

S. 955

At the request of Mr. HATCH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1083

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1083, a bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1881

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 124, after line 20, insert the following:

TITLE VII—AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 701. SHORT TITLE.

This title may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

SEC. 702. STATEMENT OF PURPOSE; STATUTORY CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(b) STATUTORY CONSTRUCTION.—Nothing in this title requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

SEC. 703. RESTRICTION ON FUNDING.

(a) SUBJECT TO AN AUTHORIZATION OF APPROPRIATIONS ACT AND AN APPROPRIATIONS ACT.—The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(b) PROHIBITION.—No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

SEC. 704. NORMALIZATION OF DIPLOMATIC RELATIONS.

None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

SEC. 705. NORMALIZATION OF ECONOMIC RELATIONS.

(a) RESTRICTION ON TERMINATION OF ECONOMIC EMBARGO.—The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

(b) DEFINITION.—As used in this section, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

SEC. 706. RESTRICTION ON PETROLEUM SHIPMENTS.

(a) RESTRICTION.—If North Korea does not satisfy the IAEA safeguards requirement described in section 707, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(1) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(2) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(3) the President shall take steps to terminate the export to North Korea of heavy oil by all other countries in the international consortium to finance and supply a light-water reactor in North Korea.

(b) ENFORCEMENT.—Whoever violates subsection (a)(1) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

SEC. 707. IAEA SAFEGUARDS REQUIREMENT.

The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with

its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework, as determined by the Agency after—

(1) conducting special inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

SEC. 708. ADDITIONAL REQUIREMENTS.

The additional requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea has issued an official statement forswearing state-sponsored terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

SEC. 709. NUCLEAR NONPROLIFERATION REQUIREMENTS.

The nuclear nonproliferation requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

SEC. 710. SUSPENSION OF UNITED STATES OBLIGATIONS.

The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

SEC. 711. WAIVER.

The President may waive the application of section 707, 708, 709, or 710 if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

SEC. 712. CERTIFICATION AND REPORTING REQUIREMENTS.

Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(1) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this title;

(2) a statement of the progress made on construction of light-water reactors, including a statement of all expenditures, direct and indirect, made by each country participating in the Korea Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(3) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in section 707;

(4) a certification by the President that North Korea has satisfied its IAEA safeguards requirement described in section 707, as determined by the International Atomic Energy Agency;

(5) a certification by the President that North Korea is not transferring missiles and missile technology to Iran;

(6) a description of any new developments or advances in North Korea's nuclear weapons program;

(7) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(8) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(9) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(10) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(11) a description of any action taken by the President under section 706(a)(2).

SEC. 713. DEFINITIONS.

As used in this title:

(1) **AGREED FRAMEWORK.**—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) **IAEA SAFEGUARDS.**—The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) **NORTH KOREA.**—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) **SPECIAL INSPECTIONS.**—The term "special inspections" means special inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement.

HUTCHISON (AND OTHERS)
AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr.

GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

D'AMATO AMENDMENT NO. 1883

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) **PRESIDENTIAL CERTIFICATION.**—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) **CERTIFICATION.**—The Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government), unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

"(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

"(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid."

(b) **LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.**—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) **LIMITATION ON USE OF FUND.**—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government) that would result in expenditures and obligations, including contingent obligations, aggregating more than \$1,000,000,000 with respect to that foreign

country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken."

(c) **APPLICABILITY.**—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) **TECHNICAL AMENDMENT.**—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on October 1, 1995.

SIMPSON AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

TITLE VII—POPULATION STABILIZATION AND REPRODUCTIVE HEALTH

SEC. 701. SHORT TITLE.

This title may be cited as the "International Population Stabilization and Reproductive Health Act".

SEC. 702. AUTHORITIES RELATING TO UNITED STATES POPULATION ASSISTANCE.

Part I of the Foreign Assistance Act of 1961 is amended—

(1) in section 104(b), by striking "on such terms and conditions as he may determine" and inserting "in accordance with the provisions of chapter 12"; and

(2) by adding at the end the following new chapter:

"CHAPTER 12—UNITED STATES POPULATION ASSISTANCE

"SEC. 499. **DEFINITION.**—For purposes of this chapter, the term "United States population assistance" means assistance provided under section 104(b) of this Act.

"SEC. 499A. **CONGRESSIONAL FINDINGS.**—The Congress makes the following findings:

"(1) Throughout much of the developing world, the inability of women and couples to exercise choice over childbearing undermines the role of women in economic development, contributes to death and suffering among women and their children, puts pressure on the environment and the natural resources on which many poor families depend for their survival, and in other ways vitiates the efforts of families to lift themselves out of the poverty in which more than one billion of the world's 5.7 billion people live.

"(2) Through 2015, the world's population will continue to grow, with annual population increments predicted to be above 86 million. This will lead to a tripling of the world's population before stabilization can occur.

"(3) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.

"(4) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

"(5) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values.

"(6) In addition to the personal toll on families, the impact of human population

growth and widespread poverty is evident in mounting signs of stress on the world's environment, particularly in tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, global climate change, waste management, and air and water pollution.

"SEC. 499B. DECLARATION OF POLICY. (a) IN GENERAL.—Congress declares that to reduce population growth and stabilize world population at the lowest level feasible and thereby improve the health and well-being of the world's families, to ensure the role of women in the development process, and to protect the global environment, an important objective of the foreign policy of the United States shall be to assist the international community to achieve universal availability of quality fertility regulation services through a wide choice of safe and effective means of family planning, including programs of public education and other health and development efforts in support of smaller families.

"(b) FINANCIAL TARGETS.—The Congress endorses a target for global expenditures in developing countries of at least \$17,000,000,000 by the year 2000 for population programs described in section 499C, and establishes a goal for United States population assistance by the year 2000 of \$1,850,000,000 in constant 1993 dollars.

"SEC. 499C. AUTHORIZED ACTIVITIES.—United States population assistance is authorized to provide—

"(1) support for the expansion of quality, affordable, voluntary family planning services, which emphasize informed choice among a variety of safe and effective fertility regulation methods and closely related reproductive health care services, including the prevention and control of HIV-AIDS, sexually transmitted diseases, and reproductive tract infections;

"(2) support for adequate and regular supplies of quality contraceptives, quality family planning counseling, information, education, communication, and services emphasizing the use of the mass media to improve public knowledge of fertility regulation and related disease prevention methods and where they may be obtained and to promote the benefits of family planning and reproductive health to individuals, families, and communities;

"(3) support to United States and foreign research institutions and other appropriate entities for biomedical research to develop and evaluate improved methods of safe fertility regulation and related disease control, with particular emphasis on methods which—

"(A) are likely to be safer, easier to use, easier to make available in developing country settings, and less expensive than current methods;

"(B) are controlled by women, including barrier methods and vaginal microbicides;

"(C) are likely to prevent the spread of sexually transmitted diseases; and

"(D) encourage and allow men to take greater responsibility for their own fertility;

"(4) support for field research on the characteristics of programs most likely to result in sustained use of effective family planning in meeting each individual's lifetime reproductive goals, with particular emphasis on the perspectives of family planning users, including support for relevant social and behavioral research focusing on such factors as the use, nonuse, and unsafe or ineffective use of various fertility regulation and related-disease control methods;

"(5) support for the development of new evaluation techniques and performance criteria for family planning programs, emphasizing the family planning user's perspective and reproductive goals;

"(6) support for research and research dissemination related to population policy development, including demographic and health surveys to assess population trends, measure unmet needs, and evaluate program impact, and support for policy-relevant research on the relationships between population trends, poverty, and environmental management, including implications for sustainable agriculture, agroforestry, biodiversity, water resources, energy use, and local and global climate change;

"(7) support for prevention of unsafe abortions and management of complications of unsafe abortions, including research and public information dissemination on the health and welfare consequences;

"(8) support for special programs to reach adolescents and young adults before they begin childbearing, including health education programs which stress responsible parenthood and the health risks of unprotected sexual intercourse, as well as service programs designed to meet the information and contraception needs of adolescents;

"(9) support for a broad array of governmental and nongovernmental communication strategies designed—

"(A) to create public awareness worldwide;

"(B) to generate a consensus on the need to address reproductive health issues and the problems associated with rapid population growth;

"(C) to emphasize the need to educate men as well as women and mobilize their support for reproductive rights and responsibilities; and

"(D) to remove all major remaining barriers to family planning use, including unnecessary legal, medical, clinical, and regulatory barriers to information and methods, and to make family planning an established community norm; and

"(10) support for programs and strategies that actively discourage harmful practices such as female genital mutilation.

"SEC. 499D. TERMS AND CONDITIONS.—United States population assistance is authorized to be provided subject to the restrictions on such assistance set forth in section 104(f) and subject to the following conditions:

"(1) Such assistance may only support, directly or through referral, those activities which provide a broad range of fertility regulation methods permitted by individual country policy and a broad choice of public and private family planning services, including networks for community-based and subsidized commercial distribution of high quality contraceptives.

"(2) No program supported by United States population assistance may deny an individual family planning services because of such individual's inability to pay all or part of the cost of such services.

"(3) In each recipient country, programs supported by United States population assistance shall, to the extent possible, support a coordinated approach, consistent with respect for the rights of women as decisionmakers in matters of reproduction and sexuality, for the provision of public and private reproductive health services.

"(4) Family planning services and related reproductive health care services supported by United States population assistance shall ensure—

(A) privacy and confidentiality; maintain the highest medical standards possible under local conditions; and

(B) regular oversight of the quality of medical care and other services offered, including followup care.

"(5) United States population assistance programs shall furnish only those contraceptive drugs and devices which have received approval for marketing in the United States by the Food and Drug Administration or

which have been tested and determined to be safe and effective under research protocols comparable to those required by the Food and Drug Administration or have been determined to be safe by an appropriate international organization or the relevant health authority in the country to which they are provided.

"(6) Family planning services supported by United States population assistance shall be designed to take into account the needs of the family planning user, including the constraints on women's time, by involving members of the community, including both men and women, in the design, management, and ongoing evaluation of the services through appropriate training and recruitment efforts. The design of services shall stress easy accessibility, by locating services as close as possible to potential users, by keeping hours of service convenient, and by improving communications between users and providers through community outreach and involvement. Related service shall be included, either on site or through referral.

"(7) United States population assistance to adolescent fertility programs shall be provided in the context of prevailing norms and customs in the recipient country.

"(8)(A) Programs supported by United States population assistance shall—

"(i) support the prevention of the spread of sexually transmitted diseases (STDs) and HIV-AIDS infection;

"(ii) raise awareness regarding STDs and HIV-AIDS prevention and consequences;

"(iii) provide quality counselling to individuals with STDs and HIV-AIDS infection in a manner which respects individual rights and confidentiality; and

"(iv) ensure the protection of both patients and health personnel from infection in clinics.

"(B) Responsible sexual behavior, including voluntary abstinence, for the prevention of STDs and HIV infection should be promoted and included in education and information programs.

"(9) None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation.

"SEC. 499E. ELIGIBILITY FOR POPULATION ASSISTANCE. (a) ELIGIBLE COUNTRIES.—Notwithstanding any other provision of law, United States population assistance shall be available, directly or through intermediary organizations, to any country which the President determines has met one or more of the following criteria:

"(1) The country accounts for a significant proportion of the world's annual population increment.

"(2) The country has significant unmet needs for fertility regulation and requires foreign assistance to implement, expand, or sustain quality family planning services for all its people.

"(3) The country demonstrates a strong policy commitment to population stabilization through the expansion of reproductive choice.

"(b) ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than requirements applicable to foreign governments for such assistance.

"SEC. 499F. PARTICIPATION IN MULTILATERAL ORGANIZATIONS. (a) FINDING.—The Congress recognizes that the recent attention, in government policies toward population stabilization owes much to the efforts of the

United Nations and its specialized agencies and organizations, particularly the United Nations Population Fund.

“(b) AVAILABILITY OF FUNDS.—United States population assistance shall be available for contributions to the United Nations Population Fund in such amounts as the President determines would be commensurate with United States contributions to other multilateral organizations and with the contributions of other donor countries.

“(c) PROHIBITIONS.—(1) The prohibitions contained in section 104(f) of this Act shall apply to the funds made available for the United Nations Population Fund.

“(2) No United States population assistance may be available to the United Nations Population Fund unless such assistance is held in a separate account and not commingled with any other funds.

“(3) No funds may be available for the United Nations Population Fund unless the Fund agrees to prohibit the use of those funds to carry out any program, project, or activity that involves the use of coerced abortion or involuntary sterilization.

“(4) None of the funds made available to the United Nations Population Fund shall be available for activities in the People's Republic of China.

“(d) ALLOCATION OF FUNDS.—Of the funds made available for United States population assistance, the President shall make available for the Special Programme of Research, Development and Research Training in Human Reproduction for each of the fiscal years 1995 and 1996 an amount commensurate with the contributions of the other donor countries for the purpose of furthering international cooperation in the development and evaluation of fertility regulation technology.

“SEC. 499G. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS. (a) FINDING.—Congress finds that in many developing countries, nongovernmental entities, including private and voluntary organizations and private sector entities, are the most appropriate and effective providers of United States assistance to population and family planning activities.

“(b) PROCEDURES.—The President shall establish simplified procedures for the development and approval of programs to be carried out by nongovernmental organizations that have demonstrated—

“(1) a capacity to undertake effective population and family planning activities which encourage significant involvement by private health practitioners, employer-based health services, unions, and cooperative health organizations; and

“(2) a commitment to quality reproductive health care for women.

“(c) PRIORITY FOR NONGOVERNMENTAL ORGANIZATIONS.—The largest share of United States population assistance made available for any fiscal year shall be made available through United States and foreign nongovernmental organizations.

“SEC. 499H. REPORTS TO CONGRESS.—The President shall prepare and submit to the Congress, as part of the annual presentation materials on foreign assistance, a report on world progress toward population stabilization and universal reproductive choice. The report shall include—

“(1) estimates of expenditures on the population activities described in section 499C by national governments, donor agencies, and private sector entities;

“(2) an analysis by country and region of the impact of population trends on a set of key social, economic, political, and environmental indicators, which shall be identified by the President in the first report submitted pursuant to this section and analyzed in that report and each subsequent report; and

“(3) a detailed statement of prior year and proposed direct and indirect allocations of population assistance, by country, which describes how each country allocation meets the criteria set forth in this section.”.

SEC. 703. AUTHORIZATIONS OF APPROPRIATIONS.

Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)(1)) is amended by amending subparagraph (A) to read as follows:

“(A) such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (b) of this section; and”.

SEC. 704. OVERSIGHT OF MULTILATERAL DEVELOPMENT BANKS.

(a) FINDINGS.—The Congress finds that—
(1) multilateral development banks have an important role to play in global population efforts;

(2) although the increased commitment by multilateral development banks to population-related activities is encouraging, together the banks provided less than \$200,000,000 in assistance for core population programs, and their overall lending for population, health, and nutrition decreased by more than one-half between 1993 and 1994; and

(3) the banks themselves have recognized a need to improve oversight of programs, strengthen the technical skills of their personnel, and improve their capacity to work with borrowers, other donors, and nongovernmental organizations in formulating creative population projects to meet diverse borrower needs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the multilateral development banks should increase their annual support for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act, to not less than a total of \$1,000,000,000 by December 31, 2000.

(c) REPORT REQUIRED.—Not later than July 31 of each year, the Secretary of the Treasury shall prepare and transmit to Congress a report which includes, with respect to the preceding calendar year—

(1) information on the resources made available by each multilateral development bank for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act;

(2) if such resources total less than \$1,000,000,000, any specific actions taken by the United States executive directors to the banks to encourage increases in such resources and in policy-level discussions with donor and developing country governments; and

(3) an analysis of the progress made by the banks towards—

(A) meeting the objectives of the population activities which are supported by the banks;

(B) increasing their in-country management staff;

(C) improving the technical skills of their personnel; and

(D) assuring their responsiveness to borrower needs.

(d) DEFINITION.—As used in this section, the term “multilateral development banks” means the International Bank for Reconstruction and Development, the International Development Association, the African Development Bank, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development.

SEC. 705. ECONOMIC AND SOCIAL DEVELOPMENT INITIATIVES TO STABILIZE WORLD POPULATION.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) Women represent 50 percent of the world's human resource potential. Therefore, improving the health, social, and economic status of women and increasing their productivity are essential for economic progress in all countries. Improving the status of women also enhances their decisionmaking capacity at all levels in all spheres of life, including in the area of reproductive health.

(2) Throughout the world, women who participate in the social, economic, and political affairs of their communities are more likely to exercise their choice about childbearing than women who do not participate in such activities.

(3) Effective economic development strategies address issues such as infant and child survival rates, educational opportunities for girls and women, and equality in development.

(4) Comprehensive population stabilization efforts which include both family planning services and economic development activities achieve lower birth rates and stimulate more development than those which pursue these objectives independently.

(5) The most powerful, long-term influence on birthrates is education, especially educational attainment among women. Education is one of the most important means of empowering women with the knowledge, skills and self confidence necessary to participate in their communities.

(6) In most societies, men traditionally have exercised preponderant power in nearly all spheres of life. Therefore, improving communication between men and women on reproductive health issues and increasing their understanding of joint responsibilities are essential to ensuring that men and women are equal partners in public and private life.

(7) In addition to enabling women to participate in the development of their societies, educational attainment has a strong influence on all other aspects of family welfare, including child survival. However, of the world's 130 million children who are not enrolled in primary school, 70 percent are girls.

(8) In a number of countries, lower rates of school enrollment among girls, the practice of prenatal sex selection, and higher rates of mortality among very young girls suggest that “son preference” is curtailing the access of girl children to food, health care, and education.

(9) Each year, more than 13 million children under the age of 5 die, most from preventable causes. Wider availability of vaccines, simple treatments for diarrheal disease and respiratory infections, and improved nutrition could prevent many of these deaths.

(10) Each year, 500,000 or more women worldwide die from complications related to pregnancy, childbirth, illegal abortion, or inadequate or inaccessible reproductive health care services, and millions more annually suffer long-term illness or permanent physical impairment from such causes.

(11) By mid-1993, the cumulative number of AIDS cases since the pandemic began was estimated at 2.5 million, and an estimated 14 million people had been infected with HIV. By year 2000, estimates are that 40 million people will be HIV infected.

(12) As of mid-1993, four-fifths of all persons ever infected with HIV lived in developing countries. Women are the fastest growing group of new cases.

(b) DECLARATION OF POLICY.—Congress declares that, to further the United States foreign policy objective of assisting the international community in achieving universal availability of quality fertility regulation services and stabilizing world population, additional objectives of the foreign policy of the United States shall be—

(1) to help achieve universal access to basic education for women and men, with particular priority being given to primary and technical education and job training;

(2) to increase understanding of the consequences of population growth through effective education strategies that begin in primary school and continue through all levels of formal and nonformal education and which take into account the rights and responsibilities of parents and the needs of children and adolescents;

(3) to reduce the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment;

(4) to help ensure that women worldwide have the opportunity to become equal partners with men in the development of their societies;

(5) to help eliminate all forms of discrimination against girl children and the root causes of son preference, which result in harmful and unethical practice such as female infanticide and prenatal sex selection;

(6) to increase public awareness of the value of girl children through public education that promotes equal treatment of girls and boys in health, nutrition, education, socioeconomic and political activity, and equitable inheritance rights;

(7) to encourage and enable men to take responsibility for their sexual and reproductive behavior and their social and family roles;

(8) to help ensure that women and men have the information and means needed to achieve good reproductive health and to exercise their reproductive rights through responsible sexual behavior and equity in gender relations;

(9) to reduce global maternal and infant mortality rates; and

(10) to improve worldwide maternal and child health status and quality of life.

