretary of State must notify the Congress 30 days prior to the disbursement of any funds. This section also provides the Secretary with the authority to waive two required certifications in order to disburse the funds authorized by this bill. Specifically, with respect to the funds authorized for fiscal year 1999, the Secretary may waive the certification that the United Nations has established a “contested arrears” account for disputed arrears if there is substantial progress in meeting this condition. Waiver of this condition shall require the Secretary to notify the United Nations that the United States Congress does not consider the United States obligated to pay these amounts. With respect to fiscal year 2000 funds the Secretary may waive the requirement that the United Nations and designated specialized agencies cap at 20 percent the U.S. share of the regular budget.

*Sec. 913. Forgiveness of Amounts Owed by the United Nations to the United States*

This section permits the President to forgive the United Nations up to \$107 million in debt currently owed to the United States. In order to forgive this debt the United Nations must reduce its record of U.S. arrears to the United Nations by the amount of the debt forgiven by the United States.

## CHAPTER 2—UNITED STATES SOVEREIGNTY

*Sec. 921. Certification Requirements**Supremacy of the Constitution*

The Secretary of State must certify that no action has been taken by the United Nations or any of its agencies to cause the United States to violate the Constitution.

*No United Nations Sovereignty*

The Secretary of State must certify that neither the United Nations nor its specialized agencies have exercised authority over the United States or taken steps to require that the United States cede sovereignty.

*No United Nations Taxation*

The Secretary of State must certify that U.S. law does not give the United Nations any legal authority to tax the American people; no taxes or comparable fees have in fact been imposed; and there has been no effort sanctioned by the United Nations to develop, advocate or promote such a taxation proposal. The exception for fees charged by the World Intellectual Property Organization is not intended to limit the scope of the exception for “fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens,” thus fees such as those charged by the International Telecommunications Union may be viewed as falling under the broader exception.

*No United Nations Standing Army*

The Secretary of State must certify that the United Nations has not taken formal steps to create or develop a standing army under Article 43 of the United Nations Charter.

*No Interest Fees*

The Secretary of State must certify that interest fees have not been levied on the United States for any arrears owed to the United Nations.

*No United Nations Real Property Rights*

The Secretary of State must certify that neither the United Nations nor its specialized agencies have exercised any authority or control over public or private property in the United States. The Committee agrees that this section should not be construed to override obligations of the International Organization Immunities Act, the Agreement Regarding the Headquarters of the United Nations, supplemental agreements to the Agreement, the Convention on the Privileges and Immunities of the United Nations, or under any other agreement with the United States according the United Nations or its specialized agencies privileges and immunities, or which are otherwise provided for under United States law, or apply to property occupied or utilized under lease, sublease, or contract with private or government owners.

*Termination of Borrowing Authority*

The Secretary of State must certify that the United Nations has not engaged in external borrowing, nor have the financial regulations of the United Nations or any of its specialized agencies been amended to permit borrowing, nor has the United States paid any interest for any loans incurred through external borrowing by the United Nations or its specialized agencies.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACE  
OPERATIONS

*Sec. 931. Certification Requirements for Fiscal Year 1999*

This section requires that the Secretary shall not make her 1999 certification if she determines the 1998 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year

1999, certify that the certification requirements set out below have been met.

*Contested Arrears Account*

The Secretary of State must certify that a contested arrears account or some other appropriate mechanism has been created for the United States. This account represents the difference between what the United Nations says is owed by the United States and the amount recognized by the United States Congress. Thus, the sum of the obligations that the Congress is authorizing in this legislation is the total that the Congress shall authorize to be appropriated to the United Nations for its arrears under the regular and peacekeeping budgets. Agreement must be reached with the United Nations that any monies identified in this account will not affect the voting rights of the United States as contained in Article 19 of the United Nations charter.

*Limitation on Assessed Share of Budget for Peace Operations*

The Secretary of State must certify that the share of the total peacekeeping budget for each United Nations assessed peace operation does not exceed 25 percent for any member.

*Limitation on Share of Regular Budget*

The Secretary of State must certify that the share of the total regular budget assessment for the United Nations does not exceed 22 percent for any member.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

*Sec. 941. Certification Requirements*

The Secretary shall not make her fiscal year 2000 certification if she determines the fiscal year 1998 and 1999 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 2000, she shall certify that the certification requirements set out below have been met.

*Limitation on Assessed Share of Regular Budget*

The Secretary of State must certify that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 20 percent for any member.

*Inspector General for Certain Organizations*

The Secretary of State must certify that the three largest U.N. specialized agencies—the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization—have each established an internal inspector general office comparable to the Office of Internal Oversight Services established in the United Nations following a similar certification requirement in the Foreign Relations Authorization Act, FY94–95 (section 401 of P.L. 103–236). With regard to subparagraph (B), the Committee notes that the approval of the member states of those organizations need not be expressed in a formal voting procedure, but may be expressed by means of ascertaining and taking into account the view of the member states. If such means is used in lieu of a formal

vote, the views of the United States must be taken into account. With regard to the distribution of reports in subparagraph (F) of this requirement, the Committee believes what is essential is that the United States (and other Member States) have access to all annual and other relevant reports without modification, except to the extent it is necessary to protect the privacy rights of individuals. When privacy rights are impacted, the Committee understands that reports may be redacted to protect individuals. However, the Committee does not anticipate that wrong-doers cited in such reports are entitled to privacy protections.

*New Budget Procedures for the United Nations*

The Secretary of State must certify that the United Nations is implementing budget procedures that require the budget agreed to at the start of a budgetary cycle to be maintained, and the system-wide identification of expenditures by functional categories. For purposes of this section, system-wide identification of expenditures by functional categories is defined to mean an object class distribution of resources. The object class distribution should accompany the initial regular assessed budget estimates for both the United Nations and its specialized agencies.

*Sunset Policy for Certain United Nations Programs*

The Secretary of State must certify that the United Nations and the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an evaluation system that requires a determination as to the relevance and effectiveness of each program. The United States is required to seek a "sunset" date for each program unless the program demonstrates relevance and effectiveness. The Committee strongly objects to the incorporation of funding for terminated programs into the baseline of the UN budget for the next biennium. Funding for programs which have ceased and one-time expenditures should not be carried over into the next budget cycle. The sunset of programs should result in financial savings for the member states.

*United Nations Advisory Committee on Administrative and Budgetary Questions*

The Secretary of State must certify that the United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ). Until 1997, the United States served on this committee since the creation of the United Nations. This committee is key to the budgetary decisions at the United Nations and the United States, as the largest contributing nation, should have a seat on this Committee.

*National Audits*

The Secretary of State must certify that the General Accounting Office (GAO) has access to United Nations financial data so that the GAO may perform nationally mandated reviews of all United Nations operations. Financial data means data pertaining to the financial transactions of the United Nations as well as data relating to its organization and activities. It is contemplated that as a result

of this provision GAO will have access to the data it needs to conduct reviews of all U.N. operations.

*Personnel*

The Secretary of State must certify that the United Nations is enforcing a personnel system based on merit and is enforcing a worldwide availability of its international civil servants; a code of conduct is being implemented that requires, among other standards, financial disclosure statements by senior United Nations officials; a personnel evaluation system is being implemented; periodic assessments are being completed by the United Nations to determine total staffing levels and reporting of those assessments; and the United States has completed a review of the United Nations allowance system, including recommendations for reductions in allowances.

