The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable Patty Murray, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Senator Richard Shelby, who is recuperating at home from his hospital visit.

Eternal God Who brought life and immortality to light, the Nation mourns the death of a great elder statesman, Richard Milhous Nixon. We thank Thee for his gifts to our Nation and the world, as leaders from many nations express their loss of this leader whose influence for reconciliation was so broad, so deep, so strong.

Gracious Father in Heaven, we commend to Your loving care Mr. Nixon's daughters, Triola Cox and Julie Eisenhower, their families, and all who most deeply experience this loss.

And we thank Thee for the precious promise of Jesus: * * * I go to prepare a place for you, and if I go to prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the honorable Patty Murray, a Senator from the State of Washington, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mrs. Murray thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Madam President, pursuant to a prior agreement, the Senate will now proceed to the consideration of S. 1963, the Interstate Banking Act of 1994. That legislation will be considered today under an agreement with which opening statements will be made, amendments may be offered and accepted, but there will be no rollcall votes on any amendments, or other matters today. It is my hope that the managers will be able to take up and consider amendments and set the votes over until tomorrow following consultation.

The Senate will be in session tomorrow, but not be in session on Wednesday, in order to permit Senators to participate in the funeral for former President Nixon and in observance of that event.

So the Senate will not be in session on Wednesday and, as with the appropriate decision by the President to close executive offices, the Senate will not conduct business on Wednesday.

Madam President, I reserve the remainder of my leader time, and I am pleased to yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

TRIBUTE TO NIXON

Mr. Dole. Madam President, all American Presidents affect history in their own way. But few have made more history or shaped the history of their times more than Richard Nixon.

Today, I join with the Members of this body and with millions of men and women across America and around the world in mourning the death of the 37th President of the United States.

Richard Nixon was a great student of history. If he had not personally met a world leader, he had read and studied his life. In fact, the last time I visited President Nixon in his home in New Jersey, I was struck by the number of biographies stacked on his desk.

There has been a great deal of discussion the past few days over how history will remember Richard Nixon. And I believe he will be remembered for a number of reasons.

As many have said and written, he will be remembered for his foreign policy accomplishments, and for his dedication to peace. In his first inaugural address, President Nixon said "The greatest honor that history can bestow is the title peacemaker."

No doubt about it, because of his efforts as President to improve relations with the then-Soviet Union, to bring China out of isolation, and to forge peace in the Mideast, Richard Nixon more than earned the title of peacemaker.

That is also a title he earned after leaving the White House, where he travelled the world, speaking on behalf of democracy, freedom, and peace. Many of us in this Chamber will remember how eloquent the President was in urging us to provide assistance to the eastern European countries as they took their first steps toward freedom.

I believe history will also remember President Nixon for his domestic policy achievements. Achievements far less reported than his victories on the world stage.

A landmark family assistance program, proposed with the assistance of our colleague Senator Moynihan, who at that time was special counsel to President Nixon, the creation of the Environmental Protection Agency, expansion of the Food Stamp Program, an innovation called "revenue sharing" where Federal dollars went to the cities and States, the Consumer Products Safety Act, an emphasis on strengthening law enforcement, all this occurred during the Nixon administration.

President Nixon also knew that historians would write of the events that led to his resignation from the Presidency. And there are some who are still unwilling to forgive him for Watergate.

But in the past few years, I think more and more Americans have come to appreciate President Nixon and his accomplishments.

In fact, as I traveled to a number of States this weekend, I was struck by the number of people who came up to me to share their sadness about his death, and to say how much they admired President Nixon.

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
They admired him not because he was perfect. But they admired him because of his courage and perseverance. They admired his intelligence and his vision. They admired the fact that he loved his family. And they admired him because he loved his country.

Plain and simple, Richard Nixon believed in America. And whether it was facing an American mob in Venezuela, or going toe-to-toe with Khrushchev in the famed “kitchen debate,” Richard Nixon always stood up for America.

This past January, President Nixon announced the creation of the Center for Peace and Freedom at the Nixon Library and birthplace in Yorba Linda, CA. And I believe a portion of his remarks serves as a lasting legacy for this remarkable American.

“Some are tired of leadership,” said President Nixon. “They say [America] carried that burden long enough. But if we do not provide leadership, who will? The Chinese? The Russians? The Israelis? The Japanese? Only the United States has the potential to lead in the era beyond peace. It is a great challenge for a great people.”

Madam President, I believe history will reflect the fact that America is better prepared to meet our great challenge because of the life, the career, and the accomplishments of Richard Nixon.

I join with the Members of the Senate in extending our sympathies to the President’s daughters, Tricia Cox and Julie Eisenhower and to all members of the Nixon family.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. Madam President, am I correct in understanding that we are now prepared to move ahead on the interstate banking bill?

The ACTING PRESIDENT pro tempore. That is the regular order.

INTERSTATE BANKING AND BRANCHING ACT OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1963, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1963) to permit certain financial institutions to engage in interstate banking and branching.

The Senate proceeded to consider the bill.

GRATITUDE FOR EXPRESSIONS OF SYMPATHY

Mr. RIEGLE. Madam President, before beginning the formal presentation on this legislation, I want to just make a personal comment to many of my colleagues, including my colleague and friend from Delaware, Senator ROTH.

This past week, my mother passed away. The onset of the serious health problems that took her life came quite quickly. As a result, I was not here for most of last week.

But many colleagues and others connected to the Senate were most gracious and kind in sending remarks, well wishes and sympathy in various ways. I am just very grateful for that.

On behalf of my family, I want to thank everyone who has been so kind over that period of time. I think anyone who has gone through the death of a parent understands what a unique and deeply saddening moment that is. And it certainly has been true for me.

So I again thank everyone involved for their courtesies over this period of time.

INTERSTATE BANKING AND BRANCHING ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. RIEGLE. Madam President, let me now move to the discussion of the bill we are presenting today.

Madam President, I rise to introduce S. 1963, the Interstate Banking and Branching Act of 1994, and to urge its swift passage. This bill was reported February 23 by a unanimous vote and is similar to legislation passed by the House March 22 on a voice vote.

Over the last 14 years, each of the past four administrations has advocated removing barriers to interstate banking. The Carter administration told Congress in a 1980 report that restrictions on interstate banking caused inequities and inefficiencies and removing such restrictions would serve the public interest.

In April 1986, Treasury Secretary Donald Regan testified on behalf of the Reagan administration before the Banking Committee. In that testimony, in which the administration endorsed congressional efforts to eliminate restrictions on interstate banking, Secretary Regan stated, “Most such restrictions serve only anticompetitive purposes to the detriment of consumer service and convenience.”