(c) AUTHORIZED ACTIVITIES.—United States development assistance shall be available, on a priority basis, for—

(1) countries which either have adopted and implemented, or have agreed to adopt and implement, strategies to help ensure—

(A) before 2015, the achievement of the goal of universal primary education for girls and boys in all countries and access to secondary and higher levels of education, including vocational education and technical training, for girls and women;

(B) by 2005, the reduction of adult illiteracy by at least one-half the country's 1990 level;

(C) by 2005, the elimination of the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment; and

(D) the establishment of programs designed to meet adolescent health needs, which include services and information on responsible sexual behavior, family planning practice, reproductive health and sexually transmitted diseases, and HIV-AIDS prevention;

(2) governmental and nongovernmental programs which, with respect to a targeted country, are intended—

(A) by 2005, to increase life expectancy at birth to greater than 70 years of age and by 2015, to 75 years of age;

(B) by 2005, to reduce by one-third the country's mortality rates for infants and children under 5 years of age, or to 50 per 1,000 live births for infants and 70 per 1,000 for children under 5 years of age, whichever is less; and by 2015, to reduce the country's infant mortality rate below 35 per 1,000 births and the under-5 mortality rate below 45 per 1,000;

(C) by 2005, to reduce maternal mortality by one-half of the 1990 level and by a further one-half by 2015;

(D) by 2005, to reduce significantly malnutrition among the country's children under 5 years of age;

(E) to maintain immunizations against childhood diseases for significant segments of the country's children; and

(F) to reduce the number of childhood deaths in the country which result from diarrheal disease and acute respiratory infections;

(3) governmental and nongovernmental programs which are intended to increase women's productivity and ensure equal participation and equitable representation at all levels of the political process and public life in each community and society through—

(A) improved access to appropriate labor-saving technology, vocational training, and extension services and access to credit and child care;

(B) equal participation of women and men in all areas of family and household responsibilities, including family planning, financial support, child rearing, children's education, and maternal and child health and nutrition;

(C) fulfillment of the potential of women through education, skill development and employment, with the elimination of poverty, illiteracy and poor health among women being of paramount importance; and

(D) recognition and promotion of the equal value of children of both sexes;

(4) governmental and nongovernmental programs which are intended to increase the access of girls and women to comprehensive reproductive health care services pursuant to subsection (d); and

(5) governmental and nongovernmental programs which are intended to eliminate all forms of exploitation, abuse, harassment, and violence against women, adolescents, and children.

(d) SAFE MOTHERHOOD INITIATIVE.—(1)(A) The President is authorized to establish a grant program, to be known as the Safe Motherhood Initiative, to help improve the access of girls and women worldwide to comprehensive reproductive health care services. (B) Such program shall be carried out in accordance with this section and shall be subject to the same terms, conditions, prohibitions, and restrictions as are applicable to assistance made available under sections 499D, 499E, and 499F of the Foreign Assistance Act of 1961, as added by this Act.

(2) Comprehensive reproductive health care programs which are eligible for assistance under this section include—

(A) fertility regulation services;

(B) prenatal care and screening for high risk pregnancies and improved access to safe delivery services for women with high risk pregnancies;

(C) supplemental food programs for pregnant and nursing women;

(D) child survival and other programs that promote birth spacing through breastfeeding;

(E) expanded and coordinated programs that support responsible sexual behavior, including voluntary abstinence, and which prevent, detect, and manage sexually transmitted diseases, including HIV-AIDS, reproductive tract infections, and other chronic reproductive health problems;

(F) programs intended to eliminate traditional practices injurious to women's health, including female genital mutilation;

(G) improvements in the practice of midwifery, including outreach to traditional birth attendants; and

(H) expanded and coordinated programs to prevent, detect, and treat cancers of the reproductive system.

(e) REPORTS TO CONGRESS.—(1) Not later than December 31, 1995, the President shall

prepare and submit to Congress a report which includes—

(A) estimates of the total financial resources needed to achieve, by the year 2005, the specific objectives set forth in subsection (c) with respect to education, rates of illiteracy, malnutrition, immunization, maternal and child mortality and morbidity, and improvements in the economic productivity of women;

(B) an analysis of such estimates which separately lists the total financial resources needed from the United States, other donor nations, and nongovernmental organizations;

(C) an analysis, by country, which—

(i) identifies the legal, social, economic, and cultural barriers to women's self-determination and to improvements in the economic productivity of women in traditional and modern labor sectors; and

(ii) describes initiatives needed to develop appropriate technologies for use by women, credit programs for low-income women, expanded child care, vocational training, and extension services for women; and

(D) a comprehensive description of—

(i) new and expanded initiatives to ensure safe motherhood worldwide;

(ii) findings on the major causes of mortality and morbidity among women of child-bearing age in various regions of the world;

(iii) actions needed to reduce, by the year 2005, world maternal mortality by one-half of the worldwide 1990 level and a further one-half by 2015; and

(iv) the financial resources needed to meet this goal from the United States, other donor nations, and nongovernmental organizations.

(2) In each annual country human rights report, the Secretary of State shall include—

(A) information on any patterns within the country of discrimination against women in inheritance laws, property rights, family law, access to credit and technology, hiring practices, formal education, and vocational training; and

(B) an assessment which makes reference to all significant forms of violence against women, including rape, domestic violence, and female genital mutilation, the extent of involuntary marriage and childbearing, and the prevalence of marriage among women under 18 years of age.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) Of the aggregate amounts available for United States development and economic assistance programs for education activities, such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 shall be available only for programs in support of increasing primary and secondary school enrollment and equalizing levels of male and female enrollment.

(2) There are authorized to be appropriated such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to the Child Survival Fund under section 104(c)(2) of the Foreign Assistance Act of 1961, which amounts shall be available for child survival activities only, including the Children's Vaccine Initiative, the worldwide immunization effort, and oral rehydration programs.

(3) There are authorized to be appropriated such sums as may be necessary for the Safe Motherhood Initiative for each of fiscal years 1995 and 1996.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "annual country human rights report" refers to the report required to be submitted pursuant to section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)); and

(2) the term "United States development and economic assistance" means assistance made available under chapter 1 of part I and

chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 706. AIDS PREVENTION AND CONTROL FUND.

(a) IN GENERAL.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

“(4)(A)(i) The President is authorized to provide assistance, under such terms and conditions as he may determine, with respect to activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries.

“(i) Assistance provided under clause (i) shall include—

“(I) funds made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization); and

“(II) funds made available to the United Nations Children’s Fund (UNICEF) for AIDS-related activities.

“(B) Appropriations pursuant to subparagraph (A) may be referred to as the ‘AIDS Prevention and Control Fund’.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)) is amended—

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

(2) in subparagraph (B), by striking “subsection (c) of this section.” and inserting “subsection (c) of this section (other than paragraph (4) thereof); and”; and

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

“(C) Such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (c)(4) of this section.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1995.

COHEN AMENDMENT NO. 1885

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. .

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extent possible, and resubmit to the Congress the report submitted to the Congress pursuant to Section 528 of Public Law 103-236, with an addendum updating the information in the report.

(b) The addendum referred to the subsection (a) shall be unclassified to the maximum extent possible and shall address, inter alia—

(1) Russian compliance or lack of compliance with the Russian-Moldovan agreement of October 24, 1994, providing for the withdrawal of Russian military forces from Moldova, subsequent Russian deployments of military forces to Moldova and Russian efforts to secure long-term military basing rights in Moldova;

(2) possible Russian complicity in the coup attempt of September-October 1994 against the government of Azerbaijan and the exertion of Russian pressure to influence decisions regarding the path of pipelines that will carry Azerbaijani oil;

(3) Russian efforts or agreements to assume partial or complete responsibility for securing the borders of countries other than Russia, using troops of the Russian Military of Defense, Ministry of the Interior or any

other security agency of the Russian Federation;

(4) Russian efforts to integrate its armed forces, other security forces, or intelligence agencies with those of any other country and the relationship of such efforts to the development of institutions under the Commonwealth of Independent States.

BINGAMAN AMENDMENT NO. 1886

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)) is amended by adding at the end the following new paragraph:

“(4)(A) None of the funds made available to carry out this part may be used—

“(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

“(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.”.

LEAHY AMENDMENT NO. 1887

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 95, line 8, strike “October 1, 1998,” and insert “June 1, 1996, and annually thereafter.”.

LEAHY AMENDMENT NO. 1888

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DODD, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . HONDURAS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980’s Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were 184 unsolved cases of persons who were allegedly “disappeared.” They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316 but failed to inform the Congress. In its 1983 human rights report, the State Department stated that “There are no political prisoners in Honduras.”

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly “disappeared” in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

LEAHY AMENDMENT NO. 1889

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANDMINE USE MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of States, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are “slow-motion weapons of mass destruction”.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure that exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license of export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—For purposes of this Act:

(1) ANTIPELSONNEL LANDMINE.—The term “antipersonnel landmine” means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term “1980 Conventional Weapons Convention” means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

KERREY AMENDMENT NO. 1890

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 117, strike line 14 and all that follows through line 23.

PRYOR AMENDMENT NO. 1891

(Ordered to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 123, strike lines 1 and 2 and insert the following:

“SEC. 616. ANNUAL REPORT ON EFFECTIVENESS OF ARMS EXPORT CONTROL.

On page 123, lines 3, insert “(a) PERIODIC REPORTS.—” immediately before “The Under Secretary”.

On page 123, line 6, strike “180 days” and insert “year”.

On page 123, between lines 14 and 15, insert the following:

“(b) INSPECTOR GENERAL.—The Inspector General for Foreign Affairs, within 180 days of enactment, and on an annual basis thereafter until 1998, shall evaluate the effectiveness of the watchlist screening process at the Department of State. The report to Congress, which should be prepared in both a classified and unclassified version, on the evaluation shall include—

“(1) the number of licenses issued to parties on the watchlist, the number of end-use checks performed by the Department, and an assessment of the Department’s decision to grant a license when an applicant is on a watchlist; and

“(2) the Inspector General’s report shall determine if the watchlist contains all relevant information and parties required by statute or regulation.

“(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

“SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

“(a) IN GENERAL.—Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.

“(b) ADDITIONAL CONTENTS OF REPORTS.—The report shall also include the total amount of military items of non-United States manufacture being imported into the United States. The report should contain the country of origin, the type of item being imported, and the total amount of items.”.

DORGAN AMENDMENT NO. 1892

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following new section:

SEC. 207. LIMITATION ON FUNDS FOR THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD).

(a) LIMITATION.—Of the funds made available under section 201, not to exceed \$50,000,000 may be made available in any fiscal year for the Organization for Economic Cooperation and Development (OECD), subject to subsection (b).

(b) CONDITION.—None of the funds made available under section 201 for the Organization for Economic Cooperation and Development may be obligated or expended until the President makes available for review by Congress the working documents used in the development of the recently finalized transfer pricing report of the Organization for Economic Cooperation and Development entitled the “Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations”, including copies of all drafts, memoranda, written communications, comments, position papers, and other relevant written materials in possession of the Department of the Treasury that were prepared, received, used, or exchanged in connection with preparation and publication of the report.

(c) CLASSIFICATION OF DOCUMENTS.—Documents made available under subsection (b) may be transmitted in classified or unclassified form.

SIMON AMENDMENT NO. 1893

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. DESIGNATION OF THE INTERNATIONAL YEAR OF RESEARCH ON WATER RESOURCES.

It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) urge the United Nations to designate 1997 as the International Year of Research on Water Resources and Desalination; and

(2) make arrangements for carrying out appropriate activities related to the designation of that year.

SIMON AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. UNITED NATIONS DESALINATION FOR PEACE PROJECT.

It is the sense of the Congress that the President, acting through the United States Permanent Representatives to the United Nations, should urge the United Nations to establish an international desalination project, to be known as the Desalination for

Peace Project, which would call for wealthy nations to donate funds for a joint research and development program to study desalination related problems, build facilities, and test concepts.

SIMON AMENDMENT NO. 1895

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. —. ANNUAL MILITARY ASSISTANCE REPORT.

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

“SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

“Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.”.

BUMPERS (AND OTHERS)

AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At page 93, strike line 23 through page 94, line 13.

SIMON AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 54, strike lines 9 through 11 and insert the following: “\$445,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the”.

SIMON AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 84, strike lines 3 through 15.

BINGAMAN AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) is amended by adding at the end the following new paragraph:

"(4)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

"(ii) to lobby for or against abortion.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization."

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

INOUYE (AND OTHERS)
AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. HATCH, Mr. AKAKA, Mr. COHEN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. KENNEDY, and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

In section 401(8) of the bill, strike "\$10,000,000 for the fiscal year 1996, \$8,000,000 for the fiscal year 1997, \$5,000,000 for the fiscal year 1998, and \$5,000,000 for the fiscal year 1999" and insert "\$20,000,000 for the fiscal year 1996, \$18,000,000 for the fiscal year 1997, \$15,000,000 for the fiscal year 1998, and \$15,000,000 for the fiscal year 1999".

SPECTER (AND KERREY)
AMENDMENT NO. 1901

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 69, strike line 1 and all that follows through line 5 on page 73 and insert the following:

SEC. 216. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Na-

tions to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

"(e) DEFINITION.—As used in this section, the term 'appropriate committees of Congress' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives."

LIEBERMAN AMENDMENT NO. 1902

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 185, strike out line 1 and all that follows through page 210, line 3, and insert in lieu thereof the following:

TITLE XIII—RETENTION OF UNITED STATES INFORMATION AGENCY AS FEDERAL AGENCY

SEC. 1301. RETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the United States Information Agency shall not be abolished under this Act, but shall be retained as a Federal agency.

(2) Except as provided in subsection (b), no provision of this Act shall have force or take effect if the provision provides for the abolition or consolidation of the United States Information Agency.

(b) EXCEPTIONS.—The following provisions of this Act shall continue to apply to the United States Information Agency:

(1) Section 1105(d), relating to the termination of functions of the Inspector General of the United States Information Agency.

(2) Section 1701(d)(1), relating to the transfer of functions of the Inspector General of the United States Information Agency to the Inspector General for Foreign Affairs of the Department of State.

(3) Section 1724(6)(G), relating to the treatment of the Office of the Inspector General of the United States Information Agency as a transferor agency under title XVII.

(c) FUNDING FOR USIA IN FISCAL YEARS 1998 AND 1999.—There are authorized to be appropriated in fiscal years 1998 and 1999 such sums as may be necessary to carry out the activities referred to in section 401 (other than activities under the Inspector General Act of 1978).

SPECTER AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriate Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after “foreign or international tribunal” the following: “, including criminal investigations conducted prior to formal accusation”.

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term “International Tribunal for Yugoslavia” means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term “International Tribunal for Rwanda” means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term “Agreement Between the United States and the International Tribunal for Yugoslavia” means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term “Agreement between the United States and the International Tribunal for Rwanda” means the Agreement on surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FAIRCLOTH AMENDMENT NO. 1904

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following:

TITLE —SENSE OF THE SENATE THAT THE UNITED STATES SHOULD NOT FUND OR SUPPORT THE ESTABLISHMENT OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(A) SENSE OF THE SENATE.—It is the sense of the Senate that no funds should be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development.

(B) Further, it is a sense of the Senate that the Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the

Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995.

FAIRCLOTH AMENDMENT NO. 1905

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following new Title:

TITLE —PREVENTION OF THE CREATION OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(a) Section 286e-1k of title 22, United States Code, is amended by adding the following new paragraph:

“(c) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—Notwithstanding any other provision of law, no funds may be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development.”

(b) Section 286dd of title 22, United States Code, is amended by adding the following new paragraph:

“(3) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—The Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995.”

KASSEBAUM (AND OTHERS) AMENDMENT NO. 1906

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself, Mr. BINGAMAN, Mr. CHAFEE, Mr. JEFFORDS, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PACKWOOD, Ms. SNOWE, and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

SMITH AMENDMENT NO. 1907

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . LIMITATIONS ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

DOLE AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF SENATE REGARDING EXCLUSION OF FIDEL CASTRO FROM THE UNITED STATES.

It is the sense of the Senate that the President should exercise his authority to control immigration into the United States to direct the Attorney General not to waive United States immigration laws to allow the entry of Fidel Castro into the United States for any purpose, including attendance at an United Nations function.

DOLE AMENDMENT NO. 1909

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

SEC. 207. RESTRICTIONS ON PAYMENTS OF FUNDS TO UNITED NATIONS SPECIALIZED AGENCIES.

None of the funds made available under any provision of law for assessed or voluntary contributions to a specialized agency of the United Nations may be paid to such agency unless the Secretary of State submits a report to Congress containing—

(1) a determination that the purposes and activities of the agency are of sufficient benefit to United States citizens to merit United States payments to the agency;

(2) a listing of specific benefits received by United States citizens from the agency;

(3) a determination that the agency has received an unqualified audit from the United Nations Board of External Auditors in its most recent audit; and

(4) a determination that the agency employs the percentage of United States citizens called for in the United Nations' geographic distribution formulas for professional staff and for all other staff positions.

DOLE AMENDMENT NO. 1910

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

TITLE —ESTABLISHMENT OF COMMISSION TO REVIEW WTO DISPUTE SETTLEMENT REPORTS

SEC. .01. SHORT TITLE.

This title may be cited as the “WTO Dispute Settlement Review Commission Act”.

SEC. 02. CONGRESSIONAL FINDINGS AND PURPOSE.

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

(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States firms and workers, while preserving United States sovereignty.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The WTO's dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will reap the full benefits of its participation in the WTO.

(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based on its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.

(6) In particular, WTO dispute settlement panels and the Appellate Body should—

(A) operate with fairness and in an impartial manner;

(B) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and

(C) observe the terms of reference and any applicable WTO standard of review.

(b) PURPOSE.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

SEC. 03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) DATE.—The appointments of the initial members of the Commission shall be made no later than 90 days after the date of the enactment of this title.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission first appointed shall each be appointed for a term of 5 years. After the initial 5-year term, 3 members of the Commission shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 04.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 04. DUTIES OF THE COMMISSION.

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse reports of dispute settlement panels and the Appellate Body which are—

(i) adopted by the Dispute Settlement Body, and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—

(i) which is adopted by the Dispute Settlement Body, and

(ii) in which the United States is a complaining party.

(2) SCOPE OF REVIEW.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—

(A) demonstrably exceeded its authority or its terms of reference;

(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;

(C) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and

(D) deviated from the applicable standard of review, including in antidumping or countervailing duty cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), (C), or (D) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—No later than 120 days after the date on which a report of a panel or the Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to the matters described in paragraphs (2) and (3) of subsection (a).

(2) REPORTS.—The Commission shall promptly report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Sen-

ate, each Member of the Congress, and the Trade Representative.

SEC. 05. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning a report of a dispute settlement panel or the Appellate Body described in section 04(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative shall advise the Commission no later than 5 days after the date the Dispute Settlement Body adopts a report of a panel or the Appellate Body that is to be reviewed by the Commission under section 04(a)(1).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish notice of the advice received from the Trade Representative in the Federal Register, along with notice of an opportunity for interested parties to submit written comments to the Commission. The Commission shall make comments submitted pursuant to the preceding sentence available to the public.

(B) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon the request of the Chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to a report of a panel or the Appellate Body described in section 04(a)(1), including any information contained in such submissions identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document which the Trade Representative submits to the Commission shall be available to the public, except information which is identified as proprietary or confidential.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. 06. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If the Commission makes an affirmative decision under section 04(a)(3), the President shall undertake negotiations to amend or modify the rules and procedures of the Uruguay Round Agreement to which such affirmative decision relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided for under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That, in light of the 3 affirmative reports submitted to the Congress by the WTO Dispute Settlement Review Commission during the preceding 5-year period, and the failure to remedy the problems identified in the reports through negotiations, it is no longer in the overall national interest of the United States to be a member of the WTO, and accordingly the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act."

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) the joint resolution is enacted in accordance with this subsection, and—

(B) the Commission has submitted 3 affirmative reports pursuant to section 4(b)(2) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the third such affirmative report.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (B) of paragraph (1), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative report pursuant to section 4(b)(2), and before the end of the 90-day period referred to in subparagraph (B) of paragraph (1).

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 407. DEFINITIONS.

For purposes of this title:

(1) AFFIRMATIVE REPORT.—The term "affirmative report" means a report described in section 4(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section 4(a).

(2) ADVERSE FINDING.—The term "adverse finding" means—

(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereof by, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(3) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(10) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(11) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DOLE (AND OTHERS) AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, between lines 2 and 3, insert the following new paragraph:

(3) In addition to the requirements of paragraph (2), the authorization of appropriations under paragraph (1) shall take effect only after the Secretary of State determines and certifies to the appropriate congressional committees that no funds made available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

DOLE (AND OTHERS) AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), \$3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

DOLE AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

Of the funds authorized to be appropriated for fiscal year 1996 under section 201 of this Act, \$100,000,000 shall be withheld from obligation and expenditure until the President certifies that Libya will not be granted membership of any type on the United Nations Security Council in fiscal year 1996.

HELMS AMENDMENT NO. 1914

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. —. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS-PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS-PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

(1) a DTS-PO management plan—

(A) setting forth the organization, mission and functions of each major element of the DTS-PO; and

(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

(2) a DTS-PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations;

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

(C) a funding profile to achieve the system configuration for the DTS network;

(D) a transition strategy to move to the system configuration for the DTS network;

(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(i) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1959—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1959—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb)

without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States

national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations";

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all";

On page 59, line 9, strike "has provided, and";

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: "under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(C) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life,

rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors

to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

(A) defense articles from the stocks of the Department of Defense;

(B) defense services from the Department; and

(C) military education and training.