*Reduction in Budget Authorities*

The Secretary of State must certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each approved a budget that is a no-growth budget in the 2000–2001 biennium as compared to levels agreed to for the 1998–1999 budgets.

*New Budget Procedures and Financial Regulations for Specialized Agencies*

The Secretary of State must certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established procedures that require the budget agreed to at the start of a budgetary cycle to be maintained; the system-wide identification of expenditures by functional categories; and approval of supplemental budget requests to the Secretariat in advance of appropriations for those requests.

*Limitation on Share of Regular Budget for Specialized Agencies*

The Secretary of State must certify that the share of the total regular budget assessment for the International Labor Organization, the Food and Agricultural Organization, and the World Health Organization does not exceed 22 percent for any member.

SUBTITLE C—MISCELLANEOUS PROVISIONS

*Sec. 951. Statutory Construction in Relation to Existing Laws*

This section makes clear that this bill will not change or reverse any previous provision of law regarding restriction on funding to international organizations.

*Sec. 952. Prohibition on Payments Relating to UNIDO and Other Organizations From Which the United States Has Withdrawn or Rescinded Funding*

This section prohibits payment to organizations from which the United States has withdrawn or from which Congress has rescinded funding because the United States no longer participates



in the organization, including the United Nations Industrial Development Organization and the World Tourism Organization.

V. COST ESTIMATE

The Congressional Budget Office had not completed an estimate of the cost of the legislation at the date of filing of this report. The Committee expects to have this estimate prior to consideration of the bill by the full Senate.

VI. EVALUATION OF REGULATORY IMPACT

In accordance with rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the Committee has concluded that there is no regulatory impact from this legislation.

## VII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT  
OF 1998**

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**TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER  
THAN UNITED NATIONS**

\* \* \* \* \*

**SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.**

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated [by this division for fiscal year 1999] *for the Department of State for any fiscal year* may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

\* \* \* \* \*

(d) REPORT TO CONGRESS.—The Director shall submit a report [not later than April 1, 1999,] *on April 1 and October 1 of each year*, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

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**TITLE XXVIII—OTHER FOREIGN POLICY PROVISIONS**

\* \* \* \* \*

**SEC. 2803. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION  
ON INTERNATIONAL CHILD ABDUCTION.**

(a) IN GENERAL.—Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter [during the period ending September 30, 1999], the Secretary of State shall submit a report to the appropriate congressional committees on the compliance with the provisions of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on Octo-

ber 25, 1980, by the signatory countries of the Convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case, *including the specific actions taken by the United States chief of mission in the country to which the child is alleged to have been abducted.*

(5) Information on efforts by the Department of State to encourage other countries to become signatories of the Convention.

(6) *A description of the efforts of the Secretary of State to encourage the parties to the Convention to facilitate the work of nongovernmental organizations within their countries that assist parents seeking the return of children under the Convention.*

**FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995**

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**TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES**

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**PART B—AUTHORITIES AND ACTIVITIES**

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**SEC. 140. VISAS.**

(a) **SURCHARGE FOR PROCESSING CERTAIN VISAS.—**

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of paragraph (1) shall be deposited as an offsetting collection to any Department of State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended.

(3) **■**For fiscal years 1994 and 1995, fees deposited under the authority of paragraph (2) may not exceed a total of \$107,500,000. **■** *For each of the fiscal years 2000 and 2001, and*

*amount collected under paragraph (1) that exceeds \$300,000,000 may be made available for the purposes of paragraph (2) only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). For subsequent fiscal years, fees may be collected under the authority of paragraph (1) only in such amounts as shall be prescribed in subsequent authorization Acts.*

【(4) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees shall not apply to fees collected under this subsection.

【(5) No fee or surcharge authorized under paragraph (1) may be charged to a citizen of a country that is a signatory as of the date of enactment of this Act to the North American Free Trade Agreement, except that the Secretary of State may charge such fee or surcharge to a citizen of such a country if the Secretary determines that such country charges a visa application or issuance fee to citizens of the United States.】

(b) AUTOMATED VISA LOOKOUT SYSTEM.— \* \* \*

\* \* \* \* \*

TITLE II—UNITED STATES INFORMATIONAL EDUCATIONAL,  
AND CULTURAL PROGRAMS

\* \* \* \* \*

PART B—USIA AND RELATED AGENCIES AUTHORITIES AND  
ACTIVITIES

\* \* \* \* \*

SEC. 230. LIMITATION CONCERNING PARTICIPATION IN INTER-  
NATIONAL EXPOSITIONS.

【Notwithstanding】 (a) *LIMITATION.*—*Except as provided in subsection (b) and notwithstanding any other provision of law, the United States Information Agency shall not obligate or expend any funds for a United States Government funded pavilion or other major exhibit at any international exposition or world’s fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.*

(b) *EXCEPTIONS.*—*Notwithstanding subsection (a), the United States Information Agency may use funds to carry out any of its responsibilities—*

*(1) under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)) to provide for United States participation in international fairs and expositions abroad;*

*(2) under section 105(f) of such Act (22 U.S.C. 2455(f)) with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies, and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions; or*

- (3) to facilitate support to the United States Commissioner General for participation in international fairs and expositions.
- (c) STATUTORY CONSTRUCTION.—Nothing in subsection (b) authorizes the use of funds available to the United States Information Agency to make any payment for—
  - (1) any contract, grant, or other agreement with any other party to carry out any activity described in subsection (b); or
  - (2) any legal judgment or the cost of any litigation brought against the United States Information Agency arising from any activity described in subsection (b).

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TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

\* \* \* \* \*

**SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.**

- (a) ESTABLISHMENT.—There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this title referred to as the “Board”).
- (b) COMPOSITION OF THE BOARD.—
  - (1) The Board shall consist of 9 members, as follows:
    - (A) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.
    - (B) The Director of the United States Information Agency who shall also be a voting member.
  - (2) The President shall [designate] *appoint* one member (other than the Director of the United States Information Agency) as Chairman of the Board, *subject to the advice and consent of the Senate*.

\* \* \* \* \*

**SEC. 309. RADIO FREE ASIA.**

- (a) AUTHORITY.
  - (1) Grants authorized under section 6204 of this title shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People’s Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.
  - (2) Such broadcasting service shall be referred to as “Radio Free Asia”.
- (b) FUNCTIONS.—Radio Free Asia shall—
  - (1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and
  - (2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.
- [(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.
  - [(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, has submitted to Congress a detailed plan for

the establishment and operation of Radio Free Asia, including—

[(A) a description of the manner in which Radio Free Asia would meet the funding limitations provided in subsection (d)(4) of this section;

[(B) a description of the numbers and qualifications of employees it proposes to hire; and

[(C) how it proposes to meet the technical requirements for carrying out its responsibilities under this section.

[(2) The plan required by paragraph (1) shall be submitted not later than 90 days after the date on which all members of the Board are confirmed.

[(3) No grant may be awarded to carry out the provisions of this section unless the plan submitted by the Board includes a certification by the Board that Radio Free Asia can be established and operated within the funding limitations provided for in subsection (d)(4) of this section and subsection (d)(5) of this section.