Treasury Secretary Brady, speaking for the Bush administration, also advocated removing restrictions on interstate banking and branching. On February 26, 1991, he told the Banking Committee:

“We have left antiquated laws on the books that prohibit banks from interState banking. But it’s a patchwork sys­tem, and it’s clumsy. * * * permitting a true interstate banking system can translate into increased lending, a safer and stronger banking system, and more competitive services for all consumers in all communities.

In addition to support from the administration, this bill also enjoys the strong support of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency. It also enjoys the support of, among others, the American Bankers Association and the Bankers Roundtable. It is similar to the interstate banking and branching bill that passed the Senate in 1991.

Virtually all Senators serving on the Banking Committee were most involved in the drafting of this legislation. I want to particularly acknowledge the contributions of our ranking member, Senator D’AMATO, and I also want to commend Senator DODD for his leadership on this issue, and again thank Senator ROTH for being here today in the ranking position. Let me now briefly describe this legislation and why I believe it is needed.

The Interstate Banking and Branching Act of 1994 would remove current restrictions on both interstate banking and branching over a 2-year period.

The bill would eliminate remaining restrictions on interstate banking after 1 year and would permit adequately capitalized and managed bank holding companies to acquire existing banks in any State. Such acquisitions would be subject to approval by the relevant Federal bank regulatory agency. States could require that any bank acquired by an out-of-state bank holding company have been in existence for up to 5 years. Also, any bank holding company could not acquire an out-of-state bank if the acquisition would result in such company controlling over 25 percent of that State’s insured deposits or over 10 percent of the nation’s insured deposits. Individual states could waive the 25 percent cap.

With regard to interstate branching, the bill would permit, 2 years after enactment, bank holding companies to convert bank subsidiaries in various States into branches of the main bank of the holding company. A host State would have the right to apply its banking laws to the branches of out-of-state banks in the host State. Any State would also have the right to opt out of interstate branching.

The bill does not permit banks to establish de novo branches in any State unless a State specifically passes legislation authorizing de novo branching. Under this bill,
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 Interstate banking presently takes place to a limited extent in only 26 States. By the same token, communities need not fear that increasing geographic opportunities for banks will deprive them of needed capital. The bill amends the Community Reinvestment Act to require separate evaluations of an interstate bank's record of performance in each State or metropolitan area in which it has branches. In considering acquisitions of banks, the Federal Reserve must review a bank holding company's overall plan under the Federal and State community reinvestment laws. These provisions are designed to ensure that banks will not just vacuum up deposits in some States and reinvest them in other States.

This bill also makes absolutely clear that host States can apply their banking laws, including those that govern interstate banking, consumer protection, fair lending, and community reinvestment, to the out-of-State bank branches that come into the State. It also provides that Federal and State antitrust laws will continue to apply to interstate banking and branching transactions. As an additional safeguard against an overconcentrated banking system it contains both statewide and national deposit caps. So I can come today and urge my colleagues to support this legislation, which is very similar to the interstate banking and branching bill we passed in 1991 but could not get the other...
body, the House, to accept in con-
formity. This legislation is long over-
due and will serve our national Inter-
ests well.

I reserve the remainder of my time.
Mr. D'AMATO. Madam President, I rise
today in support of S. 393, the
Interstate Banking and Branching Act of
1994.

This legislation is long overdue. Inter-
state banking and branching will increase
the safety and soundness of our financial
system. It will provide more credit and
services to consumers. It will save the banking
industry millions of dollars that are wasted in
unnecessary administrative expenses and
overhead costs. Instead of adminis-
trative costs, these funds could be used to
supply credit to our businesses and
other consumers. This legislation has
been supported by both Republican and
Democratic administrations, by the
Federal banking agencies, by academic
experts, and industry representatives.
It was reported out of the Banking
Committee unanimously. The Senate
passed a similar bill in 1991, that was
not accepted by the House. Now, how-
ever, the House has acted first, and
passed its version of interstate banking
on March 22, 1994. Now it is time for
the Senate to act.

Interstate branching promotes safety
and soundness. According to Federal
Reserve Banking Governor LWARE,
the elimination of geographic restric-
tions will provide an important tool in diver-
sifying individual bank risk, providing for sta-
bility of the banking system, and improving
the flow of credit to local economies
under duress.

Acting FDIC Chairman Hove testified
before the Banking Committee that
full interstate banking will strengthen
the Federal deposit insurance funds. Citing
the FDIC's experience with bank
failures in the 1980's, he noted that
the failure of banks to diversify geographi-
cally creates institutions that are par-
ticularly vulnerable to regional eco-
nomic down turns.

Likewise, the General Accounting
Office found that 90 percent of the banks
that failed in 1987 were in States that
allowed only unit banks or limited
branching. The GA0 noted that "when
a bank's assets are not geographically
diversified, the quality of its balance
sheet can be severely affected by fluc-
tuations in the local economy." Inter-
state branching will permit banks to
diversify their loan portfolio, thus
making our banking system less vul-
nerable to downturns in any particular
community or region.

The Congressional Budget Office also
found that nationwide interstate bank-
ing, along with geographic and industry diversification,
thereby reducing the probability of
bank failure and lead to a healthier
and more stable banking system.

Interstate branching will also elimi-
inate unnecessary overhead costs, and
make banking more efficient. Under
the current system of holding com-
panies, depository institutions must
maintain a separate board of directors,
submit separate regulatory reports, un-
dergo separate examinations, submit
separate financial reports, and main-
tain separate records for each of
its subsidiaries. This legislation will
allow banks to consolidate these
separate subsidiaries into one bank
with several branches, thereby elimi-
nating the duplication and overhead expenses of multiple banks.
Some of the larger banking companies
have estimated that they could each
save between $30 million and $50 mil-
lion per year if they were allowed to
consolidate their separate bank sub-
sidiaries into branches. These savings
could be used to replenish bank capital,
thus increasing the ability of the bank-
ing industry to provide the credit es-
sential for the continued growth of our
economy.

This legislation will also benefit con-
sumers, the users of financial services.
In today's world, individuals often
commute between States on a daily
basis. It is not unusual to live in New
Jersey or Connecticut, work in New
York, and own a vacation home in
West Virginia or Florida. Yet, under
our current banking system, an indi-
vidual in these circumstances would
have to have three different bank ac-
counts, in three different banks, in
order to have ready access to financial
services. This does not make sense for
the consumer, and it does not make
sense for the banks.