(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed \$100,000,000.

(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

(B) For purposes of this paragraph, funds available to the Department of Defense are any funds derived from or available under budget function 050.

(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

Beginning on page 172, strike line 19 and all that follows through line 5 on page 173 and insert the following:

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

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

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country."

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

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

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

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

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices

of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communiqué of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15-17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "\$30,000,000,000" and insert "\$3,000,000,000".

On page 251, below line 22, add the following:

(g) **ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.**—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred

to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

HELMS AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES AND OFFICIAL U.S. GOVERNMENT MEETINGS IN JERUSALEM.

(1) None of the funds authorized by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles or subsequent agreements; and

(2) None of the funds authorized by this or any other Act may be obligated or expended to meet in any part of Jerusalem for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles.

HELMS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. . PROHIBITION ON FUNDING FOR COERCIVE POPULATION CONTROL METHODS.

Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act or any other Act are authorized to be available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood or severe psychological pressure.

HELMS AMENDMENT NO. 1917

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

- (1) \$3,185,000,000 for fiscal year 1996; and
- (2) \$3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) \$26,620,000 shall be made available for fiscal year 1996, and up to \$26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) \$37,800,000 shall be made available for fiscal year 1996, and up to \$37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated \$15,000,000 for fiscal year 1996 and \$15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

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

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

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

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

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$40,000,000 for fiscal year 1996 and \$35,000,000 for fiscal year 1997."

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$67,000,000 for fiscal year 1996 and \$75,000,000 for fiscal year 1997."

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.”.

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

“SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

“(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

“(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

“(B) policies and practices conducive to private sector development in eligible countries; on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

“(2) Funds may be made available under this section notwithstanding any other provision of law.

“(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

“(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

“(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

“(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the ‘Trans-Caucasus Enterprise Fund’.

“(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

“(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

“(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

“(A) \$12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

“(B) \$52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

“(2) Funds appropriated under this subsection are authorized to remain available until expended.”.

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of \$2,475,000,000 for fiscal year 1996 and the total amount of \$2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101-179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the ‘Development Assistance Fund’.

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

“(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter \$2,375,000,000 for the fiscal year 1996 and \$2,340,000,000 for the fiscal year 1997.

“(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, \$15,000,000 shall be available only for Cyprus.

“(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, \$15,000,000 shall be available only for the International Fund for Ireland.

“(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, \$10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.”.

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

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

“(b) There are authorized to be appropriated to carry out the purposes of this Act \$234,000,000 for each of the fiscal years 1996 and 1997.”.

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

“(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, \$200,000,000 for fiscal year 1996 and \$200,000,000 for fiscal year 1997.”.

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than \$1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the ‘Foreign Military Financing Program’ account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than \$1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than \$475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than \$815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) **MINIMUM ALLOCATION.**—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than \$1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) **TERMS OF ASSISTANCE.**—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS**SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.**

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, \$225,000,000 for fiscal year 1996, and \$225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than \$103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended."

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285-285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

(a) **SUBSCRIPTION AUTHORITY.**—

"(1) **IN GENERAL.**—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) **SUBJECT TO APPROPRIATIONS.**—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury \$13,320,000 for each of the fiscal years 1996 and 1997."

TITLE XXVI—EFFECTIVE DATE**SEC. 2601. EFFECTIVE DATE.**

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

HELMS AMENDMENT NO. 1918

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . DENIAL OF PASSPORTS FOR NON-PAYMENT OF CHILD SUPPORT.

(a) **HHS CERTIFICATION PROCEDURE.**—

(1) **SECRETARIAL RESPONSIBILITY.**—Section 452 (42 U.S.C. 652), as amended by sections 115(a)(3) and 117, is amended by adding at the end the following new subsection:

"(1)(i) If the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding \$5,000 or in an amount exceeding 24 months worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of the Child Support Responsibility Act of 1995.

"(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section."

(2) **STATE CSE AGENCY RESPONSIBILITY.**—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), and 122(a), is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding \$5,000 or in an amount exceeding 24 months worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require."

(b) **STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.**—

(1) **IN GENERAL.**—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of \$5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) **LIMIT ON LIABILITY.**—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this subsection.

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall become effective October 1, 1996.

HELMS AMENDMENT NO. 1919

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . LIMITATION ON CONGRESSIONAL TRAVEL TO NORTH KOREA.

Notwithstanding any other provision of law, funds appropriated or otherwise made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy,

against Members and employees of the Congress in permitting travel to North Korea.

HELMS AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, line 7, after "agency" insert "(other than the Peace Corps)"

On page 53, line 18, strike "**AFFILIATED AGENCIES**" and insert "**OTHER INTERNATIONAL ORGANIZATIONS**".

On page 69, line 3, strike "(a) **IN GENERAL.**"

On page 104, line 22, insert "**FOR THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**" after "**APPROPRIATIONS**".

On page 105, line 17, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**EXPENSES**".

On page 106, line 2, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**INSPECTOR GENERAL**".

On page 127, line 16, insert "(a)" immediately after "SECTION 1".

On page 127, line 17, insert "(a)" immediately after "2651a".

On page 128, line 12, strike "The" and insert "Under the direction of the Secretary of State, the".

On page 154, strike lines 12 through 14 and insert the following:

"(C) carry out the functions that the Assistant Secretary for Diplomatic Security carried out prior to the enactment of this section, including those functions set forth in sections 103(a)(2) (22 U.S.C. 4802(a)(2)) and 402(a)(2) (22 U.S.C. 4852(a)(2)) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 and section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314); and"

On page 164, strike lines 7 through 10 and insert the following:

(2) Section 239(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(e)) is amended to read as follows:

"(e) The Inspector General for Foreign Affairs may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and the Secretary of State may conduct all security activities of the Corporation related to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General for Foreign Affairs shall report to the Board. The Department of State shall be reimbursed by the Corporation for all expenses incurred by the Inspector General for Foreign Affairs and the Secretary of State in connection with their responsibilities under this subsection."

On page 168, strike "February 28, 1997" and insert "March 1, 1997".

On page 178, between lines 5 and 6, insert the following new subsection:

() **SECURITY REQUIREMENTS.**—Section 45 (22 U.S.C. 2585) is amended by striking subsections (a), (b), and (d).

On page 178, line 6, strike "(k)" and insert "(l)".

On page 178, line 8, strike "(l)" and insert "(m)".

On page 178, line 11, strike "(m)" and insert "(n)".

On page 178, line 13, strike "(n)" and insert "(o)".

On page 189, between lines 8 and 9, insert the following new subsection:

(1) **DISSEMINATION OF INFORMATION ABOUT THE UNITED STATES ABROAD.**—Section 501 (22 U.S.C. 1461) is amended—

(1) in subsection (a), by inserting "in carrying out informational and educational exchange functions"; and

(2) in subsection (b)(1), by inserting "pursuant to subsection (a)" after "dissemination abroad".

On page 201, line 14, insert "overseas" before "information".

On page 215, lines 6 and 7, strike "(insofar as it exercises AID functions)" and insert "(exclusive of references to components of IDCA expressly established by statute or reorganization plan)".

On page 215, line 9, strike "exercising AID functions" and insert "exclusive of officials of components of IDCA expressly established by statute or reorganization plan".

On page 221, line 22, strike "date" and insert "dates, as follows".

On page 223, line 13, after "date" insert the following:

" , except for those security functions previously exercised by the Inspector General of the Agency for International Development, which shall be transferred to the Secretary of State pursuant to subsection (a)(2). "

On page 227, line 3, insert after "necessary" the following: " , including the exercise of authority".

On page 231, line 3, insert after "necessary" the following: " , including the exercise of authority".

On page 235, line 10, insert after "necessary" the following: " , including the exercise of authority".

HELMS AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDING.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The linguistic Data Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available. This authorization shall remain in effect for 5 years.

HELMS AMENDMENT NO. 1922

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(e) MEMBERSHIP OF SENIOR FOREIGN SERVICE OFFICERS IN COLLECTIVE BARGAINING UNITS.—Section 206 of the Foreign Service Act of 1980 (22 U.S.C. 3926) is amended by adding at the end the following:

"(c) A member of the Senior Foreign Service may not be a member of a collective bargaining unit."

HELMS AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 114, strike line 5 and all that follows through line 13 on page 117.

HELMS AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 75, after line 12, add the following:

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, or to a unilateral lifting of the arms embargo by the President of the United States, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed that of unexpended funds authorized to be appropriated for the United States contribution to the United Nations Protection Force.

HELMS AMENDMENT NO. 1925

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . MISSILE TECHNOLOGY CONTROL REGIME.

(a) FINDINGS.—Congress makes the following findings:

(1) The threat posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant, and is growing, both quantitatively and qualitatively.

(2) An alarming number of countries possessing or producing ballistic or cruise missiles have proven willing to help others develop the same capability.

(3) The Missile Technology Control Regime serves as an important means of stopping or slowing the spread of ballistic and cruise missiles by denying non-members access to missile technology.

(4) Sanctions, as mandated under the Arms Export Control Act and the Export Administration Act of 1979, represent an important means in stemming the proliferation of ballistic missiles capable of reaching the United States.

(5) The recent waiver of sanctions and the decision to support countries which engage in active space programs for membership in the Missile Technology Control Regime threatens to eviscerate the regime.

(6) These recent events underscore the need to reevaluate the Missile Technology Control Regime and the mechanisms at the United States' disposal for preventing the spread of ballistic missiles.

(b) IN GENERAL.—The President shall seek a Senate resolution of support prior to U.S. support of any State for membership in the Missile Technology Control Regime.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Missile Technology Control Regime should not continue to exempt national civilian space programs from its controls and sanctions.

(d) REPORT REQUIRED.—(1) Not later than December 1, 1995, the Secretaries of Defense, State, and Commerce shall submit unique reports to the Senate Committee on Foreign Relations and the Senate Armed Services Committee. These reports shall include the following:

(i) An explanation of the difference between a space-launch vehicle and a ballistic missile, and an explanation of why the export of space-launch vehicle components should not be considered a violation of the Missile Technology Control Regime.

(ii) An identification of the rationale guiding the U.S. position on offering transfers of

missile technology as inducements designed to encourage countries to join the Missile Technology Control Regime.

(iii) An assessment of whether or not the United States should support or sponsor for membership in the Missile Technology Control Regime any country pursuing a space-launch program and the advantages of requiring countries to disband their space-launch program prior to membership in the regime.

(iv) An assessment of the potential military implications of the transfer of missile technology to members of the Missile Technology Control Regime who maintain space-launch vehicle programs.

(v) A detailed evaluation of the similarities and differences in the export control system maintained by the United States and those of Russia, China, Brazil, Ukraine, Belarus, and Kazakhstan.

(vi) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime, including those listed in this subsection, to meet the guidelines established by the Missile Technology Control Regime.

(2) In this section, the term "Missile Technology Control Regime" means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendments thereto.

HELMS AMENDMENT NO. 1926

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end, add the following new division:

DIVISION C—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Alternative Reinvention Procedures Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

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

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

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

(6) to ensure that all functions of United States diplomacy be subject to recruitment,

training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) an abolition of at least two of the independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least \$3,100,000,000 over 4 years through the consolidation of agencies.

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

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

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

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

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

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United

States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress if the Congress enacts a joint resolution, in accordance with subsection (e), approving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not approved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and requiring the abolition of an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and approved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

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

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

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

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

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

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

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

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

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

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

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

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

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

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

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

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

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

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

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

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

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

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

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transfer of the functions under this title.

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

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

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such

transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

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

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

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

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transfer of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

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

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in

the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) **APPOINTMENTS.**—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transfer of functions under this title.

(b) **EXPERTS AND CONSULTANTS.**—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) **IN GENERAL.**—The Secretary of State shall review the property and facilities of each transferor agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) **DEADLINE FOR TRANSFER.**—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of ap-

propriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) **PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.**—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) **EXCEPTION.**—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) **EVALUATION AND TERMINATION OF EXISTING CONTRACTS.**—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

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

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

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

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

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be is-

sued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

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

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

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

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

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

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

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

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

SEC. 1120. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.

(a) **END FISCAL YEAR 1996 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) **END FISCAL YEAR 1997 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) **END FISCAL YEAR 1998 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) **CONSOLIDATION PLAN.**—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) **CONTENTS OF PLAN.**—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) **TRANSMITTAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) **IMPLEMENTATION.**—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Con-

gress before such date enacts legislation disapproving the plan.

(e) **CONGRESSIONAL PRIORITY PROCEDURES.**—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on _____ pursuant to section 1109 of the Foreign Relations Revitalization Act."

(f) **RESUBMISSION OF PLAN.**—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) **STATUTORY CONSTRUCTION.**—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) **DEFINITIONS.**—As used in this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **PLAN.**—The term "plan" means the plan developed under subsection (a).

SEC. 1202. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) **AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.**—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

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

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country."

(b) **REVIEW OF PROCEDURES FOR COORDINATION.**—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 184, line 22, insert "or pursuant to division C" after "section 1703".

On page 210, line 3, insert "or pursuant to division C" after "section 1704".

On page 215, line 20, insert "or pursuant to division C" after "section 1705".

HELMS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

Whereas Slovakia has held free elections, has achieved associate membership in the European Union and is an active participant in NATO's Partnership for Peace;

Whereas while the print media is free in Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition;

Whereas opposition parliamentarians have been removed from certain Parliamentary Committee which are now comprised mainly or solely of government coalition parliamentarians and at least one Parliamentary oversight body, that on the Slovak Intelligence Service, has no opposition representation;

Whereas the Slovak parliament has abandoned mass privatization and has declared that the value of coupons issued to Slovak citizens will now be drawn on the State Property Fund rather than on shares in the companies it owns opening up the possibility that the government will now be able to sell state companies to single investors, an approach which could favor those who are supporters of the ruling coalition; and

Whereas the political battle between the Slovak President and Prime Minister has resulted in the government taking all legal means to strip the President of certain powers in an apparent attempt to intimidate the President into resigning, steps which do not indicate respect for a division of powers and representative government; Now therefore be it

Resolved, That:

1. the Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from devastating communist rule to a democratic and free market society.

2. future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization;

3. consideration of all Central European countries for accelerated NATO transition assistance above and beyond that given to

Partnership for Peace countries should taken into account the extent to which each country makes significant progress towards meeting NATO criteria as well as instituting political, economic, and military reform.

HELMS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In paragraph (2) of 22 U.S.C. 2579, the comprehensive compilation of arms control and disarmament studies, delete “.” after “such study” and insert “, including an assessment of the military significance of such arms control, nonproliferation, and disarmament issues, and an assessment of whether the treaties specified in the report continue to serve the national interests of the United States.”.

D'AMATO AMENDMENT NO. 1929

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) PRESIDENTIAL CERTIFICATION.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) CERTIFICATION.—The Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

“(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed action; and

“(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by that foreign country to ensure that all United States funds will be repaid.”.

(b) LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(f) LIMITATION ON USE OF FUND.—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than \$1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.”.

(c) APPLICABILITY.—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) TECHNICAL AMENDMENT.—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1995.

MACK (AND OTHERS) AMENDMENT NO. 1930

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MACK, for himself, Mr. GRAMM, Mr. LIEBERMAN, Mr. HELMS, Mr. DOLE, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

DeWINE AMENDMENT NO. 1931

(Ordered to lie on the table.)

Mr. HELMS (for Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for “Protection of Foreign Missions and Officials” in subsection (a)(9), \$500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

INHOFE AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. HELMS (for Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE GUATEMALAN PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Guatemalan peace process to end 34 years of insurgency and internal armed confrontation has produced 6 agreements under the auspices of the United Nations as a result of the leadership of Guatemalan President Ramiro de Leon Carpio;

(2) the agreements include accords on—
(A) the protection of human rights;
(B) the rights of indigenous peoples;
(C) the treatment and rights of returning refugees; and

(D) the establishment of a Historical Clarification Commission to address past violations of human rights by both Guatemalan government forces and the insurgent guerrilla forces in the course of the 34-year internal armed confrontation;

(3) the Government of Guatemala has begun already to implement the agreements reached in the peace process, including the United National Human Rights Verification Mission to Guatemala (MINUGUA), under which more than 400 international observers today are monitoring compliance by the Government of Guatemala with the human rights accords and other obligations of Guatemala with regard to human rights;

(4) the government of President de Leon Carpio has taken significant steps to strengthen and reform the Guatemalan judicial system, law enforcement, and civil institutions;

(5) under the reform constitution of 1985, Guatemala has enjoyed 3 consecutive constitutional successions of power, including the election of President de Leon Carpio by the Guatemalan congress in the wake of the successful resistance of congress, the Guatemalan constitutional court, the Guatemalan military and the Guatemalan people to the abortive attempted autoup by then President Serrano;

(6) Guatemala has announced elections for President and congress in November 1995;

(7) even in light of these substantial achievements to date, all friends of Guatemala hope for more progress, especially progress toward respect for human rights, the end of immunity from prosecution, the punishment of individuals who commit human rights violations, and the development of strong civilian institutions; and

(8) all friends of Guatemala should offer support for those elements of the Guatemalan government, the Guatemalan military, and Guatemalan society who are committed to completing the peace process and to national reconciliation now, in the time of transition, when that assistance can be of greatest assistance.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) encourages the President to continue to support the just and speedy conclusion of the Guatemalan peace process through its participation in the Group of Friends of the Guatemalan Peace Process and otherwise; and

(2) encourages the President to offer support to the Guatemalan government in its efforts to reform and strengthen civilian institutions, especially efforts to strengthen the judicial system, law enforcement, and local government.

MURKOWSKI AMENDMENT NO. 1933

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA AND THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK.

(a) FINDINGS.—The Congress finds that—

(1) the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

(2) the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue";

(3) the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

(4) the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

(5) the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops.

(b) STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.—It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology; education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

(c) REPORT TO CONGRESS.—Beginning 3 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out subsection (a).

(d) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representative.

(2) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(3) SOUTH KOREA.—The term "South Korea" means the Republic of Korea.

D'AMATO AMENDMENT NO. 1934

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . ANNUAL REPORTS ON IRAN.

(a) REQUIREMENT.—Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit to the congressional committees specified in subsection (b) a report describing, for the preceding 12-month period—

(1) actions by Iran in support of acts of international terrorism;

(2) the status of programs in Iran to develop nuclear, biological, and chemical weapons;

(3) the acquisition by Iran of additional conventional weapons; and

(4) the record of Iran in observing internationally recognized human rights.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, together with a classified addendum, if necessary.

(c) COMMITTEES SPECIFIED.—The congressional committees referred to in subsection (a) are the Committees on International Relations and Banking and Financial Services of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

MCCAIN AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into

the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened."

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements."

(d) SANCTIONS AGAINST FOREIGN COUNTRIES.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country."

(3) Such section 1605 is further amended—(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

“(2) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

“(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

“(B) DEFINITION.—As used in this paragraph, the term ‘vessel’ includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

“(3) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

“(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

“(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

“(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

“(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

“(D) For purposes of this paragraph, the terms ‘air carrier’, ‘air transportation’, ‘aircraft’, and ‘foreign air carrier’ have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively.”

(4) Such section 1605 is further amended by adding at the end the following new subsection:

“(d) SANCTION FOR ASSISTING IRAN IN IMPROVING ROCKET OR OTHER WEAPONS CAPABILITY.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran.”

(e) TERMINATION OF SANCTIONS AGAINST CERTAIN PERSONS.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out “The sanctions” in the matter preceding paragraph (1) and inserting in lieu thereof “Subject to section 1606A, the sanctions”; and

(B) by striking out “For a period of two years, the United States” in paragraphs (1) and (2) and inserting in lieu thereof “The United States”;

(2) in section 1605—

(A) by striking out “If” in subsection (a) and inserting in lieu thereof “Subject to section 1606A, if”; and

(B) in subsection (b)—

(i) by striking out “, for a period of one year,” in paragraphs (1), (3), and (4);

(ii) by striking out “for a period of one year,” in paragraph (2);

(iii) by striking out “during that period” in paragraph (4); and

(iv) by striking out “for a period of one year” in paragraph (5); and

(3) by inserting after section 1606 the following new section:

“**SEC. 1606A. TERMINATION OF SANCTIONS.**

“Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title.”

(f) WAIVER.—Section 1606 of such Act is amended by striking out “or 1605(b)” and inserting in lieu thereof “1605(b), or 1605(d)”.