[(4) If the Board determines that a Radio Free Asia cannot be established or operated effectively within the funding limitations provided for in this section, the Board may submit, through the Director of the United States Information Agency, an alternative plan and such proposed changes in legislation as may be necessary to the appropriate congressional committees.]

[(d) (c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

(1)[(A)] The Board may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

[(B) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of Radio Free Asia who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.]

(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after [September 30, 1999] *September 30, 2005*.

(3) Any grant agreement shall require that any lease agreements entered into by Radio Free Asia shall be, to the maximum extent possible, assignable to the United States Government.

(4) Grants made for the operating costs of Radio Free Asia may not exceed ~~[\$22,000,000 in any fiscal year]~~ \$28,000,000 in each of fiscal years 2000 and 2001.

~~[(5)]~~ The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed \$8,000,000.]

~~[(6)]~~ (5) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

~~[(e)]~~ (d) LIMITATIONS ON ADMINISTRATIVE AND MANAGERIAL COSTS.—It is the sense of the Congress that administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

~~[(f)]~~ (e) ASSESSMENT OF EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on—

(1) whether Radio Free Asia is technically sound and cost-effective,

(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by this chapter,

(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

(5) the extent to which the interests of the United States are being served by maintaining broadcasting of Radio Free Asia.

~~[(g)]~~ (f) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after ~~[September 30, 1998, unless the President of the United States determines in the President's fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States]~~ September 30, 2005.

~~[(h)]~~ (g) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

~~[(i)]~~ (h) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this chapter may be construed to make Radio Free Asia a Federal agency or instrumentality.

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## TITLE IV—INTERNATIONAL ORGANIZATIONS

## PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS

**SEC. 401. UNITED NATIONS OFFICE OF [INSPECTOR GENERAL] OFFICE OF INTERNAL OVERSIGHT SERVICES.**

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Until a certification is made under subsection (b), the following amounts shall be withheld from obligation and expenditure (in addition to any amounts required to be withheld by any other provision of this Act):

(1) FY 1994 ASSESSED CONTRIBUTIONS FOR U.N. REGULAR BUDGET.—Of the funds appropriated for “Contributions to International Organizations” for fiscal year 1994, 10 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(2) FY 1995 ASSESSED CONTRIBUTIONS FOR U.N. REGULAR BUDGET.—Of the funds appropriated for “Contributions to International Organizations” for fiscal year 1995, 20 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(3) SUPPLEMENTAL ASSESSED PEACEKEEPING CONTRIBUTIONS.—Of the funds appropriated for “Contributions for International Peacekeeping Activities” for a fiscal year pursuant to the authorization of appropriations under section 102(d), 50 percent shall be withheld.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent office of [Inspector General] *Office of Internal Oversight Services* to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an [Inspector General] *Office of Internal Oversight Services*, with the approval of the General Assembly, and that 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 investigations;

(3) the [Inspector General] *Office of Internal Oversight Services* 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 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 procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to,



or cooperating in any investigation or inspection by, the **Inspector General Office of Internal Oversight Services;**

(5) the United Nations has procedures in place designed to ensure compliance with the recommendations of the **Inspector General Office of Internal Oversight Services;** and

**[(6) the United Nations has procedures in place to ensure that all annual and other relevant reports submitted by the Inspector General are made available to the General Assembly without modification.]**

*(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Services are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.*

(c) SPECIALIZED AGENCIES.—United States representatives to the United Nations should promote complete **Inspector General Office of Internal Oversight Services** access to all records and officials of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(d) DEFINITION.—For purposes of this part, the term “**Inspector General Office of Internal Oversight Services**” means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

**FOREIGN SERVICE ACT OF 1980**

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**TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES**

\* \* \* \* \*

**CHAPTER 3—APPOINTMENTS**

\* \* \* \* \*

**SEC. 304. APPOINTMENT OF CHIEFS OF MISSION.**

(a) \* \* \*

\* \* \* \* \*

**[(c) Within 6 months after assuming the position, the chief of mission to a foreign country shall submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report describing his or her own foreign language competence and the foreign language competence of the mission staff in the principal language or other dialect of that country.]**

\* \* \* \* \*

**SEC. 405. PERFORMANCE PAY.**

(a) \* \* \*

\* \* \* \* \*

(b) Awards of performance pay shall take into account the criteria established by the Office of Personnel Management for performance awards under section 5384 of title 5, United States Code, and rank awards under section 4507 of title 5, United States Code. Awards of performance pay under this section shall be subject to the following limitations:

- (1) Not more than [50] 33 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year.

\* \* \* \* \*

**SEC. 408. LOCAL COMPENSATION PLANS.**

(a)(1) The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service and United States citizens employed under section 311(c)(1). To the extent consistent with the public interest, each compensation plan shall be based upon prevailing wage rates and compensation practices (including participation in local social security plans) for corresponding types of positions in the locality of employment, except that such compensation plans shall provide for payment of wages to United States citizens at a rate which is no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)). Any compensation plan established under this section may include provision for (A) leaves of absence with pay for employees in accordance with prevailing law and employment practices in the locality of employment without regard to any limitation contained in section 6310 of title 5, United States Code, (B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C) payments by the Government and employees to a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest for the benefit of covered employees. For United States citizens under a compensation plan, the Secretary shall [(A) provide such citizens with a total compensation package (including wages, allowances, benefits, and other employer payments, such as for social security) that has the equivalent cost to that received by foreign national employees occupying a similar position at that post and (B)] define those allowances and benefits provided under United States law which shall be included as part of this total compensation package, notwithstanding any other provision of law, except that this section shall not be used to override United States minimum wage requirements, or any provision of the Social Security Act or the Internal Revenue Code.

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**SEC. 413. DEATH GRATUITY.**

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**SEC. 414. BORDER EQUALIZATION PAY ADJUSTMENT.**

(a) *IN GENERAL.*—An employee who regularly commutes from the employee's place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization pay adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that the employee would receive if the employee were assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

(b) *EMPLOYEE DEFINED.*—For purposes of this section, the term 'employee' means a person who—

(1) is an 'employee' as defined under section 2105 of title 5, United States Code; and

(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 103).

(c) *TREATMENT AS BASIC PAY.*—An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5, United States Code.

(d) *REGULATIONS.*—The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.

\* \* \* \* \*

CHAPTER 6—PROMOTION AND RETENTION

**SEC. 601. PROMOTIONS.—**

(a) \* \* \*

(b) \* \* \*

(1) \* \* \*

(2) \* \* \*

(c)(1) \* \* \*

\* \* \* \* \*

[(4) Not later than March 1 of each year, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall—

[(A) describe the steps taken and planned in furtherance of—

[(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

[(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

[(B) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including, with respect to each of the relevant promotion competition groups, the projected ranges of rates of appointment, pro-

motion, and attrition over each of the next 5 fiscal years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

【(C) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member.】

(4) *Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:*

(A) *A description of the steps taken and planned in furtherance of—*

(i) *maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and*

(ii) *the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204.*

(B) *A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall set forth a recruitment/training program<sup>2</sup> of generalist and specialist Foreign Service personnel to meet projected future requirements.*

(5) *If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).*

\* \* \* \* \*

#### **SEC. 604. RECORDS.**

(a) The records described in section 603(a) shall be maintained in accordance with regulations prescribed by the Secretary. Except to the extent that they pertain to the receipt, disbursement, and accounting for public funds, such records shall be confidential and subject to inspection only by the President, the Secretary, such employees of the Government as may be authorized by law or assigned by the Secretary to work on such records, the legislative and appropriations committees of the Congress charged with considering legislation and appropriations for the Service, and representatives duly authorized by such committees. Access to such records relating to a member of the Service shall be granted to such member, upon written request.