This bill also takes into consider-
ation the rights of the States with re-
spect to interstate banking and
branching. Section 2 of the legislation
repeals a current provision, known as
the Douglas amendment, that restricts
the ability of a bank holding company
to acquire a bank outside of its home
State. Instead, the bill provides that
the Federal Reserve Board may ap-
prove a bank holding company's ac-
tion if the applicant controls, or
has a main office in that State. Like-
wise, a State has the same regulatory
authority over the interstate branch of
a national bank that it has over a
branch of a national bank whose main
office is located in that State. Like-
ewise, a State has the same regulatory
authority over the interstate branch of
a State bank that it would have over
the branch of a bank chartered by that
State.

Further, State and Federal antitrust
laws that do not have a discriminatory
effect on out-of-State banks and bank
holding companies are specifically
safeguarded. This in addition to new
concentration limits adopted by the
bill. Under these limits, the Federal
Reserve Board may not approve an
acquisition if the applicant controls,
or after the acquisition would control, 10
percent or more of the total deposits
of insured depository institutions in the
United States. The Federal Reserve
Board is also prohibited from approv-
ing an acquisition if the applicant con-
trols, or after the acquisition would control, 25 percent or more of total de-
posits held by insured depository institu-
tions in that State. However, the State
may waive the applicability of this
latter restriction.

The legislation also protects the au-
thority of the States to tax interstate
branches in the manner that they de-
termine appropriate, provided of course
that the tax does not contravene other
Federal statutes or the U.S. Constitu-
tion.

Section 4 of this legislation provides
that State bank supervisors from two
or more States may enter into coopera-
tive agreements to facilitate State regu-
lation supervision of Interstate State
chartered banks.

Finally, section 6 of this bill amends
the Community Reinvestment Act with
respect to financial institutions with
interstate branches. The regulatory
agencies would be required, under this
section, to prepare a written evalua-
tion of such institution's CRA per-

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formance in each State in which it has a branch. If an institution maintains a branch in a particular nonmetropolitan region or area, the agency must prepare a separate written evaluation for that multistate metropolitan area, and for the nonmetropolitan areas of the State. Each State's evaluation has a branch in the nonmetropolitan area of the State.

This legislation represents a balanced approach to interstate banking and branching. It takes into consideration the historic role of the States in regulating financial institutions, and the concerns of the Federal Government to protect the safety and soundness of our banking system and to avoid losses to the deposit insurance funds and the taxpayer. This legislation will increase the safety of our financial system, improve the efficiency and delivery of financial products. It will ultimately result in a healthy and more competitive banking system.

Interstate banking means that an out-of-State bank that owns an in-State subsidiary has a branch in another State. Branches of States that have opted under this legislation to create a choice for the States in the Congress we particularly should be deferential on such a matter. I believe the interests of the country are best served by ensuring that States have the right to choose whether or not to allow interstate branching within their borders.

Mr. RIEGLE. Madam President, I ask unanimous consent that the pending amendment be stricken. The Senator from Delaware, Mr. Roth, Madam President, I ask unanimous consent that the pending amendment be stricken.

Suppose a State's policymakers fail to act on the enactment in time. S. 1963 is clear that if a State does not act within 2 years of the bill's enactment, the State is in and interstate branching may take place within the State. Because there are so many factors that each State's policymakers must take into account in forming this legislation, however, I repeat, there may be at any time.

The reason, however, that the legislation has such widespread support is that the States are very cautious in making decisions that may adversely affect their tax base. The States are very cautious in making decisions that may adversely affect their tax base. The States are very cautious in making decisions that may adversely affect their tax base. The States are very cautious in making decisions that may adversely affect their tax base.

In summary, Madam President, we have worked diligently on this legislation to be fair to all concerned. We have striven to produce a neutral vehicle for promoting a very important question to the States. We are making excellent progress. It is my hope that when we conclude our efforts in this body, we will have reached the goal.

Thank you, Madam President. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Delaware, Mr. Roth, Madam President, I ask unanimous consent that the pending amendment be stricken.

Mr. RIEGLE. Madam President, I ask unanimous consent that the pending amendment be stricken.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1963

(Purpose: To provide for national banks that are not part of a bank holding company to merge and consolidate on an interstate basis and to make other technical amendments.)

Mr. RIEGLE. Madam President, let me now present the managers' amendment to S. 1963. This amendment has been developed with Senator D'Amato and with Senator Roth. I appreciate the support of both. It enjoys the support of the Clinton administration.

In general, the amendment further refines the provisions contained in the reported bill with technical, conforming and clarifying amendments, including properly cross-referencing the definition of adequately capitalized throughout the bill, facilitating the consolidation of banks that are not owned by bank holding companies, and clarifying that institutions that undertake interstate combinations do not need to be unwound if at any subsequent time the relevant State law prohibits such future interstate combinations.

Also, the amendment clarifies that the bill is not intended to affect State
tax authority over banking institutions.

Additionally, the amendment, at the request of the FDIC, makes a technical change to allow the FDIC to override State law restrictions on concentration and age of institution requirements in all failing bank situations, as was the committee's intention.

Finally, the amendment allows making a portion of the bank's assets available for call by a State-sponsored housing entity to remain in force after passage of this bill.

Let me now send it to the desk. After Santangelo has been heard, I am going to urge the adoption of the managers' amendment. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. RIEGLE], for himself, Mr. D'AMATO and Mr. ROTH, proposes an amendment numbered 1568.

Mr. RIEGLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

THE ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Page 3, line 4, strike "(2) and (3)" and insert "(2), (4), and (6)".

On page 4, between lines 17 and 18, insert the following:

"(9) EXCEPTION.—The Board may approve an application under paragraph (1)(A), notwithstanding any provision of paragraph (2), if such application involves the acquisition of one or more banks in default or in danger of default or with respect to which the Federal Deposit Insurance Corporation provides assistance under section 13(c) of the Federal Deposit Insurance Act."

On page 4, line 18, strike "(3)" and insert "(4)".

Beginning with page 4, line 23, strike all through page 5, line 2, and insert the following:

"(10) NO EFFECT ON STATE TAX AUTHORITY.—No provision of this Act shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, and administer any tax or method of taxation to any bank, bank holding company, or foreign bank to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

(11) AFFECT ON STATE CONTINGENCY LAWS.—Nothing in this subsection applies the applicability of a State law that makes an acquisition of a bank contingent upon a requirement to hold a portion of such bank's assets available for call by a State-sponsored housing entity established pursuant to State law, if

(A) the State law does not have the effect of discriminating against out-of-State banks, out-of-State bank holding companies, or subsidiaries thereof;

(B) that State law was in effect as of the date of enactment of the Interstate Banking and控股 Company Act of 1956; and

(C) the Federal Deposit Insurance Corporation has not determined that compliance with such State law would result in an unacceptable risk to the appropriate deposit insurance fund; and

(D) the appropriate Federal banking agency for such institution has not found that compliance with such State law would place the institution in an unsafe or unsound condition.

