

104TH CONGRESS
2D SESSION

H. R. 4036

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 1996

Received

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FOREIGN RELATIONS PROVISIONS

Sec. 101. Fees for machine readable visas.

Sec. 102. Report to Congress concerning Cuban emigration policies.

Sec. 103. Extension of certain adjudication provisions.

Sec. 104. Persecution for resistance to coercive population control methods.

Sec. 105. Conduct of certain educational and cultural exchange programs.

Sec. 106. Educational and cultural exchanges and scholarships for Tibetans
and Burmese.

Sec. 107. International Boundary and Water Commission.

TITLE II—FOREIGN ASSISTANCE PROVISIONS

Sec. 201. Human rights reports.

Sec. 202. Assistance for Mauritania.

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

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

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

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

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

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

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

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

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

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

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

18 (2) by striking paragraph (5).

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

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

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

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

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

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

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

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

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

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

23 (a) DEFINITION OF REFUGEE.—

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

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

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

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

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

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

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

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

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

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

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

14 (b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) the rigorous enforcement of such laws.

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

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

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

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

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

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

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

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

Passed the House of Representatives September 25,
1996.

Attest:

ROBIN H. CARLE,

Clerk.

By JEFF TRANDAHL,

Assistant to the Clerk.