(b) *Notwithstanding subsection (a), any record of disciplinary action taken against a member of the Service, including any correction of that record under section 1107(b)(1), shall remain a part of the*

*personnel records for a period of five years, or until the member is next promoted, whichever is longer.*

\* \* \* \* \*

**SEC. 610. SEPARATION FOR CAUSE.**

- (a)(1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*

\* \* \* \* \*

- (5) \* \* \*

*(6) Notwithstanding the hearing required by paragraph (2), at the time the Secretary recommends that a member of the Service be separated for cause, that member shall be placed on leave without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.*

\* \* \* \* \*

**SEC. 702. FOREIGN LANGUAGE REQUIREMENTS.**

(a) The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) The Secretary of State shall arrange for appropriate language training of members of the Service by the institution or otherwise in order to assist in meeting the requirements established under subsection (a).

*(c) Not later than March 31 of each year, the Director General of the Foreign Service and Director of Personnel of the Department of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—*

- (1) became vacant during the previous calendar year; and*
- (2) were filled by individuals having the required foreign language competence.*

\* \* \* \* \*

**SEC. 1103. FREEDOM OF ACTION.**

- (a) \* \* \*
- (b)(1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (c) \* \* \*

(d)(1) No record of—

- (A) a determination by the Secretary to reject a recommendation of the Foreign Service Grievance Board,
- (B) a finding by the Grievance Board against the grievant,
- or
- (C) the fact that a grievance proceeding is pending or has been held,

shall be entered in the personnel records of the grievant (except by order of the Grievance Board as a remedy for the grievance) or those of any other individual connected with the grievance. *Nothing in this subsection prevents a grievant from placing in the grievant's personnell records a rebuttal to accompany a record of disciplinary action, nor prevents the Department from placing in the file a statement that the disciplinary action has been reviewed and upheld by the Foreign Service Grievance Board.*

\* \* \* \* \*

**SEC. 1104. TIME LIMITATIONS.**

(a) A grievance is forever barred under this chapter unless it is filed with the Department [within a period of 3 years after the occurrence or occurrences giving rise to the grievance or such shorter period as may be agreed to by the Department and the exclusive representative] *not later than one year after the occurrence giving rise to the grievance or, if the grievance arises from an employee's performance evaluation, not later than one year after the date on which the employee ceased to be supervised by the person who was the employee's rater or reviewer in that evaluation. The limitation in the preceding sentence may not be extended by regulation.* There shall be excluded from the computation of any such period any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence.

(b) If a grievance is not resolved under Department procedures (which have been negotiated with the exclusive representative, if any) within ninety days after it is filed with the Department, the grievant or the exclusive representative (on behalf of a grievant who is a member of the bargaining unit) shall be entitled to file a grievance with the Foreign Service Grievance Board for its consideration and resolution.

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

\* \* \* \* \*

**SEC. 1105. FOREIGN SERVICE GRIEVANCE BOARD.**

- (a) \* \* \*
- (b) \* \* \*
- (c) \* \* \*
- (d) \* \* \*
- (e) \* \* \*

(f)(1) *Not later than March 1 of each year, the Chairman of the Foreign Service Review Board shall prepare a report summarizing the activities of the Board during the previous calendar year. The report shall include—*

- (A) *the number of cases filed;*
- (B) *the types of cases filed;*
- (C) *the number of cases on which a final decision was reached, as well as data on the outcome of cases, whether affirmed, reversed, settled, withdrawn, or dismissed;*

(D) the number of oral hearings conducted and the length of each such hearing;

(E) the number of instances in which interim relief was granted by the Board; and

(F) data on the average time for consideration of a grievance, from the time of filing to a decision of the Board.

(2) The report required under paragraph (1) shall be submitted to the Director General of the Foreign Service and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**FOREIGN ASSISTANCE ACT OF 1961**

\* \* \* \* \*

**PART II**

\* \* \* \* \*

**CHAPTER 6—PEACEKEEPING OPERATIONS**

**SEC. 553. ADMINISTRATIVE AUTHORITIES.—** \* \* \*

**SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) *UNITED STATES COSTS.*—The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions.

(b) *UNITED NATIONS MEMBER COSTS.*—The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.

**STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999**

\* \* \* \* \*

**SEC. 248. LANDMINE ALTERNATIVES.**

(a) \* \* \*

\* \* \* \* \*

(d) **REPORT.**—Not later than April 1 of 2000 and 2001, the Secretary shall submit to the congressional defense committees, and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, a report describing the progress made in identifying technologies and concepts referred to in subsection (a). At the same time the report is submitted, the Secretary shall transmit to such committees copies of the reports (and recommendations, if any) received by the Secretary from the scientific organizations that carried out the studies referred to in subsection (c).

**ARMS CONTROL AND DISARMAMENT ACT**

\* \* \* \* \*

VERIFICATION OF COMPLIANCE

SEC. 37. (a) IN GENERAL.—In order to ensure that arms control, nonproliferation, and disarmament agreements can be [adequately] verified, the Director shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the Director as to the degree to which the components of such agreement can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement;

(3) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control, nonproliferation, and disarmament verification; and

(4) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency.

(b) ASSESSMENTS UPON REQUEST.—*Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal—*

*(1) under consideration for presentation to a foreign country by the United States;*

*(2) presented to a foreign country by the United States; or*

*(3) presented to the United States by a foreign country;*

*the Secretary of State shall submit a report to the Committee on his determination as to the degree to which elements of the proposal are capable of being verified.*

(c) STANDARD FOR VERIFICATION OF COMPLIANCE. In making determinations under paragraphs (1) and (2) of subsection (a) of this section, the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(d) RULE OF CONSTRUCTION.—Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

(e) PARTICIPATION OF AGENCY. In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 2593a(a)(5) of this title, the Director, or the Director's designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or



review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

\* \* \* \* \*

ANNUAL REPORT TO CONGRESS

**SEC. 51. ANNUAL REPORT TO CONGRESS.**

(a) IN GENERAL. Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

(1) \* \* \*

\* \* \* \* \*

(6) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements *or commitments, including the Missile Technology Control Regime*, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements *or commitments*, and shall include, in the case of each agreement *or commitment* about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

(B) an assessment of damage, if any, to the United States security and other interests; and

(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; **[and]**

(7) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 6305(4) of this title) by non-nuclear-weapon states (as defined in section 6305(5) of this title) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 6305(8) of this title), including—

(A) a net assessment of the aggregate military significance of all such violations;

(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments **[.]** ; *and*

(8) *a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.*

(b) \* \* \*

(c) \* \* \*

(d) *Each report shall include a discussion of each significant issue contained in a previous report issued during 1995, or after December 31, 1995, pursuant to paragraph (6), until the question or concern has been resolved and such resolution has been reported to the appropriate committees of Congress in detail.*

#### UNITED NATIONS PARTICIPATION ACT OF 1945

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SEC. 4. (a) PERIODIC REPORTS.—The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. [He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein, under his instructions, of the representative of the United States.]