On page 6, line 9, insert "in default", "in danger of default", before "and"

On page 6, line 13, strike "and"

On page 6, line 23, strike all of the punctuation at the end and insert ": and"

On page 6, after line 23, insert the following:

"(3) a holding company is "adequately capitalized" if it meets or exceeds all applicable Federal regulatory capital standards.

On page 8, strike lines 14 through 16 and insert "HOST STATES.—If any branch of an out-of-"

On page 6, line 23, strike "based upon" and all through page 9, line 6, insert and administer the following: "that imposes such tax based upon a method adopted by the host State, which could include allocation and apportionment.

On page 11, line 19, insert "or paragraph (5)" before "shall have"

On page 11, between lines 23 and 24, insert the following:

"(11) NO EFFECT ON STATE TAX AUTHORITY.—No provision of this Act shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, and administer any tax or method of taxation to any bank, bank holding company, or foreign bank to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

On page 13, line 24, strike "(11)" and insert "(12)"

On page 15, line 14, strike "paragraph and insert "paragraphs."

On page 15, beginning on line 17, strike "A State bank supervisory" and insert "The appropriate State official."

On page 17, line 2, insert "or to take any enforcement actions or proceedings against" after "examines"

On page 17, strike lines 7 through 10, and insert "agency determines that the States have reached an agreement under subsection (C) that adequately protects the deposit insurance funds, the appro-"

On page 17, line 11, strike "shall not" and insert "may"

On page 17, line 13, strike the quotation marks and the final period.

On page 17, between lines 13 and 14, insert the following:

"(12) NO EFFECT ON STATE TAX AUTHORITY.—No provision of this Act shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, and administer any tax or method of taxation to any bank, bank holding company, or foreign bank to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

(13) AFFECT ON STATE CONTINGENCY LAWS.—Nothing in this subsection applies the applicability of a State law that makes an acquisition of a bank contingent upon a requirement to hold a portion of such bank's assets available for call by a State-sponsored housing entity established pursuant to State law, if

(A) the State law does not have the effect of discriminating against out-of-State banks, out-of-State bank holding companies, or subsidiaries thereof;

(B) that State law was in effect as of the date of enactment of the Interstate Banking and Holding Company Act of 1956; and

(C) the Federal Deposit Insurance Corporation has not determined that compliance with such State law would result in an unacceptable risk to the appropriate deposit insurance fund; and

(D) the appropriate Federal banking agency for such institution has not found that compliance with such State law would place the institution in an unsafe or unsound condition.

On page 6, line 9, insert "in default", "in danger of default", before "and"

On page 6, line 13, strike "and"

On page 6, line 23, strike all of the punctuation at the end and insert ": and"

On page 6, after line 23, insert the following:

"(3) a holding company is "adequately capitalized" if it meets or exceeds all applicable Federal regulatory capital standards."

On page 8, strike lines 14 through 16 and insert "HOST STATES.—If any branch of an out-of-"
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(7) in paragraph (4) of section 3, by inserting "or within any State in which a bank or bank holding company is authorized to engage in an interstate consolidation, merger, or other transaction pursuant to section 3(h) of the Bank Holding Company Act of 1956," after "within the same State.""

On page 21, line 5, strike "approval" and insert "consent."

On page 21, line 13, strike "and."

On page 21, line 20, strike all of the punctuation at the end and insert "." and "."

On page 21, between lines 29 and 21, insert the following:

"(C) The term 'adequately capitalized' has the same meaning as in section 36."

Mr. ROTH. Madam President, I am pleased to join with the chairman of the Banking Committee in offering the managers' amendment.

I am particularly pleased that the amendment contains the House provision on tax neutrality. This House provision makes clear that the current authority of the States, except as limited by the Constitution or other Federal law, to tax any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank is not affected by this legislation.

The inclusion of such an assurance is very important to my State as well as to other States. It assures them that their current ability to tax, and their current tax methods, remain legally unaffected by the legislation.

The House provision, which the managers' amendment tracks, is salutary because of its precision in identifying the various banking entities whose tax treatment is not affected by the legislation.

I am also pleased that we have been able to rewrite the bankshares tax provision so that Congress is not instructing any State on what particular tax or tax method it should adopt, apply, or administer. Before the committee markup on the legislation, I submitted written questions to Comptroller of the Currency Ludwig and Treasury Under Secretary Newman on State tax issues. They said they do not believe that the Federal Government should solve the tax problems of the States, and they advised us that the current tax ability to tax, and their current tax methods, remain legally unaffected by the legislation.

Mr. RIEGLE. Madam President, I want to come back to the debate here on the Senate floor to see precisely what it is the Senator from Delaware may have said or the Senator from Michigan may have said or someone else, to really clarify exactly what the legislative intent is.

So with respect to banking law changes and because of the importance that they be presented in the correct form, these discussions tend to sound more technical and harder to follow than perhaps some of the other things we take up in the Senate.

The other point I wanted to make is this. I am very pleased to share this duty today with my colleague from Delaware, Senator ROTH and I came to the Congress 28 years ago as newly-elected House Members in the election of 1968. At that time, I sat on that side of the aisle as a Democrat in Delaware. Senator ROTH and I changed my party affiliation and crossed over the center aisle to become a Democrat and have been a Democrat now for 21 years since.

We have retained our good friendship during that intervening period, and I was struck by a news item that I saw the other day, I say to the Senator from Delaware, that is, of the rather large group of nearly 50 or so freshmen Republicans that were elected, as we were, back in 1966, a group that included George Bush among others, who made his debut on the national scene in that election. To my knowledge, of that large group, only three remain now serving in the Congress—the Senator from Delaware, myself, and I saw the other day where one of our colleagues on the House side, JOHN MYERS, was in a complicated primary election out in the State of Indiana; he won the primary, and now he has a general election to face, as I know the Senator does as well.

So our class of some 49 or 50 members has now been reduced by nearly half an average circumstance by circumstance to some
3 of us who are remaining. Of course, I will be leaving at the end of this year myself. So whatever happens to John

Myers, the Senator from Delaware may be the last of the Mohicans here at the time the dust settles at the end of this year.

But it has been a particular pleasure for me to serve with the Senator from Delaware over that period of time. I must say, despite the fact we now serve in different parties, that really has no bearing whatsoever on our relationship and our friendship and our opportunity to work constructively together as we have many times over the years, and I am privileged again to do so today.