(g) RULES AND REGULATIONS.—Such Act is further amended by adding after section 1607 the following new section:

“**SEC. 1607A. RULES AND REGULATIONS.**

“The President may prescribe such rules and regulations as the President requires to carry out this title.”

(h) DEFINITIONS.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting “naval vessels with offensive capabilities,” after “advanced military aircraft,” in subparagraph (A); and

(B) by striking out “or enhance offensive capabilities in destabilizing ways” each place it appears and inserting in lieu thereof “, enhance offensive capabilities in destabilizing ways, or threaten international shipping”;

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

“(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;”; and

(3) by adding at the end the following:

“(8) The term ‘goods or technology’ includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

“(9) The term ‘United States’ includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

“(10) The term ‘weapons of mass destruction’ includes nuclear, chemical, and biological weapons.”

(i) TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1606, by striking out “the Committees on Armed Services and Foreign Affairs of the House of Representatives” and inserting in lieu thereof “the Committees on National Security and International Relations of the House of Representatives”; and

(2) in section 1607, by striking out “the Committees on Armed Services and Foreign Affairs of the House of Representatives” each place it appears in subsections (a) and (b) and inserting in lieu thereof “the Committees on National Security and International Relations of the House of Representatives”.

(j) REVISION OF FOREIGN ASSISTANCE ACT OF 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting “and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction,” before “knowingly transferred” in the matter preceding subparagraph (A).

(k) REVISION OF IRAQ SANCTIONS ACT OF 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out “or chemical, biological, or nuclear weapons capability” and inserting in lieu thereof “its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons”.

HELMS (AND OTHERS)
AMENDMENT NO. 1936

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D’AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, Mr. ROBB, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division: “Division C—Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995”.

SECTION 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as “Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995”.

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

Sec. 2001. Short title; table of contents.

Sec. 2002. Findings.

Sec. 2003. Purposes.

Sec. 2004. Definitions.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 2101. Statement of Policy.

Sec. 2102. Authorization of support for democratic and human rights groups and international observers.

Sec. 2103. Enforcement of the economic embargo of Cuba.

Sec. 2104. Prohibition against indirect financing of Cuba.

Sec. 2105. United States opposition to Cuban membership in international financial institutions.

Sec. 2106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.

Sec. 2107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.

Sec. 2108. Television broadcasting to Cuba.

Sec. 2109. Reports on commerce with, and assistance to, Cuba from other foreign countries.

Sec. 2110. Importation safeguard against certain Cuban products.

Sec. 2111. Reinstitution of family remittances and travel to Cuba.

Sec. 2112. News Bureaus in Cuba.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

Sec. 2201. Policy toward a transition government and a democratically elected government in Cuba.

- Sec. 2202. Assistance for the Cuban people.
 Sec. 2203. Implementation; reports to Congress.
 Sec. 2204. Termination of the economic embargo of Cuba.
 Sec. 2205. Requirements for a transition government.
 Sec. 2206. Requirements for a democratically elected government.
 Sec. 2207. Settlement of outstanding U.S. claims to confiscated property in Cuba.

TITLE III—PROTECTION OF AMERICAN NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME IN VIOLATION OF INTERNATIONAL LAW

- Sec. 2301. Statement of Policy.
 Sec. 2302. Liability for trafficking in confiscated property claimed by United States nationals.
 Sec. 2303. Proof of Ownership.
 Sec. 2304. Exclusivity of Foreign Claims Settlement Commission Certification Procedure.

SEC. 2002 FINDINGS.

The Congress makes the following findings:
 (1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

- (A) the reduction in subsidies from the former Soviet Union;
 (B) 36 years of Communist tyranny and economic mismanagement by the Castro government;
 (C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and
 (D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 40 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and supplying of groups dedicated to international violence.

(9) Over the past 36 years, the Cuban government has posed a national security threat to the United States.

(10) The completion and any operation of a nuclear-powered facility in Cuba, for energy generation or otherwise, poses an unacceptable threat to the national security of the United States.

(11) The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression will be considered an act of aggression.

(12) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(13) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(14) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(15) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(16) Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(17) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. 2003. PURPOSES.

The purposes of this division are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and the political manipulation of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 2004. DEFINITIONS.

As used in this division, the following terms have the following meanings—

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this division under section 2004(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Rela-

tions and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—The term "confiscated" refers to:

(A) the nationalization, expropriation, or other seizure by Cuban government of ownership or control of property, on or after January 1, 1959,—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban government of, the default by the Cuban government on, or the failure by the Cuban government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated or otherwise taken by the Cuban government,

(ii) a debt which is a charge on property nationalized, expropriated or otherwise taken by the Cuban government, or

(iii) a debt which was incurred by the Cuban government in satisfaction or settlement of a confiscated property claim.

(5) CUBAN GOVERNMENT.—(A) The terms "Cuban government" and "Government of Cuba" include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section.

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government that the President has determined as being democratically elected, taking into account the factors listed in section 2206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. 1701 and following), the Export Administration Act of 1979 (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien, or
 (B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to members of the Council of Ministers, Council of State, central committee of the Cuban Communist Party, the Politburo, or their equivalents.

(11) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks and any other form of intellectual property), whether real, personal or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of Title III of this division, the term "property" shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba.

(12) TRAFFICS.—(A) As used in title III, a person or entity "traffics" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains controls of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term "traffic" does not include—

(i) the delivery of international telecommunications signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses property for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, unless, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949.

(13) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines as being a transition government consistent with the requirements and factors listed in section 2205.

(14) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 2101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursu-

ant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, and the continuation of intelligence activities from Cuba targeted at the United States and its citizens will have a detrimental impact on United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to other resources of the United States, the President should do all in his power to make it clear to the Cuban government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 2102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—The President is authorized to furnish assistance to and make available other support for individuals and nongovernmental organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

SEC. 2103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are com-

municating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this division.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code."

(2) Section 16 of the Trading With the Enemy Act is further amended—

(A) by striking subsection (b), as added by Public Law 102-393; and

(B) by striking subsection (c).

(e) COVERAGE OF DEBT-FOR-EQUITY SWABS UNDER THE ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuban or of a Cuban national; and"

SEC. 2104. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to a foreign or United States national for the purpose of financing transactions involving any property confiscated by the Cuban government the claim to which is owned by a United States national as of the date of enactment of this provision, except for financing by the owner of the property or the claim thereto for a permitted transaction.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—(1) The President is authorized to suspend this prohibition upon a determination pursuant to section 2204(a).

(2) The prohibition in subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba, as provided for in section 2204.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the civil penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

SEC. 2105. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institutions until the President submits a determination pursuant to section 2203(c).

(2) Once the President submits a determination under section 2203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) **REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.**—If any international financial institution approves a loan or other assistance to the Cuban government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) **DEFINITION.**—For the purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 2106. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization until the President determines under section 2203(c) that a democratically elected government in Cuba is in power.

SEC. 2107. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA.

(a) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of enactment of this division, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) **CRITERIA FOR ASSISTANCE.**—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos,".

(c) **INELIGIBILITY FOR ASSISTANCE.**—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-days period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or".

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

"(3) Nonmarket based trade.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guarantee, insurance, or subsidy;

"(B) imports from the Government of Cuba at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of Cuban government debt in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national."

"(4) **CUBAN GOVERNMENT.**—(A) The term Cuban government includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means any agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section."

"(d) **FACILITIES AT LOURDES, CUBA.**—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to \$200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) **REDUCATION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.**—

(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has as-

sured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term "appropriate congressional committees, includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform and rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector and nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system; and

"(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160)."

SEC. 2108. TELEVISION BROADCASTING TO CUBA.

(a) **CONVERSION TO UHF.**—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) **PERIODIC REPORTS.**—Not later than 45 days after the date of enactment of this title, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) **TERMINATION OF BROADCASTING AUTHORITIES.**—Upon transmittal of a determination under section 2203(c), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed.

SEC. 2109. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of enactment of this division, and by January 1 each year thereafter until the President submits a determination under section 2203(a) the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) **CONTENTS OF REPORTS.**—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the amount of debt owed the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material; and

(C) the terms or conditions of any such agreement.

SEC. 2110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) STATEMENT OF POLICY.—(1) The Congress notes that section 515.204 of title 31, Code of Federal Regulations, that prohibits the entry of, and dealings outside the United States in, merchandise that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(2) The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba, noting that the statement of administrative action accompanying that trade agreement specifically states the following:

(A) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition."

(B) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries."

(3) The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) required the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(4) Protection of essential security interests of the United States requires enhanced

assurances that sugar products that are entered are not products of Cuba.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, no sugar or sugar product shall enter the United States unless the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba.

(2) If the exporter described in paragraph (1) is not the producer of the sugar or sugar product, the exporter may certify the origin of the sugar or sugar product on the basis of—

(A) its reasonable reliance on the producer's written representations as to the origin of the sugar or sugar product; or

(B) a certification of the origin of the sugar product by its producer, that is voluntarily provided to the exporter by the producer.

(c) CERTIFICATION.—The Secretary of the Treasury shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of sugar or sugar products, in order to ensure the strict enforcement of this section. Such certification shall be in a form sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States sugar or sugar products that are a product of Cuba.

(d) PENALTIES.—

(1) UNLAWFUL ACTS.—It is unlawful to—

(A) enter any product or article if such entry is prohibited under subsection (b), or

(B) make a false certification under subsection (c).

(2) FORFEITURE.—Any person or entity that violates paragraph (1) shall forfeit to the United States—

(A) in the case of a violation of paragraph (1)(A), the goods entered in violation of paragraph (1)(A), and

(B) in the case of a violation of paragraph (1)(B), the goods entered pursuant to the false certification that is the subject of the violation.

(3) ENFORCEMENT.—The Customs Service may exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) in order to carry out paragraph (2).

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury shall report to the Congress on any unlawful acts and penalties imposed under subsection (d).

(f) PUBLICATION OF LISTS OF VIOLATORS.—

(1) The Secretary of the Treasury shall publish in the Federal Register, not later than March 31 and September 30 of each year, a list containing, to the extent such information is available, the name of any person or entity located outside the customs territory of the United States whose acts result in a violation of paragraph (1)(A) of subsection (d) or who violate paragraph (1)(B) of subsection (d).

(2) Any person or entity whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person or entity has not committed any violations described in paragraph (1) for a period of not less than 1 year after the date on which the name of the person or entity was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (1).

(g) DEFINITIONS.—For purposes of this section:

(1) ENTER, ENTRY.—The terms "enter" and "entry"—mean entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) PRODUCT OF CUBA.—The term "product of Cuba" means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part from any article which is the growth, produce, or manufacture of Cuba.

(3) SUGAR, SUGAR PRODUCT.—The term "sugar" and "sugar product" means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States.

SEC. 2111. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of Congress that the President should, before considering the reinstatement of general licensure for—

(A) family remittances to Cuba—

(i) insist that, prior to such reinstatement, the government of Cuba permit the unfettered operation of small businesses fully endowed with the right to hire others to whom they may pay wages, buy materials necessary in the operation of the business and such other authority and freedom required to foster the operation of small businesses throughout the island; and

(ii) require a specific license for remittances above \$500; and

(B) travel to Cuba by U.S. resident family members of Cuban nationals resident in Cuba itself insist on such actions by the government of Cuba as abrogation of the sanction for refugee departure from the island, release of political prisoners, recognition of the right of association and other fundamental freedoms.

SEC. 2112. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, provided that such an exchange meets the following conditions:

(1) the exchange is fully-reciprocal;

(2) Cuba allows free, unrestricted, and uninhibited movement on the island to all American news organizations;

(3) Cuba allows American news organizations full control over the reporters they send to operate their bureaus in Cuba;

(4) the Office of Foreign Assets Control of the Department of the Treasury can ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) Cuba agrees to allow the uninhibited distribution within Cuba of any American newspapers, magazines or other media that have bureaus in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working as an agent of Fidel Castro's intelligence.

(c) FULLY RECIPROCAL.—It is the sense of Congress that the term "fully reciprocal" means that any and all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance or other support from a governmental or official source, are able to establish and operate a news bureau in each nation.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 2201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) To consider the restoration of diplomatic relations with Cuba and support the reintegration of the Cuban government into the Inter-American System after a transition government in Cuba comes to power and at such a time as will facilitate the rapid transition to a democratic government;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 2202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, subject to subsections 2203 (a) and (c).

(2) EFFECT ON OTHER LAWS.—Subject to section 2203, the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this division;

(B) section 620(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370(a)(2)); and

(C) section 634A of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—(i) The plan developed under paragraph (1)(A) for assistance to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet the basic human needs of the Cuban people.

(ii) When a transition government in Cuba is in power, the President is encouraged to remove or modify restrictions that may exist on—

(I) remittances by individuals to their relatives of cash or humanitarian items, and

(II) on freedom to travel to visit Cuba other than that the provision of such services and costs in connection with such travel shall be internationally competitive.

(iii) Upon transmittal to Congress of a determination under section 2203(a) that a transition government in Cuba is in power, the President should take such other steps as will encourage renewed investment in Cuba to contribute to a stable foundation for a democratically elected government in Cuba.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—(i) The plan developed under para-

graph (1)(B) for assistance for a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(I) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(II) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(III) assistance provided by the Trade and Development Agency;

(IV) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(V) Peace Corps activities.

(c) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps—

(1) to seek to obtain the agreement of other countries and multinational organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 2203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objective.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take

the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 2203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination, consistent with the requirements and factors in section 2205, that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commerce to provide assistance pursuant to section 2202(b)(2)(A).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 2202(b)(2)(A) to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, consistent with section 2206, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 2202(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on the assistance to Cuba authorized under section 2202, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

SEC. 2204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba and to suspend application of the right of action created in section 2302 hereof as to actions thereafter filed against the government of Cuba, to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of the title 31, Code of Federal Regulations.

(c) **ADDITIONAL PRESIDENTIAL ACTIONS.**—Upon submitting a determination to the appropriate congressional committees under section 2203(c) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) **CONFORMING AMENDMENTS.**—On the date on which the President submits a determination under section 2203(c)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005); and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) **REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.**—

(1) **REVIEW.**—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 2203(c) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) **JOINT RESOLUTIONS.**—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 2204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.", with the blank space being filled with the appropriate date.

(3) **REFERRAL TO COMMITTEES.**—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) **PROCEDURE.**—(A) Any joint resolution 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.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 2205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

(a) A determination under section 2203(a) that a transition government in Cuba is in power shall not be made unless that government has taken the following actions—

(1) legalized all political activity;

(2) released all political prisoners and allowed for investigations of Cuban prisons by

appropriate international human rights organizations;

(3) dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has committed to organizing free and fair elections for a new government—

(i) to be held in a timely manner within 2 years after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(b) In addition to the requirements in subsection (a), in determining whether a transition government is in power in Cuba, the President shall take into account the extent to which that government—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights;

(C) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

(E) assuring the right to private property; and

(F) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(3) has ceased any interference with broadcasts by Radio Marti or the Television Marti Service;

(4) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

(5) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 2206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of determining under section 2203(c) of this division whether a democratically elected government in Cuba is in power, the President shall take into account whether, and the extent to which, that government—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers; and

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic

civil liberties and human rights by the citizens of Cuba; and

(5) is continuing to comply with the requirements of section 2205.

SEC. 2207. SETTLEMENT OF OUTSTANDING U.S. CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) **SUPPORT FOR A TRANSITION GOVERNMENT.**—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a transition government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a transition government in Cuba, except for assistance to meet the emergency humanitarian needs of the Cuban people,

unless the President determines and certifies to Congress that such a government has publicly committed itself, and is taking appropriate steps, to establish a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(b) **SUPPORT FOR A DEMOCRATICALLY ELECTED GOVERNMENT.**—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a democratically elected government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba,

unless the President determines and certifies to Congress that such a government has adopted and is effectively implementing a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of enactment of this title, the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban government held by United States nationals beyond those certified under section 507 of the International Claims Settlement Act of 1949.

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy,

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions,

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government held by United States nationals who did not receive or qualify for certification under section 507 of the

International Claims Settlement Act of 1949, and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

(e) **WAIVER.**—The President may waive the prohibitions in subsections (a) and (b) if the President determines and certifies to the Congress that it is in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 2301 STATEMENT OF POLICY.

The Congress makes the following findings: (1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people, and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens,
(ii) thousands of United States nationals, and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.

(5) The Cuban government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.

(6) This “trafficking” in confiscated property provides badly needed financial benefit, including hard currency, oil and productive investment and expertise, to the current government of Cuba and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure, and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban government.

(7) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties “would complicate any attempt to return them to their original owners.”

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to “conduct outside its territory that has or is intended to have substantial effect within its territory.”

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the Courts of the United States that would deny traffickers any profits from economically exploiting Castro’s wrongful seizures.

SEC. 2302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) **CIVIL REMEDY.**—(1) **LIABILITY OF TRAFFICKING.**—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period beginning on the date of enactment of this provision traffics in property which was confiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—
(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 2303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and
(ii) reasonable court costs and attorneys’ fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) **PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.**—There shall be a presumption that the amount for which a person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (I) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) **REQUIREMENT FOR PRIOR NOTICE AND INCREASED LIABILITY FOR SUBSEQUENT ADDITIONAL NOTICE.**—(A) Following the conclusion of 180 days from enactment hereof but at least 30 days prior to instituting suit hereunder, notice of intention to institute a suit pursuant to this provision must be served on each intended party or, in the case of ongoing intention to add any party to ongoing litigation hereunder to each such additional party.

(B) Except as provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(i) a subsequent additional notice of a claim to ownership of the property by the United States national who owns the claim to the confiscated property; and

(ii) notice of the provisions of this section, shall be liable to that United States national

for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii), plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) **APPLICABILITY.**—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this division.

(B) In the case of property confiscated by the Government of Cuba before the date of enactment of this division, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this division, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) **TREATMENT OF CERTAIN ACTIONS.**—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(7) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or other permission from any agency of the United States; provided, that this subsection shall not apply to the execution of a judgment against or the settlement of actions involving property blocked under the authority of the Trading with the Enemy Act, Appendix to title 50, United States Code, sections 1 through 44 as amended.

(8) Notwithstanding any other provision of law, any certified claim against the Government of Cuba shall not be deemed an interest or property the transfer of which requires a license or permission of any agency of the United States.

(b) **AMOUNT IN CONTROVERSY.**—An action may be brought under this section by a United States national only where the matter in controversy exceeds the sum or value of \$50,000, exclusive of costs.

(c) **SERVICE OF PROCESS.**—(1) Service of process shall be effected against an agency or instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law in conformity with 28 U.S.C. section 1608, except as provided by paragraph (3) of this subsection.

(2) Service of process shall be effected against all parties not included under the terms of paragraph (A) in conformity with 28 U.S.C. section 1331.

(3) For all actions brought under section 2302 of the Cuban Liberty and Democratic

Solidarity (LIBERTAD) Act of 1995, no judgment by default shall be entered by a court of the United States against the government of Cuba, its political subdivision, or its agencies or instrumentalities, unless a government recognized by the United States in Cuba is given the opportunity to cure and be heard thereon and the claimant establishes his claim or right to relief by evidence satisfactory to the court.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end of the following:

“(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 1605(7) to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.”.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the other several states, the District of Columbia, or any territory or possession of the United States that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—(1) All rights created under this section to bring an action for money damages with respect to property confiscated by the Government of Cuba before the date of enactment of this division

shall cease upon transmittal to the Congress of a determination of the President under section 203(c).

(2) The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 2303. PROOF OF OWNERSHIP.

(a) EVIDENCE OF OWNERSHIP.—(1) In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this division, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount of ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end of the following new section:

“DETERMINATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

“SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 2302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 2004 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, resulting from the confiscations of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(l)) at the time of action by the Government of Cuba”.

(c) RULE OF CONSTRUCTION.—Nothing in this division or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this division.

SEC. 2304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 2303, is further amended by adding at the end the following new section:

“EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

“SEC. 515. (a) Subject to subsection (b) neither any national of the United States who was eligible to file a claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by otherwise have an interest in, the compensation proceeds or nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

“(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.”.

BROWN AMENDMENT NO. 1937

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

**TITLE —NATO PARTICIPATION ACT
AMENDMENTS OF 1995**

SEC. —01. SHORT TITLE.

This title may be cited as the “NATO Participation Act Amendments of 1995”.

SEC. —02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and,

as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Central Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of Central and East European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by Eastern and Central European countries.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the date for membership of each country will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, such as Poland, Hungary, the Czech Republic and Slovakia and should be designed to assist other countries meeting specified criteria of eligibility to move toward eventual NATO membership, including Lithuania, Latvia, Estonia, Ukraine, Romania, Bulgaria, and Slovenia.