(b) \* \* \*

(c) \* \* \*

(d) \* \* \*

[(e) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term “designated congressional committees” has the meaning given that term by section 415 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.]

(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CONSULTATIONS.—*Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.*

(2) INFORMATION TO BE PROVIDED.—*In connection with such consultations, the following information shall be provided each month to the designated congressional committees:*

(A) *With respect to ongoing United Nations peacekeeping operations, the following:*

(i) *A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.*

(ii) *For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.*

(iii) *An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.*

(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of 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 the estimated costs to the United States of such changes.

(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

(i) The anticipated duration, mandate, and command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

(iv) A description of any other United States assistance to or support for the operation (including the provision of 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.

(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(3) FORM AND TIMING OF INFORMATION.—

(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

(B) TIMING.—

(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing

with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

(4) *NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.*—As used in paragraph (2), the term ‘new United Nations peacekeeping operation’ includes any existing or otherwise ongoing United Nations peacekeeping operation—

(A) where the authorized force strength is to be expanded;

(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

(5) *NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.*—

(A) *NOTIFICATION OF CERTAIN ASSISTANCE.*—

(i) *IN GENERAL.*—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

(ii) *EXCEPTION.*—This subparagraph does not apply to—

(I) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance; or

(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

(B) *QUARTERLY REPORTS.*—

(i) *IN GENERAL.*—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

(ii) *MATTERS INCLUDED.*—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

(iii) *FOURTH QUARTER REPORT.*—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

(f) *DESIGNATED CONGRESSIONAL COMMITTEES.*—In this section, the term ‘designated congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of

*the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.*

*(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.*

\* \* \* \* \*

**SEC. 9. \* \* \***

\* \* \* \* \*

**SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.**

*(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—*

*(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;*

*(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or*

*(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.*

*(2) EXCEPTIONS.—*

*(A) IN GENERAL.—The requirement in paragraph (1) shall not apply to—*

*(i) goods and services provided to the United States Armed Forces;*

*(ii) assistance having a value of less than \$3,000,000 per fiscal year per operation;*

*(iii) assistance furnished before the date of enactment of this section;*

*(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or*

*(v) any assistance commitment made before the date of enactment of this section.*

*(B) DEPLOYMENTS OF UNITED STATES MILITARY FORCES.—The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to*

*the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.*

**(3) FORM AND AMOUNT.—**

**(A) AMOUNT.—***The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.*

**(B) FORM.—***Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.*

**(b) TREATMENT OF REIMBURSEMENTS.—**

**(1) CREDIT.—***The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.*

**(2) AVAILABILITY.—***Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.*

**(c) COVERED ASSISTANCE.—***Subsection (a) applies to assistance provided under the following provisions of law:*

**(1) Sections 6 and 7 of this Act.**

**(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.**

**(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.**

**(d) WAIVER.—**

**(1) AUTHORITY.—**

**(A) IN GENERAL.—***The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.*

**(B) CONGRESSIONAL NOTIFICATION.—***When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.*

**(2) CONGRESSIONAL REVIEW.—***Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.*

(3) *SENATE PROCEDURES.*—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(e) *RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.*—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

(f) *DEFINITION.*—In this section, the term ‘assistance’ includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.

## STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

### ADMINISTRATIVE SERVICES

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#### SEC. 36. \* \* \*

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#### “SEC. 36A. AWARDS OF FOREIGN SERVICE STARS.

“(a) *AUTHORITY TO AWARD.*—The President, upon the recommendation of the Secretary, may award a Foreign Service star to any member of the Foreign Service or any other civilian employee of the Government of the United States who, after August 1, 1998, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death) in a case described in subsection (b)—

“(1) as the person was performing official duties;

“(2) as the person was on the premises of a United States mission abroad; or

“(3) by reason of the person’s status as a United States Government employee.

“(b) *CASES RESULTING FROM UNLAWFUL CONDUCT.*—Cases covered by subsection (a) include cases of wounds or other injuries incurred as a result of terrorist or military action, civil unrest, or criminal activities directed at any facility of the Government of the United States.

“(c) *SELECTION CRITERIA.*—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Foreign Service star and for selecting the persons to be recommended for the award.

“(d) *AWARD IN THE EVENT OF DEATH.*—If a person selected for award of a Foreign Service star dies before being presented the award, the award may be made and the star presented to the person’s family or to the person’s representative, as designated by the President.

“(e) *FORM OF AWARD.*—The Secretary shall prescribe the design of the Foreign Service star. The award may not include a stipend or any other cash payment.

*“(f) FUNDING.—Any expenses incurred for awarding a person a Foreign Service star may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.”*

\* \* \* \* \*

PROCEDURES REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD  
AFFECTING UNITED STATES CITIZENS

SEC. 43. (a) *AUTHORITY.*—In the case of a major disaster or incident abroad which affects the health and safety of citizens of the United States residing or traveling abroad, the Secretary of State shall provide prompt and thorough notification of all appropriate information concerning such disaster or incident and its effect on United States citizens to the next-of-kin of such individuals. Notification shall be provided through the most expeditious means available, including telephone communications, and shall include timely written notice. The Secretary, through the appropriate offices of the Department of State, shall act as a clearinghouse for up-to-date information for the next-of-kin and shall provide other services and assistance. Assistance shall include liaison with foreign governments and persons and with United State air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as [disposition of personal effects] *disposition of personal estates pursuant to section 43B.*

(b) *DEFINITIONS.*—For purposes of this section and sections 43A and 43B, the term ‘consular officer’ includes any United States citizen employee of the Department of State who is designated by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.

**SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF DEATH.**

(a) *IN GENERAL.*—Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

(b) *REPORTS OF DEATH OR PRESUMPTIVE DEATH.*—The consular officer may, for any United States citizen who dies abroad—

- (1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or
- (2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.

(c) *IMPLEMENTING REGULATIONS.*—The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.



**SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.****(a) CONSERVATION OF ESTATES ABROAD.—**

**(1) AUTHORITY TO ACT AS CONSERVATOR.**—Whenever a United States citizen or national dies abroad, a consular officer shall act as the provisional conservator of the portion of the decedent's estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

**(A)** take possession of the personal effects of the decedent within his jurisdiction;

**(B)** inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

**(C)** when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer's jurisdiction and pay from the estate the obligations owed by the decedent;

**(D)** sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

**(E)** sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent's debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

**(F)** upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

**(G)** transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry, heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

**(H)** in the event that the decedent's estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

**(2) AUTHORITY TO ACT AS ADMINISTRATOR.**—Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

**(3) EXCEPTIONS.**—The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country

where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent's legal representative shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

(4) *ADDITIONAL REQUIREMENT.*—In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

(B) permitted by established usage in that country.

(5) *STATUTORY CONSTRUCTION.*—Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 of the United States Code with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer's property.

(b) *DISPOSITION OF ESTATES BY THE SECRETARY OF STATE.*—

(1) *PERSONAL ESTATES.*—

(A) *IN GENERAL.*—After receipt of a personal estate pursuant to subsection (a), the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

(B) *DISPOSITION AS SURPLUS UNITED STATES PROPERTY.*—If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a), no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

(C) *TRANSFER OF PROCEEDS.*—The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

(2) *REAL PROPERTY.*—

(A) *DESIGNATION AS EXCESS PROPERTY.*—In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 511 et seq.).