Mr. ROTH. Will the distinguished chairman yield?

Mr. RIEGLE. Yes. I would be happy to yield.

Mr. ROTH. Just let me say that it is with genuine regret that I read the Senator's decision some time ago not to return. I remember, Madam President, many years ago when we were both elected for the first time, I might say in a surprise upset for Republicans, the Senator may recall that I organized a weekly group. We met once a week to discuss the legislation that would come up in the House of Representatives for the following week.

I always felt that was the beginning of our friendship and understanding. Sometimes it is difficult for our friends back home to understand how a Republican and Democrat can work together, but it is important if we are not going to have gridlock.

The one particular situation I remember where we worked over a period of months in close collaboration was in the bailout of Chrysler Corporation.

That was a matter of great, great concern to the State of Michigan. It was a matter of great concern to my State of Delaware. As I have said many times, not many people realize that perhaps more auto workers than even the State of Michigan. But I think recent events that show Chrysler roaring back with success, beginning to compete very successfully internationally, show how important that cooperation across the aisle was.

I must say, I regret seeing the Senator leave. I also want to add, in public as I did privately, how sorry I was to read about the Senator's mother, the loss of his mother. We all know that no matter how well prepared we are for it, it still is a blow. It is still the end of a phase of life that is difficult to overcome.

I give my deepest sympathy to the Senator and to his family.

But again, may I congratulate the chairman and Senator D'AMATO, the ranking member, for bringing this really very important but somewhat controversial piece of legislation. There are many different interests at play that are concerned, and yet through the leadership of the chairman and the leadership of Senator D'AMATO, the legislation has come here with the unanimous support of the Banking Committee. That certainly is in many ways the crowning victory of the many years of service of the distinguished chairman. I wish him well, and every success.

Mr. RIEGLE. Madam President, I thank the distinguished Senator from Delaware very much.

Madam President, we will now await other speakers or amendments that may come to the floor for a period of time. We invite those Members to come for that purpose now, if they can. I suggest the absence of a quorum. The acting President pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

THE LEGACY OF PRESIDENT RICHARD MILHOUS NIXON

Mr. HEFLIN. Mr. President, as with all of our major leaders perhaps, but perhaps more so in his case, Richard Nixon's political legacy is mixed. His resignation because of the Watergate scandal will probably always be the aspect of his career that most people will remember the most. But it would be unfair to define this extraordinary politician, author, and President by President Nixon became Vice President of the United States.

He won congressional approval of the United States-Soviet agreements to limit the production of nuclear weapons.

In 1970, under President Nixon's leadership, Congress lowered the minimum voting age for Federal elections to 18, giving younger people more of a voice in their Government. One year later, the 26th constitutional amendment was ratified, which set the voting age at 18 for all elections.

Even Nixon's many detractors have to admire his tenacity and determination. One has to give a man credit who climbed to the top from such humble beginnings and then dragged himself off of the mat so many times. Over the years, he won as many battles as he lost, but he never really left the battlefield. As the title of his 1972 book "In The Arena" suggests, he remained engaged and influential. I had the opportunity to visit with him on a few occasions and was always impressed by his keen intellect and knowledge.

In spite of the tragedy of Watergate, I think Richard Nixon will go down in history as one of the most intriguing and successful political leaders of the 20th century. He will be especially remembered for his many and lasting contributions in fostering international relations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to continue and pay tribute to Richard Nixon during this time of national mourning prior to his funeral.

I have a number of memories of the former President as do many Members of this body. I also represent my family where we have a number of memories of President Nixon.

Coming to the Senate as a freshman, I formed a number of close relationships with my fellow freshmen and realised how close Members of a particular freshmen class can be to each other as a result of the experience of entering this body at that time. Richard Nixon and my father, Senator Wallace F. Bennett, were freshmen together. They were elected in 1950 and served in this body in that period until 1952 when President Nixon became Vice President of the United States. As the President in this body for 8 years, he and my father continued that relationship.

So it is something of a passing of an era in my family to realize that not only has my father passed on with his death last December but now the youngest Member of that freshmen class, Richard Nixon, has passed on this year ending the era represented by the election of 1950 to the U.S. Senate.

I first met Richard Nixon after his defeat at the hands of President Kennedy and prior to his running for the governorship of California. It was a period of time when people thought he still had a future in politics.
With a group of other young Republicans from Utah, I attended a Young Republicans convention in Minneapolis. We exerted some political influence at that convention. Afterward, the political developers came to us and said, "What do you want in return for the power you seem to have accumulated?" We said, "We only want one thing. We want the opportunity to meet Richard Nixon." He was the keynote speaker at that convention.

The arrangement was made, and we had the opportunity of visiting with Richard Nixon off the record, away from the glare of the press, and seeing how brilliant his mind was and how broad his scope was.

I remember going home and saying to people, "This man is the Winston Churchill of American politics. He will be back. Someone who has that much talent cannot possibly be kept in the wilderness forever."

I recall that because it sounds prophetic. I must confess, after he lost the governorship of California, I did not think he would be back and no longer referred to him in those terms. But he fooled the country by coming back and getting himself elected President in 1968.

I served in the Nixon administration. I was appointed as the head of congressional liaison at the Department of Transportation, under the patronage of Bryce Harlow, who was Mr. Nixon's head of congressional liaison operating out of the White House.

I went to the White House fairly often in that assignment and gained further appreciation for, and admiration of, Mr. Nixon's tremendous gifts and his dedication to the country.

Then came Watergate. I will not pretend that Watergate was an insignificant interruption in the brilliant career of Richard Nixon and that it will fade with the passing of history. I do not think that Watergate, in my view, was Richard Nixon's tragedy.

And I say to people that Richard Nixon was King Lear, surrounded by courtiers who flattered him and who did him wrong, who miscalculated their metaphors between Shakespeare and country music.

The people who had Richard Nixon's best interest at heart and who would have served the country best if they had been listened to were frozen out in the Nixon White House. They were kept at arm's length, and their advice went unheeded. So that, ultimately, the tragedy of Richard Nixon unfolded.

The responsibility for that must lie with Richard Nixon. We would like to say that it was someone else's fault. But the responsibility lies with the man in charge, and the President himself had to bear the burden of that responsibility. He paid dearly for it, of course, being the only President in our history who was forced to resign from office.

But the great measure of Richard Nixon's stature comes from the fact that he rose even from that disaster to the stature of a world statesman that he held at the time of his death.