(17) Lithuania, Latvia, and Estonia have made significant progress in preparing for NATO membership and should be given every consideration for inclusion in programs for NATO transition assistance.

SEC. 03. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) of the NATO Participation Act of 1994 (as amended by this title) as eligible for NATO transition assistance; and

(4) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 04. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) in the transition to full NATO membership.”.

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

“(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

“(1) SPECIFIC COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

“(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the countries designated in paragraph (1), the President may designate other European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

“(A) has made significant progress toward establishing—

“(i) shared values and interests;

“(ii) democratic governments;

“(iii) free market economies;

“(iv) civilian control of the military, of the police, and of intelligence services;

“(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

“(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

“(B) has made public commitments—

“(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

“(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

“(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

“(C) meets standards of the NATO allies to prevent the sale or other transfer of defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; and

“(D) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.”.

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking “countries described in such subsection” each of the two places it appears and inserting “countries designated under subsection (d)”.

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking “subsection (d)” and inserting “subsection (d)(2)”; and

(ii) by inserting “(22 U.S.C. 2394)” before the period at the end.

(C) Section 204(c) of such Act is amended by striking “any other Partnership for Peace country designated under section 203(d)” and inserting “any country designated under section 203(d)(2)”.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

“(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

“(F) Funds appropriated under the ‘Non-proliferation and Disarmament Fund’ account”.

“(G) Funds appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).”.

(3) by inserting “(1)” immediately after “TYPE OF ASSISTANCE.—”; and

(4) by adding at the end the following new paragraphs:

“(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

“(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than \$5,000,000 for fiscal year 1996 and not less than \$5,000,000 for fiscal year 1997 shall be available only for—

“(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

“(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.”.

SEC. 05. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended—

(1) by redesignating section 205 as section 206; and

(2) by inserting after section 204 the following:

“SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

“The President should, at all bilateral and international fora, use of the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) commensurate with their progress toward attaining NATO membership.”.

SEC. 06. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

“(2) Whenever the President determines that the government of a country designated under subsection (d)—

“(A) no longer meets the criteria set forth in subsection (d)(2)(A);

“(B) is hostile to the NATO alliance; or

“(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.”.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

“(g) CONGRESSIONAL PRIORITY PROCEDURES.—

“(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the

date on which a certification made under subsection (f) (2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

“(A) references to the ‘resolution described in paragraph (1)’ shall be deemed to be references to the joint resolution; and

“(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.’”.

SEC. 7. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section 05(1) of this title, is amended—

(1) by inserting “annual” in the section heading before the first word;

(2) by inserting “annual” after “include in the” in the matter preceding paragraph (1);

(3) in paragraph (1), by striking “Partnership for Peace” and inserting “European”; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

“(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.”.

SEC. 8. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

“SEC. 207. DEFINITIONS.

“For purposes of this title:

“(1) NATO.—The term ‘NATO’ means the North Atlantic Treaty Organization.

“(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ‘designated congressional committees’ means—

“(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

“(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term ‘European countries emerging from Communist domination’ includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, and Ukraine.”.

BROWN AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

“SEC. . NONAPPLICABILITY OF CARGO PREFERENCE REQUIREMENTS.

Sections 901(b) and 901b of the Merchant Marine Act of 1936 shall not apply to the transportation of agricultural commodities as part of any United States Government-administered program of food assistance to foreign countries.”

BROWN AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

“SEC. . REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term “United Nations peacekeeping activities” means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term “appropriate committees of Congress” means—

(A) the Committee on National Security, the Committee on Appropriations, and the committee on International Relations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.”

BROWN AMENDMENT NO. 1940

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . CONTINUATION OF FREE TRADE TREATMENT FOR GAZA/JERICHO.

(a) FINDINGS.—

(1) The Congress approved a free trade agreement with Israel on April 29, 1985;

(2) When approved in 1985, eligibility under the free trade agreement extended to the occupied territories of the West Bank and Gaza;

(3) The Declaration of Principles, signed by Israel and the Palestinian Authority in 1993, is a significant step forward in bringing peace to the region;

(4) Sending an unambiguous signal of United States support for peace in the Middle East is a top U.S. priority;

(5) Removing free trade treatment for goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles economically penalizes the Palestinian Authority for entering into a peace agreement with Israel; and

(6) Goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles should not be subjected to less favorable treatment than those manufactured in Gaza and Jericho before the signing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should grant duty free access to the United States market for products of the territories that were under the administration of Israel (West Bank and Gaza) on April 29, 1985.”

BROWN AMENDMENT NO. 1941

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . ESTABLISHMENT OF A FREE TRADE AREA FOR TABA, ELAT AND AQABA.

(a) FINDINGS.—The Congress finds that:

(1) The development of trading relationships that permit the free flow of goods and services between Israel and countries with which Israel is now at peace is essential to a lasting peace in the Middle East;

(2) The President’s recent decision to establish a free trade area that includes the Egyptian city of Taba, the Israeli city of Elat, and the Jordanian city of Aqaba will provide an important beginning for regional cooperation and the integration of regional commerce; and

(3) The development of successful trading relationships between the countries who have agreed to a warm peace with Israel and the United States is a top priority of the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should extend duty free treatment to products of Taba, Egypt and Aqaba, Jordan if the President certifies to the appropriate committees of the Congress that—

(1) such extension will significantly benefit the development of regional economic development and integration in the Middle East;

(2) such extension will include only goods which have experienced significant manufacturing change in Taba or Aqaba;

(3) effective procedures exist to ensure that Taba and Aqaba are not merely transshipment points for goods manufactured outside of these two cities; and

(4) all three countries are developing laws and procedures to encourage the free flow of goods and people between and cities of Taba, Elat and Aqaba.”

BROWN AMENDMENT NO. 1942

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In the appropriate place, insert a new section as follows:

SEC. . SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the "GATT") and the World Trade Organization (hereafter in this amendment referred to as the "WTO") is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People's Republic of China (hereinafter referred to as "China") and the Republic of China on Taiwan (hereinafter referred to as "Taiwan") applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO;

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world's seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) SENSE OF CONGRESS—It is the sense of the Congress that—

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of China in the GATT/WTO only

if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles;

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT.

BROWN AMENDMENT NO. 1943

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION IN THE UNITED NATIONS.

(a) FINDINGS.—The Congress finds that—

(1) The Republic of China was the first signatory to the Charter of the United Nations in 1945 and remained an active member of that world body until 1971;

(2) China was divided in 1949, and the Republic of China (hereinafter cited as "Taiwan") and the People's Republic of China (hereinafter cited as "Mainland China") have exercised exclusive jurisdiction over their respective areas since then;

(3) Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

(4) Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994, balloting for local and provincial officials;

(5) The 21 million people in Taiwan have not been represented in the United Nations since 1971 and their human rights as citizens of the world have therefore been severely abridged;

(6) Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

(7) Taiwan has much to contribute to the work and funding of the United Nations;

(8) Taiwan has demonstrated its commitment to the world community by responding to the international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid;

(9) The world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as the first step toward becoming a contracting party to that organization;

(10) The United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

(11) Taiwan has repeatedly stated that its participation in international organizations is one of parallel representation without prejudice to the current status of mainland China in the international community and does not represent a challenge to that status;

(12) The United Nations and other international organizations have established precedents concerning parallel representation, such as the cases of South Korea and North Korea and the two former Germanies;

(13) The decision of the United States to establish diplomatic relations with Mainland China, as expressed in the Taiwan Relations Act (Public Law 96-8), is based "upon the expectation that the future of Taiwan will be determined by peaceful means"; and

(14) Taiwan's participation in international organizations would not prevent or imperil the eventual resolution of disputes between Taiwan and Mainland China any more than participation in international organizations by the former West Germany and the former East Germany prevented the eventual settlement of German's national status by peaceful and democratic means.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Taiwan deserves full participation, including a seat, in the United Nations and its related agencies; and

(2) the Government of the United States should immediately encourage the United Nations to take action by considering the unique situation of Taiwan in the international community and adopting a comprehensive solution to accommodate Taiwan in the United Nations and its related agencies."

BROWN AMENDMENT NO. 1944

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . COUNTRIES IN TRANSITION TO A FREE MARKET ECONOMY.

(a) FINDINGS.—

(i) Many of the nations of Central and Eastern Europe in transition from centrally planned economies to free market economies have made important progress in reforming their economic systems in a short time period;

(ii) As these countries continue to transition, long-term economic growth for the region rests upon the successful integration of these emerging free markets into western markets and other world trading structures;

(iii) Trade has been the key to rapid integration of the markets of countries in transition to democracy;

(iv) The success of U.S. efforts to expand the ability of these nations in transition to trade with the West has not rested solely upon traditional foreign assistance programs, but has been greatly enhanced by the extension of the generalized system of preferences for these countries;

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(i) United States' efforts to assist countries of Central and Eastern Europe in transition from centrally planned economies to free market economies should focus first on efforts to effectively integrate them into the world trading system;

(ii) The United States extension of trade benefits under the generalized system of preferences has been of crucial importance to the rapid economic transformation of countries of Central and Eastern Europe in transition from centrally planned economies to free market economies; and

(iii) The United States should continue to accord treatment under the generalized system of preferences (GSP) for all countries of Central and Eastern Europe in transition to a free market economy, including but not limited to Poland, Hungary, the Czech Republic, Slovakia, the Baltic countries, Romania and Bulgaria.

BROWN AMENDMENT NO. 1945

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 174, after line 21, add the following:

SEC. 1112. STUDY ON THE PRIVATIZATION OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC).

(a) **STUDY AND REPORT.**—The Overseas Private Investment Corporation (OPIC) shall conduct a study on the feasibility of privatizing the activities of the Corporation and, not later than 180 days after the date of the enactment of this Act, submit to the Congress a report on the study.

(b) **CONTENTS OF REPORT.**—The report submitted under subsection (a) shall address the following consequences of privatizing the Overseas Private Investment Corporation:

(1) The projected scope and size of overseas market projects and activities for United States companies over the next twenty years.

(2) An assessment of the capital required of United States companies in overseas markets and the potential sources of capital that would be willing to take a long-term, high-risk investment.

(3) A determination of the need for the backing of United States Government guarantees to support and foster private sector competitiveness in various overseas markets.

(4) A description of any alternative ways to provide the services needed to encourage investment from the private sector in developing market economies.

(5) A discussion of whether private insurance companies would be interested in entering the market and what they would charge.

(6) A discussion of whether developing countries would be willing to make individual agreements with private insurance agencies to take the place of the bilateral agreements they currently have with the Overseas Private Investment Corporation and whether this would cause competition in insurance rates.

BROWN AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . SENSE OF THE SENATE CONCERNING BOOK DONATIONS.

It is the Sense of the Senate that the United States should continue to provide logistic and warehouse support for non-governmental, non-profit organizations undertaking donated book programs abroad and that priority should be given to those organizations utilizing on-line information technologies to complement the traditional hard cover donation program.”

BROWN AMENDMENT NO. 1947

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 94, line 6 following the words “55 percent” add: “, excluding the National Endowment’s administrative overhead costs.”

BROWN AMENDMENT NO. 1948

(Order to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . INTERNATIONAL FUND FOR IRELAND.

Of the funds authorized to be appropriated for Economic Support Funds, there are authorized to be appropriated \$15,000,000 only for the International Fund for Ireland.”

BROWN AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.

(a) **FINDINGS.**—The Congress finds that:

(1) Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

(2) These terrorist acts have exacerbated existing problems and Gaza is now experiencing staggering unemployment nearing 50%, increasing chaos and a downward spiral of dashed hopes and deepening poverty;

(3) Israel’s legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

(4) The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that:

(1) The United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

(4) The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and to begin with the recruitment of U.S. investors; and

(5) The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of goods and services between Israel and Gaza while increasing security between the two areas.

(c) **AUTHORIZATION.**—There are authorized to be appropriated \$10,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding section 545 of the fiscal year 1995 Foreign Operations, Export Financing and Related Programs and fiscal year 1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions.”

BROWN AMENDMENT NO. 1950

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87-195) is amended:

(1) by striking the words “No assistance” and inserting the words “No military assistance”;

(2) by striking the words “in which assistance is to be furnished or military equipment or technology” and inserting the words “in which military assistance to be furnished or military equipment or technology”;

(3) by striking the words “the proposed United States assistance” and inserting the words “the proposed United States military assistance”;

(4) by adding the following new paragraph: “(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

“(A) International narcotics control (including chapter 8 of part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

“(B) Facilitating military-to-military contact, training (including chapter 5 of part II of this Act) and humanitarian and civic assistance projects;

“(C) Peacekeeping and other multilateral operations (including chapter 6 of part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

“(D) Antiterrorism assistance (including chapter 8 of part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes.”

(5) by adding the following new subsections at the end:

“(f) **STORAGE COSTS.**—The President may release to the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

“(g) **RETURN OF MILITARY EQUIPMENT.**—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan pursuant to subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States.”

BROWN AMENDMENT NO. 1951

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . SANCTIONS AGAINST TERRORIST COUNTRIES.

(a) **PROHIBITION.**—In conjunction with a determination by the Secretary of State that a

nation is a state sponsor of international terrorism pursuant to 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting the following—

(1) The importation into the United States, or the financing of such importation, of any goods or services originating in a terrorist country, other than publications or materials imported for news publications or news broadcast dissemination;

(2) Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702 (b)), the exportation from the United States to a terrorist country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Act Regulations, 15 CFR Parts 768-799 (1994)) or services;

(3) The reexportation to such terrorist country, its government, or to any entity owned or controlled by the government of the terrorist country, or any goods or technology (including technical data or other information) exported from the United States, the exportation of which is subject to export license application requirements under any U.S. regulations in effect immediately prior to the enactment of this Act, unless, for goods, they have been (i) substantially transformed outside the U.S., or (ii) incorporated into another product outside the United States and constitute less than 10 percent by value of that product exported from a third country;

(4) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, or United States person relating to goods or services originating from a terrorist country or owned or controlled by the government of a terrorist country;

(5) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;

(6) The approval or facilitation by a United States person or entry into or performance by an entity owned or controlled by a United States person of a transaction or contract:

(A) prohibited as to United States persons by subsection (3), (4) or (5) or

(B) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(7) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempting to violate, any of the prohibitions set forth in this section.

(b) DEFINITIONS.—For the purposes of this section:

(1) the term "person" means an individual or entity;

(2) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(3) the term "United States person" means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(4) the term "terrorist country" means a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assist-

ance Act of 1961 (22 U.S.C. 2371) and includes the territory of the country and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the government of the terrorist country claims sovereignty, sovereign rights, or jurisdiction, provided that the government of the terrorist country exercises partial or total de facto control over the area or derives a benefit from the economic activity in the area pursuant to international arrangements; and

(5) the term "new investment" means—

(A) a commitment or contribution of funds or other assets, or

(B) a loan or other extension of credit.

(6) the term "appropriate committees of Congress" means—

(A) the Banking and Financial Services Committee, the Ways and Means Committee and the International Relations Committee of the House of Representatives;

(B) the Banking, Housing and Urban Affairs Committee, the Finance Committee and the Foreign Relations Committee of the Senate.

(c) EXPORT/RE-EXPORT.—The Secretary of the Treasury may not authorize the exportation or reexportation to a terrorist country, the government of a terrorist country, or an entity owned or controlled by the government of a terrorist country of any goods, technology, or services subject to export license application requirements of another agency of the United States government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

(d) RIGHTS AND BENEFITS.—Nothing contained in this section shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(e) WAIVER.—The President may waive the prohibitions described in subsection (a) of this section for a country for successive 180 day periods if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with appropriate committees of Congress regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require a waiver;

(C) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance which is also prohibited by section 40 of the Arms Control Export Control Act."

BROWN AMENDMENT NO. 1952

Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . U.S. COMMERCIAL DISPUTES.

(a) FINDINGS.—

(i) The United States and Saudi Arabia have extensive commercial relations which have proven to be important and beneficial to both parties;

(ii) In the past twenty years, increasing commercial ties have highlighted the differences between the legal systems of our

two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations;

(iii) Saudi Arabia's decision to join the New York Convention on Arbitral Awards is a significant contribution to the resolution of future disputes;

(iv) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations;

(v) State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thereby decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

(vi) State Department procedures for espousal of claims must be expeditious and thorough, to ensure a fair legal review of the claim and appropriate, timely assistance to U.S. companies doing business overseas.

(b) OVERVIEW OF U.S.-SAUDI COMMERCIAL RELATIONS.—The Secretary of State, in consultation with the Secretary of Commerce, shall prepare and update on a yearly basis a complete, easily understandable manual for distribution to U.S. companies interested in doing business in Saudi Arabia. In addition, U.S. State Department staff in Saudi Arabia shall provide routine briefings for members of the U.S. business community operating in Saudi Arabia. The manual and briefings shall include, but not be limited to:

(i) An overview of the business environment in Saudi Arabia;

(ii) A complete overview of the Saudi Arabian system of justice, recent court decisions affecting commercial interests and an evaluation of the efficacy of the legal system for effective resolution of commercial disputes;

(iii) A detailed discussion of common risks and difficulties faced by companies conducting operations in Saudi Arabia;

(iv) An overview of Saudi contract law and a comparison to U.S. contract law;

(v) A suggested list of common contract practices to be followed by American businesses that would increase the security of U.S. investments in Saudi Arabia;

(vi) A list of outstanding claims by U.S. companies against the government of Saudi Arabia and efforts undertaken by the Department of State to quickly and effectively resolve these claims;

(vii) A list of outstanding claims by Saudi Arabian companies against the United States and actions undertaken to ensure the resolution of these claims.

This report shall be forwarded on an annual basis to the appropriate committees of the Congress.

(c) ESPOUSAL OF U.S. CLAIMS.—For any claims listed in the act that have yet to be resolved, the U.S. State Department shall have 30 days from the time the claim is formally submitted to the State Department for espousal to evaluate the merits of the claim and to recommend whether or not the United States government should espouse such claim. Such recommendation, whether negative or positive, shall, with supporting rationale, be reported to the appropriate committees of the Congress at the expiration of the 30 day period.

(d) DEFINITIONS.—The term "appropriate committees of the Congress" shall include—

(i) the International Relations Committee and the Appropriations Committee of the House of Representatives; and

(ii) the Foreign Relations Committee and the Appropriations Committee of the Senate.

HUTCHISON (AND OTHERS)
AMENDMENT NO. 1953

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

SNOWE AMENDMENT NO. 1954

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. —. CONCERNING THE PROTECTION AND CONTINUED LIVELIHOOD OF THE EASTERN ORTHODOX ECUMENICAL PATRIARCHATE.

(a) FINDINGS.—The Congress makes the following findings—

(1) in recent years there have been successive terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate in the Fanar area of Istanbul (Constantinople), Turkey;

(2) attempts against the Ecumenical Patriarchate have intensified, including the following attempts:

(A) In July and August 1993, the Christian Orthodox cemetery in Yenikoy, near Istanbul, was attacked by vandals and desecrated.

(B) There has been a concerted effort throughout Turkey to convert the Church of Hagia (Saint) Sophia, one of the most sacred monuments of Greek Orthodox Christianity and currently used as a museum, into a mosque.

(C) On the night of March 30, 1994, 3 bombs were discovered in the building where the Patriarch lives.

(D) The Turkish press and some politicians have been launching a well-orchestrated campaign against the Ecumenical Patriarchate accusing it of trying to become an independent state or that it wishes to revive the Byzantine Empire. These accusations resulted in provoking dangerous reactions among the Moslem population in Turkey against the Ecumenical Patriarchate.

(E) Negative statements have been directed toward the Patriarchate by the Mayor of the Fatih District of Istanbul.

(3) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and thus must be protected under Turkish law against blatant and unprovoked attacks toward ethnic minorities;

(4) the Turkish Government arbitrarily closed the Halki Patriarchal School of Theology in 1971;

(5) the closing of the Halki School of Theology is a serious concern for the Ecumenical Patriarchate;

(6) Turkish law requires that the Patriarch, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(7) the unimpeded continued provocations against the Ecumenical Patriarchate and the closing of the Halki School of Theology are in violation of international treaties to which Turkey has been a signatory, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act-1975, the Charter of Paris, and the United Nations Charter;

(8) these consequences have severely compromised and threatened the safety and security of the Ecumenical Patriarchate and the future existence of this Orthodox Institution in Turkey;

(9) the Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians worldwide, including approximately 5,000,000 in the United States; and

(10) it is in the best interest of the United States to prevent further incidents regarding the Ecumenical Patriarchate, the spiritual leader of millions of American citizens, and in the overall goals of the United States to establish peaceful relations with and among the many important nations of the world that have substantial Orthodox Christian populations.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Council to suggest that the Turkish Government—

(A) ensure the proper protection for the Patriarchate and all Orthodox faithful residing in Turkey;

(B) assure that positive steps are taken to reopen the Halki Patriarchal School of Theology;

(C) provide for the proper protection and safety of the Ecumenical Patriarch and the Patriarchate personnel;

(D) establish conditions that would prevent the reoccurrence of past terrorist activities and vandalism and other personal threats against the Patriarch;

(E) establish conditions to ensure that the Patriarchate is free to carry out its religious mission; and

(F) do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate.