(B) *TREATMENT AS GIFT.*—In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 25 of this Act and section 9(a)(3) of the Foreign Service Buildings Act of 1926.

(c) *LOSSES IN CONNECTION WITH THE CONSERVATION OF ESTATES.*—

(1) *AUTHORITY TO COMPENSATE.*—The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

(A) the conservation of which has been undertaken under section 43 or subsection (a) of this section; and

(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

(2) *LIABILITY.*—

(A) *EXCLUSION OF PERSONAL LIABILITY AFTER PROVISION OF COMPENSATION.*—Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

(B) *LIABILITY TO THE DEPARTMENT.*—An officer or employee of the Department of State may be liable to the Department of State to the extent of any compensation provided under paragraph (1).

(C) *DETERMINATIONS OF LIABILITY.*—The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) shall be determined pursuant to the Department's procedures for determining accountability for United States Government property.

(d) *REGULATIONS.*—The Secretary of State may prescribe such regulations as may be necessary to carry out this section.

## ATOMIC ENERGY ACT OF 1954

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### CHAPTER 11—INTERNATIONAL ACTIVITIES

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#### SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL OR THE CONVENTION ON NUCLEAR SAFETY.

The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material or the Convention on Nuclear Safety.

**NUCLEAR NON-PROLIFERATION ACT OF 1978**

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**TITLE VI—EXECUTIVE REPORTING**

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**SEC. 602. ADDITIONAL REPORTS.**

(a) \* \* \*

(b) \* \* \*

【The Department of State, the Department of Defense, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this chapter and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.】

*(c)(1) The Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, the Commission, and, with regard to subparagraph (B), the Director of Central Intelligence, shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to—*

*(A) their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, including the proliferation of nuclear, chemical, or biological weapons, or their means of delivery; and*

*(B) the current activities of foreign nations which are of significance from the proliferation standpoint.*

*(2) For the purposes of this subsection with respect to subparagraph (B), the phrase ‘fully and currently informed’ means the transmittal of information not later than 60 days after becoming aware of the activity concerned.*

**OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM  
ACT OF 1986**

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**TITLE III—PERFORMANCE AND ACCOUNTABILITY**

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**SEC. 301. ACCOUNTABILITY REVIEW.**

(a) In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review

Board (hereafter in this title referred to as the “Board”). *The Secretary shall convene a Board not later than 60 days after the occurrence of the injury, loss of life, destruction of property, or breach of security described in the preceding sentence, except that such 60-day period may be extended for two additional 30-day periods if the Secretary determines that the additional period is necessary for the convening of the Board.* With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review Board if, after consultation with the Chairman of the Select Committee on Intelligence of the Senate and the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board. The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

*(b) Whenever the Secretary convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—*

- (1) that a Board has been convened;*
- (2) the membership of the Board; and*
- (3) other appropriate information about the Board.*

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**THE ASIA FOUNDATION ACT**

**TITLE IV—THE ASIA FOUNDATION**

\* \* \* \* \*

**FUNDING**

**[SEC. 404.**

**]** There are authorized to be appropriated to the Secretary of State \$10,000,000 for the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this title.]

**SEC. 404.**

*There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.*

**TITLE 5—UNITED STATES CODE**

**TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES**

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**PART III—EMPLOYEES**

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 59—ALLOWANCES

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SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

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**SEC. 5927. ADVANCES OF PAY.**

(a) Up to three months' pay may be paid in advance to an employee upon the assignment of the employee to a post in a foreign area.

(b)(1) *Subject to paragraph (2), up to three months' pay may be paid in advance to—*

*(A) a United States citizen employee of an agency (other than a United States citizen employed under section 311(a) of the Foreign Service Act of 1980 (22 U.S.C. 3951(a))—*

*(i) who is assigned or located outside of the United States pursuant to Government authorization; and*

*(ii) who must, or has a family member who must, undergo outside of the United States medical treatment of the nature specified in regulations promulgated by the Secretary of State; and*

*(B) each foreign national employee appointed under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) and each United States citizen employed under section 311(a) of that Act (22 U.S.C. 3951(a)) who is not a family member of a government employee assigned abroad—*

*(i) who is located outside of the country of employment pursuant to United States Government authorization; and*

*(ii) who must undergo outside the country of employment medical treatment of the nature specified in regulations promulgated by the Secretary of State.*

(2) *Not more than 3 months pay may be advanced to an employee with respect to any single illness or injury, without regard to the number of courses of medical treatment required by the employee.*

(3)(A) *Subject to the adjustment of the account of an employee under subparagraph (B) and other applicable provisions of law, the amount paid to an employee in advance shall be equal to the rate of pay authorized with respect to the employee on the date the advance payment is made under agency procedures governing other advance payments permitted under this subchapter.*

(B) *The head of each agency shall provide for—*

*(i) the review of the account of each employee of the agency who receives any advance payment under this section; and*

*(ii) the recovery of the amount of pay or waiver thereof.*

(4) *For the purposes of this subsection, the term 'country of employment' means the country outside the United States where the employee was appointed for employment or employed by the United States Government.*

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## SUBPART G—INSURANCE AND ANNUITIES

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## CHAPTER 84—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

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## SUBCHAPTER III—THRIFT SAVINGS PLAN

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**SEC. 8432. CONTRIBUTIONS.**

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**SEC. 8432b. CONTRIBUTIONS OF PERSONS WHO PERFORM MILITARY SERVICE.**

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**SEC. 8432c. CONTRIBUTIONS OF CERTAIN PERSONS REEMPLOYED AFTER SERVICE WITH INTERNATIONAL ORGANIZATIONS.**

(a) *In this section, the term 'covered person' means any person who—*

(1) *transfers from a position of employment covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 to a position of employment with an international organization pursuant to section 3582;*

(2) *pursuant to section 3582 elects to retain coverage, rights, and benefits under any system established by law for the retirement of persons during the period of employment with the international organization and currently deposits the necessary deductions in payment for such coverage, rights, and benefits in the system's fund; and*

(3) *is reemployed pursuant to section 3582(b) to a position covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 after separation from the international organization.*

(b)(1) *Each covered person may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).*

(2) *The maximum amount which a covered person may contribute under paragraph (1) is equal to—*

(A) *the total amount of all contributions under section 8351(b)(2) or 8432(a), as applicable, which the person would have made over the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)); minus*

(B) *the total amount of all contributions, if any, under section 8351(b)(2) or 8432(a), as applicable, actually made by the person over the period described in subparagraph (A).*

(3) *Contributions under paragraph (1)—*

(A) *shall be made at the same time and in the same manner as would any contributions under section 8351(b)(2) or 8432(a), as applicable;*

(B) *shall be made over the period of time specified by the person under paragraph (4)(B); and*

(C) shall be in addition to any contributions actually being made by the person during that period under section 8351(b)(2) or 8432(a), as applicable.

(4) The Executive Director shall prescribe the time, form, and manner in which a covered person may specify—

(A) the total amount the person wishes to contribute with respect to any period described in paragraph (2)(A); and

(B) the period of time over which the covered person wishes to make contributions under this subsection.