My last encounter with Richard Nixon occurred about a year ago with my fellow freshmen Senators, under the leadership of Bob Dole, who wanted to help the freshmen Republicans get their bearings. I boarded an airplane in my term and flew to New Jersey to have lunch with Richard Nixon. My first reaction, upon seeing him standing out in front of his townhouse in New Jersey waiting for us to arrive, was: My, how old he has become. I had not seen him for years, and I was startled at his physical appearance. I thought we were going to be dealing here with an old, tired man.

We exchanged greetings, shook hands, went into his townhouse, and climbed to the top floor. He sat down and started to tell us what was going on in the world, and, immediately, any thought that he was too old to understand what was happening disappeared. For 2½ hours, without repeating himself or referring to a note, he took us around the world, country by country, leader by leader, situation by situation, and gave us a penetrating analysis of everything that was going on.

When we talked domestic politics, he had a grasp of that, as well.

I left thinking: The body may be old, but the mind is as sharp and as clear as it has ever been, and now, freed of entanglement with his own ego being involved in the issues, is prepared to give us some of the clearest analyses that are available anywhere in America.

I am delighted to learn that President Clinton was willing to recognize the genius of that mind and consulted with Richard Nixon in the days of President Clinton's early formative policy sessions.

So I rise here in this Chamber, where Richard Nixon and my father first crossed paths, to say goodbye to him, President Clinton's early formative period for morning business with our fellow freshmen Senators, under the leadership of Senator LIEBERMAN.

Mr. RIEGLE. Mr. President, on June 29, 1990, Senator McCain and I introduced the Iran-Iraq Non-Proliferation Amendments of 1993, a bill to revise and add to the National Defense Authorization Act for fiscal year 1993. At our request, our Dear Colleague letter was printed in the Congressional Record along with our statements introducing the amendment. On pages S8241–2, appendix A of our letter, "List of Foreign Suppliers to Iraq's Nuclear Weapons Technology and Materials," was published and included a reference to a German company, Nukem, which was alleged to have supplied U-235 fuel pins and centrifuge materials. This information was compiled from a number of open sources; the particular reference to Nukem was obtained from a German magazine, Der Spiegel.

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Senator McCain and I regret that the listing we had published in the RECORD contained erroneous information pertaining to Nukem. We were unaware that the Washington Post printed a correction to its August 17 report on August 25. We have reviewed the detailed explanation provided by Nukem to the Washington Post in a letter dated August 23, 1990, from Davis R. Robinson, Esq., to the Washington Post managing editor. This explanation led the Post to publish a correction to the August 17 article on page A-2 of the August 25, 1990, edition. In order to correct the record on this matter, I request that a copy of the August 25, 1990, correction be inserted in the RECORD immediately following these and Senator McCain's remarks.

Mr. McCAIN. Mr. President, I wish to express my regret for the erroneous in-
The White Oak Declaration and a list of participants in the conference included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

DE PLARATION OF PRINCIPLES OF THE WHITE OAK CONFERENCE ON REGIONAL WATER RESOURCES, FEBRUARY 27, 1994

In order to advance the fundamental "right of people to live in a safe and healthful environment," as stated in the Bellagio Declaration on the Environment (1991), and in order to "strengthen international cooperation among states," as stated in the Kiev Protocol on Regional Problems of Environmental Protection (1992), we support the following principles:

1. We can no longer allow the degradation and depletion of clean water, the essential substance that covers our planet and sustains our bodies. Bodies of water have inestimable aesthetic, economic, health, and recreational value. In the past, rivers, lakes, estuaries, and harbors that respect no artificial boundaries have inspired works of art, provided swift transport, nourished plant and animal life, and given birth to great cities. In the present, many of these same bodies of water are polluted to such an extent that hamper navigation and commerce, threaten human and nonhuman life, and drive people from their shores. In the future, if we are to have a healthy and productive world for generations yet unborn, we must incorporate that understanding—cooperatively, and creatively—the problems facing our regional water resources.

2. Regional water resources pose special problems and require special institutional solutions. We need to continue to study, and build on, ongoing experiments throughout the world that are directed toward cleaning, protecting, and preserving our estuaries, rivers, and harbors, particularly those cooperative efforts involving multiple jurisdictions. For example, we have seen how nations can learn from each others' accomplishments and mistakes. For example, the early stages of privatization are an important stage for strategic environmental questions. By imposing environmental controls at the first stages of privatization, nations may be able to avoid the wetlands destruction that has accompanied many regulatory takings problems that have frustrated environmental and land-use regulators elsewhere.

Although clean water is the ultimate goal of anti-pollution efforts, a sustainable, intermediate target should reflect current levels of degradation, existing and anticipated uses, and state-of-the-art technologies.

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All nations should strive to strengthen existing legislation and regulations affecting regional water resources, and to further effective implementation of the environmental and social principles they represent. Such a coordinated, comprehensive and consistent approach to protecting our fragile environment. Input from these nongovernmental parties is essential at all stages—from formulation of government policies to implementation of laws and regulations. The more inclusive the process, the greater the number of regions and agreements which will have a stake in the success of the regulatory effort.

10. Just as water knows no political boundaries, neither should technologies for measuring water quality, removing and disposing of impurities, and identifying harmful levels for specific discharges. We urge the unhindered flow of ideas across national lines, the enhancement of existing efforts for sharing technical expertise, and the creation of incentives for ongoing cooperative research.

11. The alarming degradation of too many rivers, harbors, and estuaries, by users that directly and indirectly discharge pollutants into them, demonstrates the desirability of a watershed approach to regional water problems. Focusing solely on point sources of pollution is short-sighted and fruitless if we are ever to make significant progress in cleaning these bodies of water. In the watershed of regional water resources, the environment must be treated as a whole. The ecosystem should be protected before the construction or expansion of significant industrial, commercial, agricultural, and residential uses; and government-approved developments should use the most effective available technology for conservation of energy, recycling, and waste treatment and disposal.

12. We therefore advocate that the failure of central and local authorities to coordinate national environmental controls with localized land-use regulations often leads to a confusing morass of government controls that hampers compliance by the private sector, unduly complicates enforcement of mandates, and delays implementation of effective regulatory schemes. We therefore advocate an integrated, comprehensive approach to regulation of land uses in and around regional water resources, an approach that coordinates national environmental controls and incentives with other regulations such as economic, agricultural, and land-use controls, and treatment and disposal of municipal waste. Moreover, because of the intricate interrelationships between media, as with the harmful effects acid deposition has had on regional water resources, clean water regulatory efforts must be coordinated with national and international air pollution strategies.

13. Whenever possible, the first generation of antiquated and unwieldy command-and-control approaches should be replaced with incentive-based regulations that encourage productive public-private joint ventures. We need to educate private industry that environmental sound practices can enhance profitability.