(2) The Administration should report to the Congress the status and progress of the concerns in paragraph (1) on an annual basis.

SNOWE AMENDMENT NO. 1955

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . RUSSIAN NUCLEAR TECHNOLOGY AGREEMENT WITH IRAN.

(a) FINDINGS.—The Congress finds that—

(1) Iran is aggressively pursuing a program to acquire or develop nuclear weapons, or both;

(3) Iran has opposed the Middle East peace process and continues to support the terrorist group Hezbollah in Lebanon and radical Palestinian groups;

(4) Iran has asserted control over the Persian Gulf island of Abu Musa, which it had been previously sharing with the United Arab Emirates;

(5) during the last few years Iran has reportedly acquired several hundred improved Seud missiles from North Korea;

(6) Iran has moved modern air defense missile systems, tanks, additional troops, artillery, and surface-to-surface missiles onto islands in the Persian Gulf, some of which are disputed between Iran and the United Arab Emirates;

(7) Iran has already taken delivery of as many as 30 modern MiG-29 fighter aircraft from the Russian federation;

(8) the Russian Federation has sold modern conventionally powered submarines to Iran, which increases Iran's capability to blockade the Straits of Hormuz and the Persian Gulf; and

(9) the Russian Federation has continued to pursue a commercial agreement intended to provide Iran with nuclear technology despite being provided with a detailed description by the President of United States of Iran's nuclear weapons program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Russian Federation should be strongly condemned if it continues with a commercial agreement to provide Iran with nuclear technology which would assist that country in its development of nuclear weapons, and, if such transfer occurs, that the Russian Federation would be ineligible for assistance under the terms of the Freedom Support Act.

SNOWE AMENDMENT NO. 1956

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SUPPORTING A RESOLUTION TO THE LONG-STANDING DISPUTE REGARDING CYPRUS.

(a) FINDINGS.—The Congress finds that—

(1) the long-standing dispute regarding Cyprus remains unresolved;

(2) the Turkish military presence in the territory of the Republic of Cyprus has continued for more than 20 years;

(3) the status quo on Cyprus remains unacceptable;

(4) the United States attaches great importance to a just and peaceful resolution of the dispute regarding Cyprus;

(5) the United Nations and the United States are using their good offices to resolve such dispute;

(6) on January 5, 1995, President Clinton appointed a Special Presidential Emissary for Cyprus;

(7) the United Nations has adopted numerous resolutions that set forth the basis of a solution for the dispute regarding Cyprus;

(8) paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994, reaffirms that a solution must be based on a state of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

(9) the United Nations Secretary General has described the militarily occupied part of Cyprus as one of the most highly militarized areas in the world;

(10) the continued Turkish military presence on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus;

(11) the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and

(12) comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed.

(b) SENSE OF CONGRESS.—The Congress—

(1) reaffirms that the status quo on Cyprus is unacceptable;

(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;

(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problem in a just and viable manner at the earliest possible time;

(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions, including paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994;

(5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

(6) considers that demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and

(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.

KERRY (AND PELL) AMENDMENT NO. 1957

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 220, at the beginning of line 14, strike all that follows through line 25.

KERRY (AND PELL) AMENDMENT NO. 1958

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 73, at the beginning of line 6, strike all that follows through page 74, line 5.

KERRY (AND PELL) AMENDMENT NO. 1959

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 61, line 12, strike all that follows after the words "Peacekeeping Activities."

through page 62, line 24, and add the following:

"Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

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

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

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—

(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extensions, modification, suspension, or termination of any previously authorized peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but not later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated."

KERRY AMENDMENT NO. 1960

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete Section 205 and insert in lieu thereof the following:

SEC. 205. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(A) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

"(a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for the fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all records, documents, and other available materials relating to those programs and operations;

"(C) have direct and prompt access to any official of the United Nations; and

"(D) have access to all records and officials of the specialized agencies of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General."

KERRY (AND PELL) AMENDMENT NO. 1961

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 54, at the beginning of line 17, strike all that follows through line 22.

KERRY AMENDMENT NO. 1962

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 125, strike line 1 and all that follows through line 15 on page 267 and insert the following:

DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reinvention Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

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

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

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

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) a reduction in the aggregate number of independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least \$2,000,000,000 over 4 years through the consolidation of agencies.

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

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the

Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

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

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

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress unless Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to

transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not disapproved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and not disapproved under this section with respect to an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

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

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and not disapproved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

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

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if

the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

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

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

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

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

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

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

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

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

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

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

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

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

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

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

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

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

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

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

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having

duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transfer of the functions under this title.

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

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

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

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

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

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

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transfer of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code,

shall be transferred to the Department of State.

(b) **TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.**—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

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

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

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

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) **APPOINTMENTS.**—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transfer of functions under this title.

(b) **EXPERTS AND CONSULTANTS.**—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) **IN GENERAL.**—The Secretary of State shall review the property and facilities of each transferor agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) **DEADLINE FOR TRANSFER.**—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies

shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

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

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) **PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.**—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) **EXCEPTION.**—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) **EVALUATION AND TERMINATION OF EXISTING CONTRACTS.**—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

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

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

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

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

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

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

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

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

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

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

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

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

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

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS**SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.**

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on _____ pursuant to section 1109 of the Foreign Relations Revitalization Act."

(f) RESUBMISSION OF PLAN.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) STATUTORY CONSTRUCTION.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

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

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) PLAN.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. DETAIL OF OTHER AGENCY PERSONNEL TO STATE DEPARTMENT.

Any employee of any agency other than the Department of State who is assigned to an overseas post located within any United States mission except for those assigned to a military command shall be detailed to the Department of State for the duration of such assignment, and shall be fully under the authority of the Chief of Mission. The Chief of Protocol, at the sole discretion of the Secretary of State, shall accord diplomatic titles, privileges, and immunities to any such employees as the Secretary of State deems appropriate.

KERRY AMENDMENT NO. 1963

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete the authorizations for fiscal years 1998 and 1999 throughout the bill.

PELL AMENDMENT NO. 1964

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 104, line 23, strike "(a) FISCAL YEAR 1996.—".

On page 105, line 1, strike "\$22,700,000 for the fiscal year 1996" and insert "\$45,000,000 for each of the fiscal years 1996 and 1997".

On page 105, strike lines 3 through 5.

On page 125, line 9, insert "certain" after "reinvent".

On page 126, lines 21 and 22, strike "the United States Arms Control and Disarmament Agency."

On page 134, beginning on line 8, strike "the following" and all that follows through "Assisting" on line 9 and insert "assisting".

On page 134, line 11, strike "arms control and nonproliferation."

On page 134, strike lines 16 through 18.

Beginning on page 145, strike line 16 and all that follows through line 19 on page 146.

On page 146, line 20, strike "(2)" and insert "(1)".

On page 148, line 4, strike "(3)" and insert "(2)".

On page 149, line 1, strike "(4)" and insert "(3)".

On page 166, strike lines 18 and 19.

Beginning on page 175, strike line 1 and all that follows through line 22 on page 184 and insert the following:

TITLE XII—ARMS CONTROL AND DISARMAMENT AGENCY**SEC. 1201. ELIMINATION OF DUPLICATION.**

(a) IN GENERAL.—The Secretary of State and the Director of the United States Arms Control and Disarmament Agency, in consultation with the National Security Advisor shall, in a manner consistent with the provisions of the Arms Control and Disarmament Act of 1961 and with this title, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the United States Arms Control and Disarmament Agency.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the President shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a).

On page 221, strike lines 23 and 24.

On page 222, line 1, strike "(2)" and insert "(1)".

On page 222, line 3, strike "(3)" and insert "(2)".

Beginning on page 224, strike line 13 and all that follows through line 8 on page 228.

On page 237, line 4, strike "1703, 1704," and insert "1704".

On page 238, line 14, strike "1703, 1704," and insert "1704..

On page 238, line 21, strike "1703, 1704," and insert "1704".

On page 239, line 3, strike "1703, 1704," and insert "1704".

On page 240, line 9, strike "1703, 1704," and insert "1704".

On page 243, line 25, strike "1703, 1704," and insert "1704".

On page 249, line 25, strike "\$125,000,000 and for the fiscal year 1997 \$100,000,000" and insert "\$102,700,000 and for the fiscal year 1997 \$77,700,000".

On page 250, strike lines 14 and 15.

On page 250, line 16, strike "(3)" and insert "(2)".

On page 250, line 17, strike "(4)" and insert "(3)".

On page 264, beginning on line 25, strike "United States" and all that follows through "Agency," on line 26.

On page 266, strike lines 10 through 12.

On page 266, line 13, strike "(B)" and insert "(A)".

On page 266, line 16, strike "1701(a)(2)" and insert "1701(a)(1)".

On page 266, line 17, strike "(C)" and insert "(B)".

On page 266, line 20, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 266, line 21, strike "(D)" and insert "(C)".

On page 266, line 25, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 267, line 1, strike "(E)" and insert "(D)".

On page 267, line 4, strike "(F)" and insert "(E)".

On page 267, line 8, strike "(G)" and insert "(F)".

On page 267, line 12, strike "(H)" and insert "(G)".

Amend the title so as to read: "A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency and the Agency for International Development, and for other purposes."

PELL AMENDMENT NO. 1965

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. . SENSE OF SENATE REGARDING REGIONAL ENVIRONMENTAL TREATIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1978, the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other government to a proposed global treaty requiring the preparation of Environmental Impact Assessment for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area.

(2) Subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment.

(3) Principle 17 of the Rio Declaration on Environment and development, adopted at the United Nations Conference on Environment and Development in 1992 states that the Environmental and Impact Assessments as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision on the competent national authority.

(4) On October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica.

(5) The United States is a signatory to the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, a regional treaty that calls for the use of Environmental Impact Assessments as necessary tools to minimize the adverse impact of certain activities on the environ-

ment, particularly in a transboundary context.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should encourage governments of other nations to engage in additional regional treaties, along the lines of the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment on a Transboundary Context, regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities are undertaken in environmentally sound ways and under careful controls designed to avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

PELL (AND KASSEBAUM) AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. PELL (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . PROHIBITION ON U.S. FUNDING OF MINURSO.

(a) FINDINGS.—The Congress finds that—

(1) Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario) have been waging war for control of the Western Sahara since 1974;

(2) In 1981, Moroccan King Hassan II called upon the United Nations to sponsor a referendum on the future status of the Western Sahara, in which the Saharan people would vote for independence or for integration with Morocco;

(3) In 1990, the United Nations Security Council adopted Resolution 658, which included the details of a peace settlement approved by Morocco and the Polisario;

(4) In 1991, the United Nations Security Council adopted Resolution 690, which formally established the United Nations Mission for the Referendum in Western Sahara (MINURSO);

(5) The United States has provided financial support to MINURSO as part of its assessed dues for U.N. peacekeeping, and has contributed U.S. troops to the military component of MINURSO;

(6) Since MINURSO was deployed to the region on September 6, 1991, the cease-fire between Morocco and the Polisario has been observed with only minor violations by the parties;

(7) In 1994, the Security Council adopted Resolution 907, leading to the initiation of voter registration for the referendum;

(8) Notwithstanding the successful cessation of hostilities between Morocco and the Polisario and the initiation of voter registration, substantial progress remains to be made before a referendum can be held;

(9) Charges have been raised by former MINURSO officials and by outside observers calling into question free and fair nature of the referendum and suggesting mismanagement and impropriety by MINURSO;

(10) It is in the U.S. interest to promote a timely and equitable resolution of the conflict in the Western Sahara through a free and fair referendum process, or through an alternative settlement to be agreed upon mutually by the parties to the conflict.

(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other act may be used for contributions to the

United Nations Mission for the Referendum in Western Sahara (MINURSO) unless and until the President determines and so certifies to the Congress that—

(a) the funds to be used will promote the timely conclusion of the referendum process or an alternative settlement to be agreed upon mutually by the parties to the conflict;

(b) the United Nations is organizing the referendum in a free and fair manner so as to produce an equitable resolution of the Western Sahara conflict;

(c) charges of impropriety and mismanagement by MINURSO have been investigated and, if found to be of merit, addressed appropriately.

PELL AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION IN EXPO '98.

(a) FINDINGS.—The Congress finds that—

(1) there was international concern expressed at the Rio Conference of 1992 about conservation of the seas;

(2) 1998 has been declared the "International Year of the Ocean" by the United Nations in an effort to alert the world to the need for improving the physical and cultural assets offered by the world's oceans;

(3) the theme of Expo '98 is "The Oceans, a Heritage for the Future";

(4) Expo '98 has a fundamental aim of alerting political, economic, and public opinion to the growing importance of the world's oceans;

(5) Portugal has established a vast network of relationships through ocean exploration;

(6) Portugal's history is rich with examples of the courage and exploits of Portuguese explorers;

(7) Portugal and the United States have a relationship based on mutual respect, and a sharing of interests and ideals, particularly the deeply held commitment to democratic values;

(8) today over 2,000,000 Americans can trace their ancestry to Portugal; and

(9) the United States and Portugal agreed in the 1995 Agreement on Cooperation and Defense that in 1998 the 2 countries would consider and develop appropriate means of commemorating the upcoming quinquennial anniversary of the historic voyage of discovery by Vasco da Gama.

(b) SENSE OF CONGRESS.—The United States should fully participate in Expo '98 in Lisbon, Portugal, and encourage the private sector to support this worthwhile undertaking.

PELL AMENDMENT NO. 1968

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 86, at the beginning of line 24, strike all that follows through page 88, line 17, and add the following:

"(6) General Comment No. 24 contradicts not only the Supremacy Clause of the United States Constitution and the constitutional authority of the Senate with respect to the approval of treaties, but also the First Amendment rights of American citizens and the other United States constitutional rights and practices protected by the reservation, understandings, declarations, and proviso contained in the Senate resolution of ratification.

“(b) PRESIDENTIAL ACTIONS.—The President should—

“(1) reject General Comment No. 24, issued by the Human Rights Committee established under the International Covenant on Civil and Political Rights, which bears no validity under international law;

“(2) reaffirm the U.S. commitment to the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate on April 2, 1992;

“(3) seek the nullification of the General Comment No. 24 by the Human Rights Committee;

“(4) inform, at every appropriate opportunity, the Human Rights Committee of the validity under international law of the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate.”

PELL AMENDMENT NO. 1969

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE ____—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SEC. ____ SHORT TITLE.

This title may be cited as the “NATO Participation Act Amendments of 1995”.

SEC. ____ FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific

criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from Communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) The provision of NATO transition assistance should include those countries that meet the eligibility criteria specified under section 203(d) of the NATO Participation Act of 1994 (as amended by this title).

(17) Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine should be given every consideration for inclusion in programs for NATO transition assistance.

(18) The Partnership for Peace will continue to play an important role in strengthening cooperation and interoperability between partner states and NATO allies. Active participation in the Partnership for Peace will help prepare interested states for the rights and responsibilities of NATO membership.

SEC. ____ UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from Communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to work to define the political and security relationship between an evolving NATO and the Russian Federation.

SEC. ____ CONSTRUCTION OF TITLE.

Nothing in this title should be construed as precluding the eventual NATO membership of Partnership for Peace member countries that never were under Communist domination, namely Austria, Finland, and Sweden, should they wish to apply for such membership.

SEC. ____ REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) to facilitate their transition to full NATO membership.”

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

“(d) DESIGNATION OF EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION AS ELIGIBLE COUNTRIES.—The President shall designate European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country

only if the President determines, and reports to the designated congressional committees, that such country—

“(1) has made significant progress toward establishing—

“(A) shared values and interests;

“(B) democratic governments;

“(C) free market economies;

“(D) civilian control of the military, of the police, and of intelligence services;

“(E) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization for Security and Cooperation in Europe; and

“(F) more transparent defense budgets and is actively participating in the Partnership For Peace defense planning process;

“(2) has made public commitments—

“(A) to further the principles of NATO and to contribute to the security of the North Atlantic area;

“(B) to accept the obligations, responsibilities, and costs of NATO membership; and

“(C) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

“(3) is not eligible for assistance under section 563 of Public Law 103-306, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act.”

“(4) is likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.”

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are each amended by striking “countries described in such subsection” and inserting “countries designated under subsection (d)”.

(B) Subsection (e) of such section 203 is amended by inserting “(22 U.S.C. 2394)” before the period at the end.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is further amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

“(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

“(F) Funds appropriated under the ‘Non-proliferation and Disarmament Fund’ account”.

“(G) Assistance appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).”

“(H) Authority for the Department of Defense to pay excess defense article (EDA) PCH&T and costs for countries designated for both grant lethal and non-lethal EDA.”

“(I) Authority to convert FMF loans to grants, and vice-versa, for eligible states.”

(3) by inserting “(1)” immediately after “TYPE OF ASSISTANCE.—”; and

(4) by adding at the end the following new paragraphs:

“(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President should include as an important component of such assistance the provision of appropriate language training to facilitate participation of military personnel in programs for military training and in defense exchange programs.

“(3) Assistance made available under chapter 5 of part II of the Foreign Assistance Act

of 1961 (relating to international military education and training), not less than \$5,000,000 for fiscal year 1996 and not less than \$5,000,000 for fiscal year 1997 should be available only for—

“(A) the attendance of additional military personnel of countries eligible under section 203(d) of this Act at professional military education institutions in the United States in accordance with section 544 of such Act; and

“(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.”.

SEC. ____ . TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

“(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2).

“(2) Whenever the President determines that the government of a country designated under subsection (d)—

“(A) no longer meets the criteria set forth in subsection (d)(1);

“(B) is hostile to the NATO alliance; or

“(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.”.

(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is further amended by adding at the end the following new subsection:

“(g) CONGRESSIONAL PRIORITY PROCEDURES.—

“(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

“(A) references to the ‘resolution described in paragraph (1)’ shall be deemed to be references to the joint resolution; and

“(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.’.”.

SEC. ____ . REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section ____ (1) of this title, is amended—

(1) by inserting “annual” in the section heading before the first word;

(2) by inserting “annual” after “include in the” in the matter preceding paragraph (1);

(3) in paragraph (1), by striking “Partnership for Peace” and inserting “European”; and

(4) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In the event that the President determines that as of January 10, 1999, a country, despite a period of transition assistance under this title—

“(A) has applied for and been rejected for NATO membership on the basis of not having fulfilled the criteria set out by the 1995 NATO expansion study; or

“(B) has not yet applied for NATO membership,

the President shall transmit a classified report to the designated congressional committees containing an assessment of the progress made by that country in meeting criteria for membership in NATO.”.

SEC. ____ . DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

“SEC. 207. DEFINITIONS.

“For purposes of this title:

“(1) NATO.—The term ‘NATO’ means the North Atlantic Treaty Organization.

“(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ‘designated congressional committees’ means—

“(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

“(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term ‘European countries emerging from Communist domination’ includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.”.

SARBANES (AND LEAHY) AMENDMENT NO. 1970

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings

and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among, all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)-(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

“SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

“(a) IN GENERAL.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

“(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

“(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

“(2) to invest in developing their human resources; and

“(3) to build effective and accountable indigenous political, economic, and social institutions.

“(C) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

“(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

“(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

“(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

“(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

“(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

“(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

“(iv) sound debt management, including debt relief as appropriate;

“(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

“(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

“(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

“(2) PROTECTING THE GLOBAL ENVIRONMENT.—

“(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share respon-

sibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

“(B) MEANS.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

“(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

“(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

“(B) MEANS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

“(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

“(A) RATIONALE.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the

form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards progress on global issues of direct concern to the United States.

“(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

“(5) DEVELOPING HUMAN RESOURCES.—

“(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

“(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

“(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

“(1) POPULAR PARTICIPATION.—

“(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives.

To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

“(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women’s groups, educational institutions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

“(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business, and education in the United States and developing countries and emerging democracies.