(c) If a covered person who makes contributions under section 8432(a) makes contributions under subsection (b), the agency employing the person shall make those contributions to the Thrift Savings Fund on the person's behalf in the same manner as contributions are made for an employee described in section 8432b(a) under sections 8432b(c), 8432b(d), and 8432b(f). Amounts paid under this subsection shall be paid in the same manner as amounts are paid under section 8432b(g).

(d) For purposes of any computation under this section, a covered person shall, with respect to the period described in subsection (b)(2)(A), be considered to have been paid at the rate which would have been payable over such period had the person remained continuously employed in the position that the person last held before transferring to the international organization.

(e) For purposes of section 8432(g), a covered person shall be credited with a period of civilian service equal to the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)).

(f) The Executive Director shall prescribe regulations to carry out this section.

## TITLE 22—UNITED STATES CODE

### TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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#### CHAPTER 4—PASSPORTS

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#### SEC. 214. FEES FOR EXECUTION AND ISSUANCE OF PASSPORTS; PERSONS EXCUSED FROM PAYMENT.

There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for [each passport issued] *the filing of each application for a passport (including the cost of passport issuance and use)* and a fee, prescribed by the Secretary of State by regulation, for executing [each application for a passport;] *each such application* 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. *Such fees shall not be refundable, except as the Secretary may by regulation prescribe.* No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his



immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

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**[SEC. 216. RETURN OF FEES ON REFUSAL TO VISEAE1.**

**[Whenever the appropriate officer within the United States of any foreign country refuses to viseAE1 a passport issued by the United States, the Department of State is authorized upon request in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is appropriated and directed to be paid upon the order of the Secretary of State.]**

## VIII. MINORITY VIEWS OF SENATOR SARBANES

Important United States national interests are being seriously undermined by our continued failure to pay what we owe to the United Nations and its affiliated agencies. By refusing to meet our legal obligations while continually issuing new demands, we are squandering our own influence, damaging our credibility and international respect, engendering resistance to the reforms we seek, and complicating the U.N.'s ability to perform its duties in a timely and effective manner. We should pay our arrears promptly, in full, and without additional conditions.

Unfortunately, this legislation does not achieve this objective. While the U.S. acknowledges we owe \$1.021 billion to the U.N.—which is substantially less than the \$1.5 billion the U.N. says we owe them—this bill authorizes only \$819 million, over three years, plus an additional \$107 million in credits. That still leaves us almost \$100 million short of our acknowledged obligations (and far short of the U.N. figure), with no promise of ever paying it back. In effect, this bill resigns us to permanent default.

To make matters worse, the Committee bill imposes a long list of arbitrary and burdensome conditions for paying even the reduced amount. These conditions have not been negotiated or agreed with the United Nations; rather, they are being unilaterally imposed by the United States. And they are being imposed on past obligations, on money that we agreed to provide without such stipulations. As a consequence, the U.N. has been unable to reimburse other countries for sending their troops on peacekeeping missions that the U.S. encouraged and endorsed. Other countries have put the lives of their own citizens on the line in order to accomplish our mutually-agreed objectives. The U.S. responsibility in most of those instances was to provide money to cover their activities, to fund the missions they were performing for us and the entire world. Those missions have been accomplished. The bill has not been paid.

Third, this legislation creates new arrearages to the U.N. Not only do we fail to pay all the money we owe in arrears, not only do we establish preconditions for this partial payment, but we also begin to build up new debts by authorizing less than is needed for FY 2000. The administration requested \$963 million for assessed U.N. dues this year, while the bill caps payments at \$940 million. Similarly, \$235 million is needed for assessed peacekeeping operations in FY 2000, but the bill provides only \$215 million. The result is \$43 million in new arrearages, this year alone. If any other country, delinquent in its obligations, showed up with the demands we have placed in this legislation, lacking the intention of paying its debts in full and short of its current dues, we would be outraged at its audacity. Surely, friends and allies will be outraged at ours.

This approach runs counter to that reflected in the exercise of American leadership at the end of World War II, an approach which I think ought to characterize our policy toward the United Nations today. It is my strongly held view that the interests of the United States have been served by our Nation's active participation in the United Nations and the U.N. system. Especially now, with the end of the Cold War, the U.N. has a genuine opportunity to function as it was intended to at the end of World War II. For

many years, a constant Soviet veto in the Security Council effectively neutralized the United Nations. Between 1946 and 1970, for example, the Soviet Union vetoed Security Council actions more than one hundred times before the United States even cast its first veto. But the United States chose to persevere within the existing U.N. framework. The task facing us today is to assist the United Nations to adapt to the end of the Cold War and the challenges of a new century. The need for a United Nations remains clear, for as then-Ambassador to the U.N. Madeleine Albright commented: "The battle-hardened generation of Roosevelt, Churchill and De Gaulle viewed the U.N. as a practical response to an inherently contentious world; a necessity not because relations among states could ever be brought into perfect harmony, but because they cannot."

This sense of realism seems absent from many of the current discussions of the United Nations. While many rail about the deficiencies of the U.N., they have not proposed a viable alternative. There has been a misperception that the U.N. can somehow dictate policies to the United States and force us to undertake actions that do not serve U.S. interests. This is simply not the case. Those who labored in San Francisco and elsewhere to create the United Nations half a century ago insisted, for example, that the United Nations organization recognize the reality of great powers by granting significant authority to a Security Council. In that Council, the U.S. and other major powers were given the veto power—thereby ensuring that the U.N. could not undertake operations which the United States opposed. Every U.N. peacekeeping operation requires prior approval by the United States.

What is happening, in fact, is very nearly the opposite: by failing to meet our financial obligations we are abdicating the very powers available to us. We are, for example, in danger of losing our vote in the General Assembly—a status generally reserved for the world's lawless and pariah states. Since the General Assembly works on the basis of consensus, we are depriving ourselves of the ability to press for needed reforms. The influence we held in the past by our leadership, reflected in the large number of senior posts awarded to U.S. nationals, is being quickly eroded and subjected to challenge. As Bill Richardson explained in the course of his confirmation proceedings to be U.S. Ambassador to the United Nations,

Growing resentment over our failure to pay our assessed dues and arrears has put our continued leadership and influence at risk. Our candidate for the ACABQ was defeated and for the first time, we are not represented on that important committee. Similarly, we are facing a great deal of resistance in negotiations to revise the U.N. scales of assessment. For example, among the members of the Geneva Group, composed of the U.N.'s largest contributors and a crucial source of support for U.N. reform, there is virtually no willingness to consider reductions in our dues for peacekeeping or the regular budget until we pay our arrears. If the United States fails to meet its financial commitments to the U.N. system, it will become increasingly difficult to set the U.N. priorities for the future and

to ensure that qualified Americans serve in important U.N. posts.

An effective United Nations serves U.S. interests—and U.S. leadership is essential to an effective U.N. Over the years the U.N. has negotiated over 170 peaceful settlements across the globe, helping to end wars, uphold ceasefires, protect civilians, reintegrate refugees, oversee the conduct of free and fair elections, monitor troop withdrawals, and deter intercommunal violence. From Iraq to Bosnia, assembling coalitions to repel aggression and keep peace would have been impossible without assistance and support from the United Nations. In Haiti, the introduction of U.N. peacekeepers meant that U.S. troops could be extracted without condemning the country to chaos, while in Cyprus, the U.N. prevents an outbreak of hostilities that could lead to conflict between two NATO allies. Perhaps it should come as little surprise that the Nobel Peace Prize has been awarded five times to the United Nations and its organizations.