14. We cannot exaggerate the importance of privatization of land ownership on regional water resources. For more than three decades, many nations have made a concerted effort to tear down the walls that separate people from economic security by granting and close to regional bodies of water through prescription, reservation of public rights, and acquisition of title or easements that ensure public access to beaches and harbors for fishing, swimming, boating, and other recreation and commercial uses. Other na-

15. We are concerned that the less affluent segments of society often bear the brunt of environmental hazards. We urge government officials to be mindful of, and to address, the unfair regressive impacts of new restrictions and regulations that problems affecting more prosperous areas receive the most prompt attention; and (3) to slow or eliminate the kinds of development in the residential, commercial, and residential sectors that hold the most promise for enhancing the quality of life of less affluent residents.

16. Because an informed citizenry is the best protection against environmental abuse, inefficiency, and corruption, we advocate a strong role for the private, voluntary, and international media in investigating and reporting on each step of the decision-making process and in monitoring government actions to prevent and correct private sector violations. Political parties and candidates should be pressured to articulate specific positions regarding public and private sector development and their role in the protection of regional water resources. Moreover, educational institutions can play a special role in emphasizing the importance of clean environment to children; in providing state-of-the-art professional and vocational programs for scientists and technicians; and in supporting cooperative, interregional research efforts that address the problems facing regional water resources.

17. Environmental issues should be given due regard in negotiations over international commercial agreements. Nations should forge strong links between issues of commerce and environmental protection, particularly when the partners share a regional water resource.

18. In furtherance of the general principles stated here we endorse the specific long-term and short-term recommendations contained in the White Oak Tool Box for the Protection of Regional Water Resources, a copy of which is appended to this document. [Not included in the Record.]


SIGNATORIES

Apostolov, Mr. Apostol, Environmental Directorate, Bourgas 8000, Bulgaria.
Boshanov, Mr. Simeon, 2 Dondukov Blvd., 1000 Sofia, Bulgaria.
Cosgrove, Mr. Edward, Massachusetts Water Resources Authority, Building #36, 100 First Avenue, Charlestown, MA 02129.
Crush, Mr. Richard, Whelabator Engineered Systems, P.O. Box #1118, St. Paul, MN 55164.

Frolov, Mr. AlekX K., Committee on Ecological and Environmental Problems, 2 Dondoukov Blvd., 19116 St. Petersburg, Russia.
Gary, Mr. Michael, The Howard Gilman Foundation, 111 West 56th Street, New York, NY 10020.
Goldman, Mr. Marshall L., Russian Research Center, 1737 Cambridge Street, Cambridge, MA 02138.
Haar, Mr. Charles M., Harvard Law School, Cambridge, MA 02138.
Hieronim, Mr. Alexy, Cleary, Gottlieb, Steen & Hamilton, One Liberty Plaza, New York, NY 10006.
EARTH DAY: SENATOR GAYLORD NELSON’S VISION BECOMES A LIVELY TRADITION

Mr. HOLLINGS. Mr. President, last Friday, April 22, was America’s 25th annual celebration of Earth Day. As in years past, it was observed with ceremonies, teach-ins and cleanups in communities across the United States. In just a quarter century, Earth Day has become a tradition—a tremendously popular occasion for Americans to focus on conservation and environmental protection.

Regrettably, few citizens—especially millions of younger Americans who are the most enthusiastic observers of Earth Day—are aware of the origins of this annual event. It was our beloved former colleague, Senator Gaylord Nelson of Wisconsin, who originated the concept for Earth Day and championed it into reality.

In September 1969, Senator Nelson set forth a vision for Earth Day in a speech in Seattle. His call for a national environmental teach-in to be held the following spring was met with an overwhelming grassroots response. Telegrams and phone calls poured into Senator Nelson’s office, and his staff set about organizing and orchestrating the first Earth Day on April 22, 1970. That inaugural Earth Day captured the attention and imagination of the entire country, and the popularity of this annual event has been sustained for 25 years now.

Of course, Senators of a certain age know that Earth Day was but one facet of Gaylord Nelson’s career-long commitment to environmentalism. As Governor of Wisconsin from 1959 to 1963, he initiated the Outdoor Recreation Acquisition Program—using revenue from a penny-a-pack on cigarettes to purchase 1 million acres of recreation and wildlife areas. As U.S. Senator from 1963 to 1980, he sponsored the 1964 Wilderness Act, authored legislation to preserve the 2,000-mile Appalachian Trail, and introduced the first bills to control strip mining, mandate fuel efficiency standards, and ban DDT.

Today, this Army veteran of the Okinawa campaign in World War II, is counselor of the Wilderness Society—the position he has held since 1961. His passion for environmental protection remains strong, and his list of victories grows longer by the year.

Mr. President, our friend Gaylord Nelson’s work is hardly finished. However, he is a man who has already made his mark on our national life. The annual national observance of Earth Day stands as a living tribute to Gaylord Nelson—a great environmentalist and a great American.
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country and around the world to cast their votes on who would win the national elections and to vote their "recommendations to the White House," among other key national issues. Every state had a "State Election Headquarters,""State Election Headquarters" called their votes in to "National Election Headquarters," their vote tallied and the results reported. Viewers watched on national television. A national television program was aired for two hours on April 30. Local students, and parents all across the country participating in the project's activities Scholastic Magazine has joined the Mock Election coalition and will use the 1994 Mock Election materials to 20+ million students, elementary through high school.

The University of Colorado's formal evaluation of the 1992 National Student/Parent Mock Election found participating students showed increases in: Political awareness, making ability; Informed involvement on current issues; The belief that voting is important; The belief that Social Studies classes are relevant.

The discussion of political and election topics with parents, and A reduction in the feeling of powerlessness, I am pleased to announce that my own state, Massachusetts, was a winner of the TimeNASSP Award for "Outstanding Leadership in Voter Education" in conjunction with the National Student/Parent Mock Election. The awards, for the best statewide Mock Election projects, and the over $100 million students, elementary through high school.

The Mock Election was an overwhelming success; They are: The U.S. Congress has voted an appropriation for the 1994 National Student/Parent Mock Election and the objective of the kick-off in the Capitol is to invite all of America's students and parents to participate. The National Student/Parent Mock Election is Co-Chaired by Paul G. Kirk, Jr. and Frank J. Fenno. It has been endorsed by both the Democratic and Republican National Committees, 50 National educational, civic and religious organizations, from the Council of Chief State School Officers to The League of Women Voters and The U.S. Chamber of Commerce cooperate on the project.

I urge my colleagues to write to their states' school superintendents and encourage them to involve their students in this massive effort to pass the torch to a new generation of voters.