“(2) ROLE OF WOMEN.—

“(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women’s contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

“(B) EMPOWERMENT OF WOMEN.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

“(3) MANAGING FOR RESULTS.—

“(A) IN GENERAL.—Assistance cannot substitute for a developing country’s own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

“(B) COUNTRY REQUIREMENTS.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and

that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

“(C) MEASURING RESULTS.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.”

(c) EFFECTIVE DATE.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike “, the United” and all that follows through the period on line 2 of page 265 and insert “and the United States Information Agency.”

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 267, line 9, insert “and” after “Service;”

On page 26, line 12, strike “; and” and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert “and” after “Service;”

On page 26, line 24, strike “; and” and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike “the United” and all that follows through “Development” on line 24 and insert “and the United States Information Agency”.

SARBANES AMENDMENT NO. 1971

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 29, at the end of line 5 insert the following:

(g) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsections (a) through (d) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), the appropriate agency head shall notify the Committee on Foreign Relations of the Senate and Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SARBANES AMENDMENT NO. 1972

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 32, line 16, insert after “separation” the following: “or other appropriate administrative action”.

DODD AMENDMENT NO. 1973

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . Sec. 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended, is further amended by striking subsection (c)(4) and inserting in lieu thereof:

“(c)(4) American companies may bid on solicitations for Embassy guard forces in dollars, and if successful, such companies may elect to be paid in dollars at their discretion.”

DODD (AND LEAHY) AMENDMENT NO. 1974

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) Notwithstanding any other provision of law, no assistance shall be provided to the government of Guatemala pursuant to this Act or any other Act until the President certifies—

(1) That the President of Guatemala and the Guatemalan Armed Forces are fully cooperating with efforts—

(A) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez and to pursue other judicial means for bringing to justice those responsible for the death of Efrain Bamaca Velasquez;

(B) By the family of U.S. citizen Michael Devine, who was murdered in 1990, to bring to justice those responsible for the murder or coverup of the murder; and

(C) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases that were enumerated in the April 7, 1995 letter to President Clinton by twelve members of the Senate; and

(2) That the U.S. Representative to the United Nations Human Rights Commission has sought the appointment of a Special United Nations Rapporteur for Guatemala, and that the Government of Guatemala has stated publicly that it will fully cooperate with the work of any U.N. appointed Special Rapporteur.

(b) Exceptions. Notwithstanding subsection (a) of this section the President may provide assistance to the United Nations Human Rights verification mission to Guatemala, to nongovernmental human rights organizations working in Guatemala, to nongovernmental organizations working in support of the Guatemalan Peace Process, and for programs in support of primary health care and basic education programs in Guatemala where such programs are delivered through nongovernmental organizations.

DODD AMENDMENT NO. 1975

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 83, beginning on line 20, strike all through line 2 on page 84, and insert in lieu thereof the following:

(1) FINDINGS.—(a) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(b) such a court would thereby serve the interests of the United States and the world community.

(2) AUTHORIZATION.—The Secretary of State is authorized to instruct the United States delegation to make every effort to advance this proposal at the United Nations.

DODD AMENDMENT NO. 1976

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 109 line 13, strike all after the word "issued" through the period on line 14, and insert in lieu thereof the following: "only if the Secretary of Treasury is able to certify to the Congress that the United States Government has sufficient frozen Iraqi assets under its control to ensure that all U.S. claims against Iraq can be fully compensated."

KENNEDY (AND OTHERS) AMENDMENT NO. 1977

Mr. KENNEDY (for himself, Mr. WELLSTONE, and Mr. HARKIN) proposed an amendment to the bill S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns \$8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to \$5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress."

BROWN AMENDMENT NO. 1978

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . WARM PEACE WITH ISRAEL.

(a) FINDINGS.

(1) the United States Congress approved a free trade agreement with Israel on April 29, 1985;

(2) the free trade agreement with Israel was designed to increase U.S. economic ties with Israel;

(3) the goal of U.S. policy in the Middle East is to achieve a lasting peace that brings economic integration and development in the region;

(4) economic integration and development in the Middle East can only be achieved through a "warm" peace in which diplomats are exchanged, the Arab boycott of Israel has been eliminated, close cooperation between Israel and her neighbors to combat terrorism and international criminal activity has been established, mutual security agreements have been concluded and agreements have been reached that mutually reduce barriers to the free flow of goods, people and ideas;

(5) a "warm" peace in the Middle East between Israel and her neighbors should be based upon trade and expanding economic development;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should:

(1) expand the United States' free trade agreement with Israel to include those countries who sustain a "warm" peace with Israel;

(2) prior to such expansion and yearly thereafter, certify to the Congress that such country or countries have entered into a "warm" peace that includes—

(i) The recognition of Israel and establishment of full diplomatic relations with Israel, including the exchange of ambassadors;

(ii) Eliminating all levels of the Arab boycott of Israel;

(iii) A commitment to a quick response to condemn and punish terrorist acts and those who perpetrate them;

(iv) Working closely with Israel to remove havens for terrorists;

(v) Mutual security agreements with Israel;

(vi) Agreements with Israel on reciprocal treatment of criminals;

(vii) Agreements with Israel which ensure the mutual reduction of barriers to the free flow of goods, people and ideas.

(3) Not extend any preferences or trade inducements to a country that is a state-sponsor of terrorism.

BROWN AMENDMENT NO. 1979

(Ordered to lie on the table)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . STATE DEPARTMENT ASSISTANT SECRETARIES

The State Department is hereby authorized sixteen (16) assistant secretaries.

MCCAIN AMENDMENT NO. 1980

(Ordered to lie on the table)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the Sense of the Senate that the President of the United States should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and

should reject offers by the Russian Federation to renegotiate, or otherwise change the terms of the treaty.

MCCAIN AMENDMENT NO. 1981

(Ordered to lie on the table)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. No agency or department of the federal government authorized under this act to administer foreign assistance may fund any product or activity of the International Executive Services Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

MCCAIN AMENDMENT NO. 1982

(Ordered to lie on the table)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), by inserting ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened."

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements."

(d) SANCTIONS AGAINST FOREIGN COUNTRIES.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country."

(3) Such section 1605 is further amended—
(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

"(2) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITION.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(3) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'air carrier', 'air transportation', 'aircraft', and 'foreign air carrier' have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively."

(4) Such section 1605 is further amended by adding at the end the following new subsection:

"(d) SANCTION FOR ASSISTING IRAN IN IMPROVING ROCKET OR OTHER WEAPONS CAPABILITY.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran."

(e) TERMINATION OF SANCTIONS AGAINST CERTAIN PERSONS.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out "The sanctions" in the matter preceding paragraph (1) and inserting in lieu thereof "Subject to section 1606A, the sanctions"; and

(B) by striking out "For a period of two years, the United States" in paragraphs (1) and (2) and inserting in lieu thereof "The United States";

(2) in section 1605—

(A) by striking out "If" in subsection (a) and inserting in lieu thereof "Subject to section 1606A, if"; and

(B) in subsection (b)—

(i) by striking out "for a period of one year," in paragraphs (1), (3), and (4);

(ii) by striking out "for a period of one year," in paragraph (2);

(iii) by striking out "during that period" in paragraph (4); and

(iv) by striking out "for a period of one year" in paragraph (5); and

(3) by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title."

(f) WAIVER.—Section 1606 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(g) RULES AND REGULATIONS.—Such Act is further amended by adding after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President may prescribe such rules and regulations as the President requires to carry out this title."

(h) DEFINITIONS.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "naval vessels with offensive capabilities," after "advanced military aircraft," in subparagraph (A); and

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof "enhance offensive capabilities in destabilizing ways, or threaten international shipping";

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine"; and

(3) by adding at the end the following:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons."

(i) TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives"; and

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" each place it appears in subsections (a) and (b) and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives".

(j) REVISION OF FOREIGN ASSISTANCE ACT OF 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting "and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction," before "knowingly transferred" in the matter preceding subparagraph (A).

(k) REVISION OF IRAQ SANCTIONS ACT OF 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in

lieu thereof "its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons".

MCCAIN AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following:

SEC. 319. LIMITATION REGARDING ASSISTANCE FOR INTERNATIONAL EXECUTIVE SERVICE CORPS.

No department or agency of the Federal Government administering assistance programs for which appropriations are authorized under this Act may provide financial assistance for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

MCCAIN AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. 618. SENSE OF THE SENATE ON RUSSIAN COMPLIANCE WITH THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of the Senate that the President should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate or otherwise change the terms of the treaty.

DOLE AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE EXTENDED SUSPENSION AND TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

It is the policy of the United States that prior to the termination of the United States sanctions against Serbia and Montenegro or the suspension of sanctions for a period longer than 90 days against Serbia and Montenegro—

(1) The repression of ethnic Albanians must be halted and full civil and human rights must be restored to the people of Kosova, and international human rights observers must be permitted to enter Kosova to monitor the civil and human rights of the majority Albanian population in Kosova.

(2) The elected parliament of Kosova must be permitted to freely assemble and the people of Kosova must be permitted to exercise their right to self-governance and self-determination;

(3) There should be no final settlement with respect to the former Yugoslavia without the full participation of Albanian representatives from Kosova in the negotiations.

(4) The Federal Republic of Yugoslavia (consisting of Serbia and Montenegro) must

halt all forms of support, including manpower, arms, fuel, financial subsidies and military material, for separatist Serb militants and their leaders in Bosnia and Herzegovina and Croatia;

(5) The Federal Republic of Yugoslavia must recognize the independent governments and the territorial integrity of the Republics of Bosnia and Herzegovina and Croatia.

SEC. . RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) RESTRICTIONS.—No sanction prohibition or requirement under section 1511 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103-160) may cease to be effective unless a certification is made as provided in subsection (b):

(b) CERTIFICATION.—A certification described in this subsection is a certification effective for a period not more than ninety days and provided by the President to Congress of his determination that:

(1) systematic violations of the civil and human rights of the people of Kosova, including institutionalized discrimination and structural repression, have ended;

(2) the elected government of Kosova is exercising its legitimate right to democratic self-government;

(3) monitors from the Organization for Security and Cooperation in Europe, other human rights monitors, and U.S. and international relief officials are free to operate in Kosova, and enjoy the full cooperation and support of local authorities;

(4) the political autonomy of Kosova, as exercised prior to 1981 under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, has been restored as a first step toward self-determination;

(5) full civil and human rights have been restored to ethnic non-Serbs in Serbia, including the Sandjak and Vojvodina;

(6) the Federal Republic of Yugoslavia has halted aggression against the Republics of Bosnia and Herzegovina and Croatia;

(7) the Federal Republic of Yugoslavia has terminated all forms of support, including manpower, arms, fuel, financial subsidies, and war material, by land or air, for Serbian separatist militants and their leaders in the Republics of Bosnia and Herzegovina and Croatia;

(8) the Federal Republic of Yugoslavia has terminated all forms of support for the control and occupation by Serbian forces of any and all regions within the sovereign territories of the Republics of Bosnia and Herzegovina and Croatia;

(9) the Federal Republic of Yugoslavia has terminated all contacts between its political and military leadership and those of the Serbian separatist militants in the Republic of Bosnia and Herzegovina and the Republic of Croatia;

(10) the Federal Republic of Yugoslavia has extended full respect for the territorial integrity and independence of the Republic of Bosnia and Herzegovina, and the Republic of Croatia, and the former Yugoslav Republic of Macedonia;

(11) the Federal Republic of Yugoslavia has cooperated fully with the United Nations War Crimes Tribunal, including by surrendering all available and requested evidence and those indicated individuals who are residing in the territory of Serbia and Montenegro.

SEC. . TECHNICAL AMENDMENT.

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended by striking subsection (e) of that section.

SEC. . REPORTING REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the President of the

United States shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House a detailed report on—

(1) the systematic human rights violations against the ethnic Albanian majority living in Kosova, to include reports of "ethnic cleansing;"

(2) the nature and extent of the Federal Republic of Yugoslavia's support for Serb militant separatists and their leaders in the Republic of Bosnia and Herzegovina and the Republic of Croatia, to include fuel, financial subsidies, arms, and war material, as well as the means by which these are being provided.

(3) the nature and extent of contacts between the Federal Republic of Yugoslavia's political and military leadership and the leaders of the Serb militant separatists in the Republic of Bosnia and Herzegovina and the Republic of Croatia.

SARBANES AMENDMENTS NOS. 1986-1987

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1986

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

AMENDMENT NO. 1987

On page 222, strike lines 3 through 7.

SARBANES (AND LEAHY) AMENDMENT NO. 1988

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the

goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among, all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)-(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

“SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

“(a) IN GENERAL.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

“(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

“(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

“(2) to invest in developing their human resources; and

“(3) to build effective and accountable indigenous political, economic, and social institutions.

“(c) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

“(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

“(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

“(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

“(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

“(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

“(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

“(iv) sound debt management, including debt relief as appropriate;

“(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

“(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

“(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

“(2) PROTECTING THE GLOBAL ENVIRONMENT.—

“(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environ-

mental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

“(B) MEANS.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

“(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

“(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

“(B) MEANS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

“(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

“(A) RATIONALE.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards

progress on global issues of direct concern to the United States.

“(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

“(5) DEVELOPING HUMAN RESOURCES.—

“(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

“(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

“(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

“(1) POPULAR PARTICIPATION.—

“(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives. To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

“(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women's groups, educational institu-

tions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

“(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business, and education in the United States and developing countries and emerging democracies.

“(2) ROLE OF WOMEN.—

“(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women's contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

“(B) EMPOWERMENT OF WOMEN.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

“(3) MANAGING FOR RESULTS.—

“(A) IN GENERAL.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

“(B) COUNTRY REQUIREMENTS.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, non-

governmental organizations and the media operate without undue constraints.

“(C) MEASURING RESULTS.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.”

(c) EFFECTIVE DATE.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike “the United” and all that follows through the period on line 2 of page 265 and insert “and the United States Information Agency.”

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 26, line 9, insert “and” after “Service.”

On page 26, line 12, strike “; and” and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert “and” after “Service.”

On page 26, line 24, strike “; and” and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike “the United” and all that follows through “Development” on line 24 and insert “and the United States Information Agency”.

HELMS AMENDMENT NO. 1989

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 29, insert the following:

SEC. . Report on enforcement of United Nations Sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

By December 31, 1995 the Secretary of State, in cooperation with the Secretary of Treasury, shall report to the Committee on Foreign Relations in the Senate and Speaker of the House of Representatives on whether the Governments of European countries receiving assistance pursuant to Title V of the Foreign Assistance Act of 1961 or the Arms Export Control Act are taking all necessary steps to implement effectively United Nations sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

FEINGOLD AMENDMENT NO. 1990

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China compromises one-fifth of the world's population,

or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China, is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power with the largest standing army in the world, and has been rapidly modernizing and expanding its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which will have dramatic implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated \$600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.

(8) The Government of the People's Republic of China, a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(9) According to the State Department Country Report on Human Rights Practices for 1994, there continue to be "widespread and well-documented human rights abuses in China, in violation of the internationally accepted norms . . . (including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners . . . The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities."

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China does not ensure the humane treatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government calling for greater tolerance, democracy, rule of law, and an accounting for the 1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked "medical parole" for Chen-Ziming reimprisoning him at Beijing No. 2 Prison and Chinese authorities continue to hold Wei

Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in discriminatory and unfair trade practices, including the exportation of products produced by prison labor, the use of import quotas and other quantitative restrictions on selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of licensing and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin documentation.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade unions and continues to suppress and harass members of the independent labor union movement.

(18) The United States-Hong Kong Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that "the rights of the people of Hong Kong are of great importance to the U.S. Human Rights also serve as a basis for Hong Kong's continued prosperity." This together with the rule of law and a free press are essential for a successful tradition in 1997.

(19) The United States currently has numerous sanctions on the People's Republic of China with respect to government-to-government assistance, arms sales and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(a) UNITED STATES OBJECTIVES.—The Congress calls upon the President to undertake intensified diplomatic initiatives to persuade the Government of the People's Republic of China to—

(1) immediately and unconditionally release Harry Wu from detention;

(2) adhere to prevailing international standards regarding the nonproliferation of weapons of mass destruction by, among other things, immediately halting the export of ballistic missile technology and the provision of other weapons of mass destructions assistance, in violation of international standards, to Iran, Pakistan, and other countries of concern;

(3) respect the internationally-recognized human rights of its citizens by, among other things—

(A) permitting freedom of speech, freedom of press, freedom of association, and freedom of religion;

(B) ending arbitrary detention, torture, forced labor, and other mistreatment of prisoners;

(C) releasing all political prisoners, and dismantling the Chinese system of jailing political prisoners (the gulag) and the Chinese forced labor system (the Laogai);

(D) ending coercive birth control practices; and

(E) respecting the legitimate rights of the people of Tibet, ethnic minorities, and ending the crackdown on religious practices;

(4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

(5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

(6) adhere to a rules-based international trade regime in which existing trade agree-

ments are fully implemented and enforced, and equivalent and market access is provided for United States goods and services in China;

(7) comply with the prohibition on all forced labor exports to the United States; and

(8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

(b) VENUES FOR DIPLOMATIC INITIATIVES.—The diplomatic initiatives taken in accordance with subsection (a) should include actions by the United States—

(1) in the conduct of bilateral relations with China;

(2) in the United Nations and other international organizations;

(3) in the World Bank and other international trade fora; and

(4) in the conduct of bilateral relations with other countries in order to encourage them to support and join with the United States in taking the foregoing actions.

SEC. 4. REPORTING REQUIREMENTS.

The President shall report to Congress within 30 days after the date of enactment of the Act, and no less frequently than every 6 months thereafter, on—

(1) the actions taken by the United States in accordance with section 3 during the preceding 6-month period;

(2) the actions taken with respect to China during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and

(3) the progress achieved with respect to each of the United States objectives identified in section 3(a). Such reports may be submitted in classified and unclassified form.

SES. 5. COMMENDATION OF DEMOCRACY MOVEMENT.

The Congress commends the brave men and women who have expressed their concerns to the Government of the People's Republic of China in the form of petitions and commends the democracy movement as a whole for its commitment to the promotion of political, economic, and religious freedom.

SEC. 6. RADIO FREE ASIA.

(a) PLAN FOR RADIO FREE ASIA.—Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

(2) The plan required by paragraph (1) shall be submitted not later than 60 days after the date on which all members of the Board are confirmed.

(b) INITIATION OF BROADCASTING TO CHINA.—Not later than 90 days submission of the plan required in Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) U.S. Government broadcasting to China shall be increased above current levels of programming.

FEINGOLD AMENDMENT NO. 1991

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Amend Title VI to insert the following new section:

SEC. 618. CONDITIONS ON SALE OF F-16 TO INDONESIA.

The sale of F-16 aircraft to the Government of Indonesia is prohibited unless:

(a) Congress authorizes the sale by joint resolution of approval;

(b) the Secretary of State certifies to the appropriate Congressional committee that

the aircraft will not be used against civilians in East Timor; and

(c) the Secretary of State has submitted a plan to the appropriate Congressional committees on how the U.S. Government will advocate for significant withdrawals of Indonesian military troops from East Timor.

**FEINGOLD (AND HELMS)
AMENDMENT NO. 1992**

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following: "Notwithstanding any other provision of law, non-discriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China is revoked."

**GLENN AMENDMENTS NOS. 1993-
1994**

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1993

At the appropriate place in the bill, insert the following new section:

SEC. . REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Part D of the Nuclear Proliferation Prevention Act of 1994 (title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 507) is repealed.

AMENDMENT NO. 1994

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(9), \$1,500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

**PRESSLER AMENDMENTS NOS.
1995-1999**

(Ordered to lie on the table.)

Mr. PRESSLER submitted five amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1995

At the appropriate place in the bill, insert the following:

SEC. . CERTIFICATION REQUIREMENT FOR TRANSFER OF MILITARY EQUIPMENT.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(1) in paragraph (1), by inserting after the second sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6)."; and

(2) by adding at the end the following:

"(6) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979."

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6)."; and

(2) by adding at the end the following:

"(4) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979."

(c) MILITARY EQUIPMENT PREVIOUSLY NOT DELIVERED.—Military equipment purchased by a foreign country before October 1, 1990, but not delivered by the United States Government by virtue of the operation of section 620E(e) of the Foreign Assistance Act of 1961, may not be transferred to that country until the President determines and certifies to the Congress that the government of the country has met the requirements of paragraphs (1) and (2) of section 36(e) of the Arms Export Control Act, as added by this section.

AMENDMENT NO. 1996

At the appropriate place in the bill, insert the following:

SEC. . PEACE AND STABILITY IN THE SOUTH CHINA SEA.

