

104TH CONGRESS
2D SESSION

H. R. 4036

To strengthen the protection of internationally recognized human rights.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1996

Mr. SMITH of New Jersey (for himself and Mr. GILMAN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen the protection of internationally recognized human rights.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Rights Res-
5 toration Act of 1996”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FOREIGN RELATIONS PROVISIONS

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

TITLE II—FOREIGN ASSISTANCE PROVISIONS

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

1 **TITLE I—FOREIGN RELATIONS** 2 **PROVISIONS**

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

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

7 (1) by striking paragraphs (2) and (3) and in-
8 serting the following:

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

16 “(A) installation and operation of the ma-
17 chine readable visa and automated name-check
18 process;

1 “(B) improving the quality and security of
2 the United States passport;

3 “(C) passport and visa fraud investiga-
4 tions; and

5 “(D) the technological infrastructure to
6 support and operate the programs referred to in
7 subparagraphs (A) through (C).

8 Such fees shall remain available for obligation until
9 expended.

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

15 (2) by striking paragraph (5).

16 **SEC. 102. REPORT TO CONGRESS CONCERNING CUBAN EMI-**
17 **GRATION POLICIES.**

18 Beginning 3 months after the date of the enactment
19 of this Act and every subsequent 6 months, the President
20 shall submit a report to the appropriate congressional
21 committees concerning the methods employed by the Gov-
22 ernment of Cuba to enforce the United States-Cuba agree-
23 ment of September 1994 to restrict the emigration of the
24 Cuban people from Cuba to the United States, and the
25 treatment by the Government of Cuba of persons who have

1 been returned to Cuba pursuant to the United States-
 2 Cuba agreement of May 1995. Each report transmitted
 3 pursuant to this section shall include a detailed account
 4 of United States efforts to monitor such enforcement and
 5 treatment.

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

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

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

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

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

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

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

22 Section 101(a)(42) of the Immigration and National-
 23 ity Act (8 U.S.C. 1101(a)(42)) is amended by adding at
 24 the end the following: “For purposes of determinations
 25 under this Act, a person who has been forced to abort

1 a pregnancy or to undergo involuntary sterilization, or
2 who has been persecuted for failure or refusal to undergo
3 such a procedure or for other resistance to a coercive pop-
4 ulation control program, shall be deemed to have been per-
5 secuted on account of political opinion, and a person who
6 has a well founded fear that he or she will be forced to
7 undergo such a procedure or subjected to persecution for
8 such failure, refusal, or resistance shall be deemed to have
9 a well founded fear of persecution on account of political
10 opinion.”.

11 **SEC. 105. CONDUCT OF CERTAIN EDUCATIONAL AND CUL-**
12 **TURAL EXCHANGE PROGRAMS.**

13 In carrying out programs of educational and cultural
14 exchange in countries whose people do not fully enjoy free-
15 dom and democracy (including but not limited to China,
16 Vietnam, Cambodia, Tibet, and Burma), the Director of
17 the United States Information Agency shall take appro-
18 priate steps to provide opportunities for participation in
19 such programs to human rights and democracy leaders of
20 such countries.

21 **SEC. 106. EDUCATIONAL AND CULTURAL EXCHANGES AND**
22 **SCHOLARSHIPS FOR TIBETANS AND BUR-**
23 **MESE.**

24 (a) ESTABLISHMENT OF EDUCATIONAL AND CUL-
25 TURAL EXCHANGE FOR TIBETANS.—The Director of the

1 United States Information Agency shall establish pro-
2 grams of educational and cultural exchange between the
3 United States and the people of Tibet. Such programs
4 shall include opportunities for training and, as the Direc-
5 tor considers appropriate, may include the assignment of
6 personnel and resources abroad.

7 (b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

8 (1) For fiscal year 1997, at least 30 scholar-
9 ships shall be made available to Tibetan students
10 and professionals who are outside Tibet, and at least
11 15 scholarships shall be made available to Burmese
12 students and professionals who are outside Burma.

13 (2) WAIVER.—Paragraph (1) shall not apply to
14 the extent that the Director of the United States In-
15 formation Agency determines that there are not
16 enough qualified students to fulfill such allocation
17 requirement.

18 (3) SCHOLARSHIP DEFINED.—For the purposes
19 of this section, the term “scholarship” means an
20 amount to be used for full or partial support of tui-
21 tion and fees to attend an educational institution,
22 and may include fees, books, and supplies, equip-
23 ment required for courses at an educational institu-
24 tion, living expenses at a United States educational

1 institution, and travel expenses to and from, and
2 within, the United States.

3 **SEC. 107. INTERNATIONAL BOUNDARY AND WATER COM-**
4 **MISSION.**

5 The Act of May 13, 1924 (49 Stat. 660, 22 U.S.C.
6 277–277f), is amended in section 3 (22 U.S.C. 277b) by
7 adding at the end the following new subsection:

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

1 **TITLE II—FOREIGN ASSISTANCE**
2 **PROVISIONS**

3 **SEC. 201. HUMAN RIGHTS REPORTS.**

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

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

9 (2) by redesignating paragraph (3) as para-
10 graph (5); and

11 (3) by inserting after paragraph (2) the follow-
12 ing new paragraphs:

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

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

21 (b) SECTION 502B REPORT.—Section 502B(b) of
22 such Act (22 U.S.C. 2304(b)) is amended by adding after
23 the second sentence the following new sentence: “Each re-
24 port under this section shall list the votes of each member
25 of the United Nations Commission on Human Rights on

1 all country-specific and thematic resolutions voted on at
2 the Commission’s annual session during the period covered
3 during the preceding year.”.

4 **SEC. 202. ASSISTANCE FOR MAURITANIA.**

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

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

14 (2) the rigorous enforcement of such laws.

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

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

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

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

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

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

14 (D) the transfer of defense articles, de-
15 fense services, or design and construction serv-
16 ices under the Arms Export Control Act (22
17 U.S.C. 2751 et seq.), including defense articles
18 and defense services licensed or approved for
19 export under section 38 of that Act (22 U.S.C.
20 2778).

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