While the U.N.'s work for peace and prosperity has never been easy, the difficulty of the task has increased in part because the nature of the conflicts the U.N. is asked to address have grown more complex. Warfare is increasingly conducted within national borders by parties who do not respond to political or economic pressure, involving forces that lack discipline and clear chains of command. Civilians are not just caught in the crossfire but actually become targets and pawns of violence, leading to vast refugee flows and complex humanitarian emergencies. The U.S. seeks U.N. resolutions to sanction various actions we take around the world to serve and protect our national security interests because it provides an international mandate to pursue a course of action, and frequently elicits contributions from other countries. Sometimes, in fact, it is other countries who put their troops on the line in order to accomplish objectives that the U.S. regards as important. Without the U.N., it would fall to the U.S. to respond to such crises on its own, at greater cost and risk to Americans—or to suffer the potential consequences of doing nothing and allowing conflicts to spread and intensify.

United Nations operations further serve U.S. interests by leveraging our resources and influence in order to achieve a much greater impact at lesser cost than we could unilaterally. The International Atomic Energy Agency, with our small annual contribution, has helped prevent nuclear proliferation by inspecting and monitoring nuclear reactors and facilities in 90 countries—many of which would not allow access to the U.S. alone. The World Health Organization, working in concert with USAID and other bilateral agencies, led a 13-year effort resulting in the complete eradication of smallpox, saving an estimated \$1 billion a year in vaccination and monitoring, and helped to wipe out polio from the Western Hemisphere. Through its High Commissioner for Refugees, Children's Fund, Development Programme, the International Fund for Agricultural Development and the World Food Programme, the U.N. has saved millions from famine and provided food, shelter, medical aid, education and repatriation assistance to refugees around the world. The U.N. Environment Programme and the World Meteorological Organization have brought countries together

to begin addressing the damage to the earth's ozone layer, to develop regional efforts to clean up pollution, and to predict and respond effectively to natural and man-made disasters. Thanks to organizations such as the Universal Postal Union, the International Telecommunications Union, the International Civil Aviation Organization and the International Maritime Organization, there are procedures to ensure the safety and reliability of worldwide travel and communications. By coordinating international sanctions against the racist regime in South Africa, the U.N. was instrumental in bringing an end to the apartheid system.

Through the efforts of the United Nations, over 300 international treaties have been enacted that set standards of conduct and enable cooperation in areas ranging from arms control to human rights and civil liberties, protection of copyrights and trademarks, determining maritime jurisdiction and navigation on the high seas, preventing discrimination against women, conserving biological diversity and combating desertification. Because of U.N. agencies such as the International Labor Organization and U.N.-brokered agreements such as the Universal Declaration of Human Rights, the American ideals of freedom, democracy, equality before the law and the dignity of the individual have become internationally accepted, and the rights and protections that U.S. workers enjoy are being aggressively pursued in other countries. International trade and commerce would be hamstrung without the World Bank, the International Monetary Fund, the World Trade Organization, and the regional development banks, not to mention the many agreements negotiated under their auspices. All of these grew from the U.N. system.

The United Nations has been a favorite target of criticism and abuse. Certainly there are activities and practices that are wasteful or ineffective and require reform. But the U.S. strategy of unilaterally withholding funds until all our demands are met is arrogant and counterproductive. Since his election in 1997, U.N. Secretary-General Kofi Annan has instituted a large number of significant reforms, including a zero-growth budget, the cutting of administrative costs, the elimination of over 900 posts, the creation of an independent Inspector General, the consolidation of overlapping agencies, and the establishment of more budget oversight and tighter budget discipline. As the U.N.'s biggest deadbeat, we are now encountering increasing resentment against our calls for change. It is time for us to pay our obligations so that we can regain the credibility and respect needed to push for further reforms.

It is both ironic and unfortunate that a country that holds itself and its citizens to the highest standards of law should find itself in default of its international legal obligations. Our democracy is founded on the primacy of respect for the rule of law, and we try to urge other countries to follow our example. It is often a tremendous challenge to get countries to respect the basic rights of their citizens and to act in accordance with international law. Yet we ourselves are not meeting those high standards as they relate to the United Nations. We undertook commitments under the U.N. Charter, and we have a responsibility to make good on them. If we want other countries to uphold their international agreements, then we must stand by our own commitments as well.

As the *Boston Globe* editorialized last month, “The \$1 billion-plus debt the United States owes for past dues is a shameful blot on the reputation of a country that prides itself on being a world leader.” The United States is the great power in the world today. And with that role come important responsibilities in how we exercise that power. In my judgment, we are failing here to exercise those responsibilities in a manner that will strengthen our posture and serve our Nation in the international community. We have not only a legal and moral obligation to pay our dues, but a practical interest in doing so. I regret that this legislation, in offering only a partial and conditional repayment of the U.S. debt to the United Nations, does not enhance our interests and meet our obligations.

Seven former Secretaries of State have written an open letter to the Congress urging that the U.S. honor its international commitments and pay its debt to the United Nations. I believe their letter is a powerful statement about the importance of U.S. leadership and the risks that nonpayment of our debt to the United Nations pose for U.S. security and international influence. The text of their letter follows:

*March 16, 1999.*

Hon. Dennis J. Hastert,  
*Speaker of the House.*

Hon. Trent Lott,  
*Senate Majority Leader.*

Hon. Richard J. Gephardt,  
*House Minority Leader.*

Hon. Thomas A. Daschle,  
*Senate Minority Leader.*

DEAR CONGRESSIONAL LEADERS, As America’s financial debt to the United Nations persists, we are deeply concerned that our great nation is squandering its moral authority, leadership, and influence in the world. It’s simply unacceptable that the richest nation on earth is also the biggest debtor to the United Nations.

We are writing to urge all Members of Congress to support full funding of the outstanding and current U.S. legal obligations to the United Nations and to alert Congress to the serious consequences if we fail to do so. U.S. leadership is at risk. Our ability to achieve vital foreign policy and security objectives is compromised. Our priceless reputation as the pre-eminent country committed to the rule of law is compromised. And, the critical work of the United Nations is threatened.

As former Secretaries of State, we know first hand the importance of the United Nations and its agencies in securing global peace, stability and prosperity. And we appreciate that now more than ever, the U.S. must lead in the community of nations to turn back threats to peace and freedom, whether from war or hunger, terrorism or disease. We cannot lead if we ignore our basic international responsibilities.

There are historic consequences to our continued failure to meet our obligations. The United States, one of the founding members of the United Nations, could lose its vote in the UN General Assembly.

Important reforms have occurred at the United Nations, many at America’s urging: a no-growth budget from 1994–98 and an actual reduction of \$123 million for 1998–99, creation of an office of inspector general which has identified more than \$80 million in savings, more than 1,000 positions cut, and other cost-saving measures. Payment of U.S. arrears is critical to continuing this reform.

We urge you: honor our international commitments and pay America's debt to the United Nations. Great nations pay their bills.  
Sincerely,

HENRY A. KISSINGER,  
ALEXANDER M. HAIG, JR.,  
JAMES A. BAKER, III,  
WARREN M. CHRISTOPHER,  
CYRUS R. VANCE,  
GEORGE P. SHULTZ,  
LAWRENCE S. EAGLEBURGER.

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