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

(1) The South China Sea is a critically important waterway through which 25 percent of the world's ocean freight and 70 percent of Japan's energy supplies transit.

(2) The South China Sea serves as a crucial sea lane for United States Navy ships moving between the Pacific and Indian Oceans, particularly in time of emergency.

(3) There are a number of competing claims to territory in the South China Sea.

(4) The 1992 Manila Declaration adhered to by the Association of South East Asian Nations, the Socialist Republic of Vietnam, and the People's Republic of China calls for all claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations.

(5) The legislature of the People's Republic of China has declared the entire South China Sea to be Chinese territorial waters.

(6) The armed forces of the People's Republic of China have asserted China's claim to the South China Sea through the kidnapping of citizens of the Republic of the Philippines

and the construction of military bases on territory claimed by the Philippines.

(7) These acts of aggression committed by the armed forces of the People's Republic of China against citizens of the Philippines are contrary to both international law and to peace and stability in East Asia.

(b) POLICY DECLARATIONS.—the Congress—

(1) declares the right of free passage through the South China Sea to be vital to the national security interests of the United States, its friends and allies;

(2) declares that any attempt by a nondemocratic power to assert, through the use of force or intimidation, its claims to territory in the South China Sea to be a matter of grave concern to the United States;

(3) calls upon the Government of the People's Republic of China to adhere faithfully to its commitment under the Manila declaration of 1992; and

(4) calls upon the President to review the defense needs of democratic countries with claims to territory in the South China Sea.

AMENDMENT NO. 1997

At the appropriate place in the bill, insert the following:

SEC. . MARTIN C. M. LEE, Q.C. OF HONG KONG.

(a) Findings.—The Congress finds the following:

(1) Mr. Martin C.M. Lee, Q.C. is a distinguished barrister and a former chairman of the Hong Kong Bar Association.

(c) In 1985 Mr. Lee became the Hong Kong legal community's first representative to the Hong Kong Legislative Council.

(3) Mr. Lee is the Chairman of the Democratic Party of Hong Kong.

(4) In Hong Kong's first-ever democratic elections in 1991, Mr. Lee won the most votes of any candidate.

(5) In recognition of his "extraordinary contributions to the causes of human rights, the rule of law and promotion of access to justice", the American Bar Association has announced that it has chosen Mr. Martin C.M. Lee, Q.C., as the recipient of its 1995 International Human Rights Award.

(b) Commendations.—the Congress—

(1) commends the American Bar Association for its recognition of Mr. Martin C. M. Lee, Q.C. of Hong Kong and its decision to present him with the 1995 ABA International Human Rights Award, and

(2) commends Mr. Martin C.M. Lee, Q.C. of Hong Kong for his tireless devotion to the people of Hong Kong and the cause of human rights for all peoples.

AMENDMENT NO. 1998

At the appropriate place in the bill, insert the following:

SEC. . HUMAN RIGHTS IN BURMA.

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

(1) The United States Department of State has declared that, "Burma is ruled by a highly authoritarian, military regime that has been condemned for its serious human rights abuses."

(2) Among the human rights abuses the Burmese military regime, known as the State Law and Order Restoration Council or SLORC has committed are summary executions, rape, torture, forced labor, politically motivated arrests and detention, and suppression of minority groups.

(3) In democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy led by Aung San Suu Kyi.

(4) The Burmese military regime vitiated the election, placed Mrs. Suu Kyi under house arrest and jailed thousands of her supporters.

(5) In 1991 Mrs. Suu Kyi was awarded the Nobel Peace Prize.

(6) In the face of a clear determination by the United States Congress to punish the SLORC severely, the Burmese military regime gave Mrs. Suu Kyi her unconditional release on July 10, 1995.

(7) However, the SLORC has still not released thousands of other Burmese supporters of the democracy movement and has not started a dialogue with Mrs. Suu Kyi to restore democratic rule to Burma.

(b) POLICY DECLARATIONS.—The Congress—
(1) declares the restoration of democracy in Burma to be a major foreign policy goal of the United States, and

(2) declares that a failure by the Burmese State Law and Order Council to release all political prisoners and open a dialogue with Aung San Suu Kyi and other Burmese democratic leaders will lead to appropriate sanctions by the United States Congress.

AMENDMENT NO. 1999

At the appropriate place in the bill, insert the following

Findings: The United States Department of State believes Iran was the greatest supporter of state terrorism in 1992, supporting more than 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people;

The Secretary of State has determined, under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979, that Iran has repeatedly provided support for acts of international terrorism;

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Iran;

Section 73(f) of the Arms Export Control Act states that when determining whether a foreign person may be subject to United States sanctions for transferring technology listed on the Missile Technology Control Regime Annex, it should be a rebuttable presumption that such technology is designed for use in a missile listed on the MTCR Annex, if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism;

In 1994 Congress explicitly created section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations;

A ballistic missile race exists on the Indian subcontinent which is a threat to regional peace and stability; and

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Pakistan: Now, therefore, it is the sense of the Senate that—

(1) it is in the direct national security interest of the United States to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent; and

(2) the President should exercise all legal authority available to him to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent.

HATCH (AND ABRAHAM) AMENDMENT NO. 2000

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. 618. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.

(a) TERMINATION.—Subject to subsection (b), the President shall terminate the United States arms embargo of the Government of the Republic of Croatia at such time the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) RESUMPTION.—The President may resume the United States arms embargo of the Government of the Republic of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transshipment of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transshipment of arms deliveries to the Government of Bosnia and Herzegovina, the basis for his determination, and the measures the United States has taken to minimize such interference.

(c) DEFINITIONS.—As used in this section, the terms "United States arms embargo of the Government of the Republic of Croatia," and "United States arms embargo of the Government of Bosnia and Herzegovina" mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia."

HATCH (AND OTHERS) AMENDMENT NO. 2001

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 84, strike lines 23 and 24.

HELMS AMENDMENTS NOS. 2002– 2013

(Ordered to lie on the table.)

Mr. HELMS submitted 12 amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2002

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) The Director of the Office of Management Budget.

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

AMENDMENT NO. 2003

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21, insert the following:

SEC. . DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

“(a) FINDINGS.—The Congress makes the following findings:

“(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as “DTS-PO”) has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

“(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS-PO and the DTS network.

“(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

“(1) a DTS-PO management plan—

“(A) setting forth the organization, mission and functions of each major element of the DTS-PO; and

“(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

“(2) a DTS-PO strategic plan containing—

“(A) future customer requirements, validated by the DTS customer organizations;

“(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

“(C) a funding profile to achieve the system configuration for the DTS network;

“(D) a transition strategy to move to the system configuration for the DTS network;

“(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

“(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

“(c) DEFINITION.—As used in this section, the term “appropriate committees of Congress” means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.”

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

“(ii) As used in this subparagraph:

“(I) CONFISCATED.—The term “confiscated” refers to—

“(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

“(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

AMENDMENT NO. 2004

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

“(ii) As used in this subparagraph:

“(I) CONFISCATED.—The term “confiscated” refers to—

“(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

“(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

“(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized procedure; or

“(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1956—

“(AA) a debt by any enterprise which has been confiscated;

“(BB) a debt which is a charge on property confiscated; or

“(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

“(II) PROPERTY.—The term “property” means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

“(III) TRAFFIC.—The term “traffic” means that a person knowingly and intentionally—

“(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

“(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

“(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb).

without the authorization of the national of the United States who holds a claim to the property.

AMENDMENT NO. 2005

On page 50, between lines 14 and 15, insert the following new subsection:

“(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

“(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

“(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

“(B) have been excluded from entry into the United States.”

On page 58, line 10, insert “and” after “operations”.

On page 58, strike lines 13 through 15.

On page 58, line 8, insert “relevant” after “all”.

On page 59, line 9, strike “was provided, and”.

On page 59, beginning on line 19, strike “for” and all that follows through “thereafter,” on line 20 and insert “under this Act for each of the fiscal years 1996, 1997, 1998, and 1999”.

AMENDMENT NO. 2006

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking “certain” and inserting the following: “, under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent”.

AMENDMENT NO. 2007

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED “THE FRAGILE RING OF LIFE”.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled “The Fragile Ring of Life”, a film about coral reefs around the world.

AMENDMENT NO. 2008

On page 107, strike lines 3 through 6.

On page 107, line 7, strike “(4)” and insert “(3)”.

On page 107, line 11, strike “(5)” and insert “(4)”.

On page 107, line 15, strike “(6)” and insert “(5)”.

On page 107, line 20, strike “(7)” and insert “(6)”.

On page 107, line 22, strike “(8)” and insert “(7)”.

On page 112, strike lines 19 through 22.

On page 112, line 23, strike “(7)” and insert “(6)”.

On page 118, strike line 1 and all that follows through line 11 on page 121.

AMENDMENT NO. 2009

At the appropriate place, insert:

“SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

“(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

“(A) defense articles from the stocks of the Department of Defense;

“(B) defense services from the Department; and

“(C) military education and training.

“(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed \$100,000,000.

“(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

“(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

“(B) For purposes of this paragraph, funds available to the Department of Defense are

any funds derived from or available under budget function 050.

“(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

AMENDMENT NO. 2010

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the “Middle East Peace Facilitation Act of 1995”.

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the “PLO”) has recognized the State of Israel’s right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the “Declaration of Principles”) on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the “Gaza-Jericho Agreement”) on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the “Early Empowerment Agreement”) on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO’s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel’s destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to

fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) **AUTHORITY TO SUSPEND CERTAIN PROVISIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) **CONDITIONS.**—

(A) **CONSULTATIONS.**—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) **PRESIDENTIAL CERTIFICATION.**—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) **REQUIREMENT FOR CONTINUING PLO COMPLIANCE.**—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees

and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) **PLO COMMITMENTS DESCRIBED.**—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) **POLICY JUSTIFICATION.**—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO of office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) **REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.**—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) **PROVISIONS THAT MAY BE SUSPENDED.**—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) **RELEVANT CONGRESSIONAL COMMITTEES DEFINED.**—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

AMENDMENT NO. 2011

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) **AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.**—Section 207 of the Foreign

Service Act of 1980 (22 U.S.C. 3927) is amended—

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

(2) by inserting after subsection (b) the following:

“(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

“(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

“(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.”.

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

AMENDMENT NO. 2012

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nations that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the

United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15-17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, “\$30,000,000,000” and insert “\$3,000,000,000”.

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

AMENDMENT NO. 2013

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

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

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

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

SMITH AMENDMENT NO. 2014

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Strike section 112 of the bill and insert in lieu thereof the following:

SEC. 112. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) MIGRATION AND REFUGEE ASSISTANCE.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, \$721,000,000 for the fiscal year 1996, and \$721,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) ALLOCATION OF FUNDS.—Of the funds authorized to be appropriated under paragraph (1)—

(A) not less than \$80,000,000 shall be made available in the fiscal year 1996 for assistance for refugees settling in Israel from other countries;

(B) not less than \$50,000,000 for each of the fiscal years 1996 and 1997 shall be made available for the Emergency Refugee and Migration Assistance Fund under section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)); and

(C) of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1), there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—

(i) are or were nationals and residents of Vietnam, Laos, or Cambodia;

(ii) are within a category of aliens referred to in section 599D(b)(2)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167); and

(iii) are or were at any time after January 1, 1989, residents of refugee camps in Hong Kong, Thailand, Indonesia, Malaysia, or the Philippines.

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

(1) all persons described in subsection (a)(2)(C) who were residents of refugee camps as of July 1, 1995, have been offered resettlement outside their countries of nationality;

(2) all nationals of Vietnam, Laos, or Cambodia who were residents of refugee camps as of July 1, 1995, who are not persons described in subsection (a)(2)(C) have, at any time after such date, either had access to a process for the determination of whether they are refugees, or been offered resettlement outside their countries of nationality; and

(3) the process referred to in paragraph (2) is genuinely calculated to determine whether such applicant is a refugee, and that the procedures, standards, and personnel employed in such process ensure that the risk of return to persecution is no greater than in the process available under United States law to persons physically present in the United States.

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

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

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

**FEINSTEIN AMENDMENTS NOS.
2015-2016**

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2015

On page 124, after line 20, insert the following new section:

SEC. 618. THE ROLE OF RUSSIA IN ENDING THE WAR IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—The Congress makes the following findings:

(1) since 1992, Bosnian Serbs, backed by the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, have waged war against the Government of the Republic of Bosnia and Herzegovina;

(2) the Bosnian Serb army has engaged in brutal attacks on Bosnian civilians with backing from the Yugoslav People's Army, with headquarters in Belgrade;

(3) the war in Bosnia and Herzegovina has cost some two hundred thousand lives, created hundreds of thousands of refugees, and threatens the stability of Europe;

(4) the Government of the Russian Federation has significant influence with the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, owing to historical, cultural, and economic ties; and

(5) the United States and the Russian Federation have a mutual interest in seeing the war in Bosnia and Herzegovina come to a just and lasting resolution at the earliest possible date.

(b) It is the Sense of Congress that the President should use all diplomatic efforts to urge the Government of the Russian Federation to cooperate with the United States Government in encouraging the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, to help end the war in Bosnia and Herzegovina.

AMENDMENT NO. 2016

On page 52, beginning on line 4, strike "SEC. 171." and all that follows through the period on page 53, line 13.

**FEINSTEIN (AND BROWN)
AMENDMENT NO. 2017**

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. SENSE OF CONGRESS SUPPORTING THE MIDDLE EAST PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Bush Administration and the Clinton Administration have both worked relentlessly to build on the Middle East peace process that began in Madrid in October 1991, with the goal of achieving a comprehensive, lasting peace between Israel and all its neighbors;

(2) on September 13, 1993, the first major breakthrough of the Madrid peace process was achieved when Israel and the Palestinians signed the Declaration of Principles on Interim Self-Government Arrangements;

(3) the United States pledged to support the Israeli-Palestinian Declaration of Principles by providing \$500,000,000 of assistance over 5 years to the West Bank and Gaza;

(4) the May 4, 1994 Cairo Agreement between Israel and the Palestinians resulted in

the withdrawal of the Israeli army from the Gaza Strip and the Jericho area and the establishment of a Palestinian Authority with responsibility for those areas;

(5) Israel and the Palestinian Authority are continuing negotiations on the redeployment of Israeli troops out of Arab population centers in the West Bank, the expansion of the Palestinian Authority's jurisdiction into the areas vacated by the Israeli army, and the convening of elections for a Palestinian council;

(6) the issue of security and preventing acts of terrorism is and must remain of paramount importance in the Israeli-Palestinian negotiations;

(7) on October 25, 1994, Israel and Jordan signed a full peace treaty, establishing full diplomatic relations and pledging to resolve all future disputes by peaceful means;

(8) the Israeli-Jordanian peace treaty has resulted in unprecedented cooperation between the two nations in security, economic development, the environment, and other areas;

(9) Israel and Syria have engaged in serious and increasingly substantive peace negotiations, including discussions between their leading military officers on the security arrangements that would accompany a peace treaty;

(10) Israel now enjoys low-level diplomatic relations with Morocco and Tunisia, and Israeli officials have conducted face-to-face discussions with senior officials from Qatar, Oman, and Bahrain;

(11) the six nations of the Gulf Cooperation Council have announced their decision to end all enforcement of the secondary and tertiary boycotts of Israel; and

(12) extremists opposed to the Middle East peace process continue to use terrorism to undermine the chances of achieving a comprehensive peace, including on July 24, 1995, when a suicide bomber blew up a bus in Tel Aviv, killing five Israeli civilians.

(b) SENSE OF CONGRESS.—The Congress—

(1) welcomes the progress made toward peace between Israel and its neighbors;

(2) commends those Middle Eastern leaders who have committed to resolve their differences through only peaceful means;

(3) reiterates its belief that a comprehensive, lasting peace between Israel and all its neighbors is in the national interest of the United States;

(4) encourages all participants in the Middle East peace process to continue working to achieve lasting peace agreements while adhering fully to all commitments made and agreements reached thus far;

(5) calls upon all Arab states to demonstrate their commitment to peace by completely dismantling the Arab boycott of Israel in its primary, secondary, and tertiary aspects;

(6) reiterates its consistent condemnation of all acts of terrorism aimed at undermining the Middle East peace process, and calls upon all parties to take all necessary steps to prevent such acts; and

(7) strongly supports the Middle East peace process and seeks to effect policies that will help the peace process reach a successful conclusion.

HATFIELD AMENDMENT NO. 2018

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS WITH RESPECT TO INDOCHINESE REFUGEES.

(a) FINDING.—The Congress makes the following findings:

(1) A substantial but undetermined number of asylum seekers who have escaped from Vietnam, Laos, and Cambodia, and who are now detained in refugee camps throughout Asia, have had their refugee claims rejected because of corruption, hostility to asylum seekers, or other defects in refugee screening processes.

(2) Others have had their claims rejected because the standard which was applied did not recognize persecution on account of close association with the United States war effort as sufficient to establish refugee status.

(b) SENSE OF CONGRESS.—It is the sense of Congress, as follows:

(1) United States tax dollars should not support any program or activity that involves involuntary repatriation to Vietnam, Laos, or Cambodia of persons who fought on the side of the United States or who were otherwise closely identified with the United States war effort, victims of religious persecution, or other persons who are refugees under United States law.

(2) Within numerical limitations provided by law, refugees described in paragraph (1) should be permitted to resettle in the United States and in other free countries.

(3) To the extent necessary to ensure that genuine refugees are not involuntarily repatriated to Vietnam, Laos, or Cambodia, persons now detained in refugee camps should be offered access to rescreening under a process genuinely calculated to determine whether they are refugees. The procedures, standards, and personnel employed in such a process should be such as to ensure that the risk of return to persecution is no greater than in the process available under United States law to determine the asylum claims of persons physically present in the United States. It would be preferable to conduct such rescreening in the countries in which the asylum seekers are currently detained. If this should prove impossible, rescreening should be offered to asylum seekers immediately upon their voluntary repatriation to their countries of nationality, if their safety can be ensured during the process of rescreening and resettlement.

(c) DEFINITION.—As used in this section, the term "involuntary repatriation" includes return because of force, threat of force, duress, or any other means calculated or likely to effect such return without genuine regard for the wishes of the person returned.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

FRIST (AND THOMPSON) AMENDMENTS NOS. 2019-2024

(Ordered to lie on the table.)

Mr. FRIST (for himself and Mr. THOMPSON) submitted six amendments intended to be proposed by them to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2019

On page 20, line 23, before the colon insert "Provided, That of this amount, no funds shall be available for construction of the Tokamak Physics Experiment, number 94-E-200, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2020

On page 20, line 23, before the colon insert "Provided, That of this amount, no funds

shall be available for construction of the Elise project, number 96-E-310, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2021

On page 25, line 17, before the period insert "Provided, That of this amount, no funds shall be available for construction of the National Ignition Facility, project number 96-D-111, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2022

On page 25, line 17, before the period insert "Provided, That of this amount, no funds shall be available for construction of the ATLAS project, number 96-D-103, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2023

On page 25, line 17, before the period insert "Provided, That of this amount, no funds shall be available for construction of the Process and Environmental Technology Laboratory, project number 96-D-104, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2024

On page 20, line 23, before the colon insert "Provided, That of this amount, no funds shall be available for construction of the Center for Biomedical Technology Innovation until a fair and impartial competitive site selection process has been completed by the Department of Energy."

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 2025

Mr. DOLE (for himself, Ms. SNOWE, Mr. LOTT, Mr. HELMS, and Mr. D'AMATO) proposed an amendment to the bill S. 908, supra; as follows:

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for Fiscal year 1996, in (a), \$3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

HELMS AMENDMENT NO. 2026

Mr. HELMS proposed an amendment to amendment No. 2025 proposed by Mr. DOLE to the bill S. 908, supra; as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section

301, not less than \$20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress—

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owned by diplomats and missions accredited to the United Nations.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

BINGAMAN AMENDMENTS NOS. 2027-2028

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2027

On line 17, line 2, before the period insert "Provided further, That none of the funds appropriated under this heading shall be made available for the construction of the Animas-La Plata project, Colorado and New Mexico, until the Secretary of the Interior reports to Congress regarding the feasibility of the Animas-La Plata project and completes a study and reports to Congress regarding feasible alternatives that may be available to fulfill the water rights of affected Indian tribes and the reasonably foreseeable water needs of communities in southwestern Colorado and northwestern New Mexico (including the feasibility of assigning water rights held in trust by the Secretary for New Mexico beneficiaries to appropriate New Mexico entities for their own use and development)".

AMENDMENT NO. 2028

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in