The purpose of the National Student/Parent Mock Election is to turn the power of powerless, psychologists point out, are the root cause of violence. The Center for Action Research found the National Student/Parent Mock Election REDUCED feelings of powerlessness. The challenge to the electorate is to make the decision to reject the rule of law in the rule of law and to reject the violence that serious, not by the people, for the people," they can effect change with votes instead of violence, ballots instead of bullets. It works to help today's violence-prone generation discover they do not need a gun to be heard.

In 1994 the National Student/Parent Mock Election will initiate a new project to combat violence. ACTIONS invites the students of America to create their own pilot projects to help combat violence in their community. Students from elementary school through college level are encouraged to organize a project with the assistance of an adult advisor, designed to help turn the tide on violence in their community. The first project to be accepted in each state as an official National Student/Parent Mock Election site, AC-TIONS project and the $1000 rewards towards expenses. There is no limit to the number of pilots per state, or the kinds of projects student might undertake in their community. (Some possible examples: working to secure street lights for a dark neighborhood, organizing after school activities for unsupervised younger children subject to gang inducements, submitting the student's own ideas for legislation to the state legislature and working to have their legislation enacted.)

To become an official ACTIONS pilot, groups must fill out a brief questionnaire describing their plans for the project. Each group's adult advisor, the group's chairman or leader, et cetera. Applications must be signed by the responsible adult.

NASSP groups will exchange ideas and experiences with each other throughout the 1991-1995 school year. At the end of the school year, the five most successful ACTIONS project leaders will be awarded a first place trip to Washington, D.C. to meet each other and share experiences in the nation's capital. The most successful project will receive a first prize award of two tickets overseas.

Groups interested in participating in ACTIONS should send a stamped self-addressed envelope labeled Actions to the National Student/Parent Mock Election, 7925-A North Oracle Road, P.O. Box 382, Tucson, AZ 85704. There is no greater legacy any of us can leave than the legacy of democracy.

HONORING DR. IKRAM KHAN

Mr. REID. Mr. President, on Saturday, April 30, the Anti-Defamation League will be honoring Dr. Ikram Khan of Las Vegas, NV, with its prestigious distinguished public service award. As every member of the U.S. Senate knows, the Anti-Defamation League has been a staunch advocate for justice and human rights throughout the world. To be esteemed by that organization is a great tribute because it recognizes years of selfless dedication and commitment to the rights of individuals throughout the world.

I have known Dr. Ikram Khan for many years, as both a friend and a trusted advisor, and I am elated that his work has been noticed not only in Nevada but internationally.

Dr. Khan was born in Karachi, Pakistan, on February 21 and he graduated 2d in his class from the Dow Medical College in Karachi in 1972, and he was awarded two gold medals for academic excellence while enrolled in school.

He received additional training in England and the United States before moving to Boulder City, NV, in 1978 to begin a private practice in general surgery, practicing in all of Clark County.
In 1964, he moved to Las Vegas to continue his medical practice. Currently, he is on staff at all of the hospitals in the area. He also serves as medical director of the Fremont Medical Center, and he has been a member of the prestigious State Board of Medical Examiners.

During his outstanding career, he has also been a distinguished professor of surgery at the University of Nevada School of Medicine, chairman of the Department of Surgery at Desert Springs Hospital and Lake Mead Hospital, and chairman of Quality Care for Humana Hospital, Sunrise.

This career would be enough to exhaust any individual, but Dr. Khan is a person of high talent and energy. In addition to his remarkable medical schedule, he has also been extremely active in social, political, and cultural activities.

“Tike” has always been a faithful adherent of the Moslem faith. His faith has caused Dr. Khan to focus on human differences, not differences. Dr. Khan’s life stands for what is good about religion.

He has not forgotten his roots. This is evident through his work as president and secretary of the Association of Pakistani Physicians of North America, as a director of the Pakistani Political Action Committee, and as president of the Islamic Society of Nevada. Through all of these efforts, Dr. Khan’s motivation is to build a community that is based on tolerance, charity, and equality. As the Anti-Defamation League itself has noted, Dr. Khan is an exemplar of the vitality, wisdom, and leadership that American society values and promotes.

Dr. Khan manifests the strength of America’s great tradition of immigration. Our Nation is better because of its new citizen, Ikram Khan.

I join my fellow Nevadans in recognizing Dr. Khan, along with his wife, Rifaat, and his three daughters, Najiyah, Nadia, and Sanaa, on this special occasion.

TRIBUTE TO LT. CLYDE ADAIR TUCKER, JR.

Mr. HEFLIN. Mr. President, at the tender age of 23, Lt. Clyde Adair Tucker, Jr., paid the ultimate price for the cause of freedom when he was killed during Operation Leader on October 4, 1943. On that fateful day, his plane was shot down off the coast of Bodo, Norway. He and his crewman, Stephen Bakran, remained with the aircraft in 160 feet of water until the summer of 1960, when members of a local scuba diving club found them.

It took 2 years for the Norwegians to recover parts of the aircraft and Lieutenant Tucker’s and Bakran’s remains. On October 4, 1943, Clyde A. Tucker III, a Birmingham, AL, area resident and businessman, and his family attended a memorial ceremony in Bodo, Norway, honoring his father and Stephen Bakran, 50 years to the day after their plane was shot down.

On March 26, 1994, Lieutenant Tucker’s remains were buried at Arlington National Cemetery.

Clyde A. Tucker, Jr., was born in Greenwood, MS, on September 23, 1920. He attended Louisiana College in Pineville and was commissioned on his 21st birthday in 1941. His background and circumstances were representative of those of millions and millions of other young people at that time who faced the terror of fighting in a global war.

But it is during perilous times like this that the most ordinary of citizens show extraordinary courage and conviction. So it was with Lieutenant Tucker; he never expected more than he received, yet always gave more than was expected.

I ask unanimous consent that a copy of the supplement to chapter 1 of “Torpedo Squadron Four: A Cockpit View of World War II” by Gerald W. Thomas be printed in the RECORD, following my remarks. It is a detailed narrative of some of the events that took place during Operation Leader on October 4, 1943, the day Lt. Clyde A. Tucker, Jr., gave his life for his country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**OPERATION LEADER—THE NORTHERN ATTACK GROUP**

At 0618 on October 4, 1943, in the semidarkness before dawn, the USS Ranger launched the Northern Attack Group and a small “Combat Air Patrol.” The CAP was charged with flying cover over the Task Force until both attack groups could return.

The Northern Attack group consisted of twenty-two SB2C “Dauntless” dive bombers and eight F4F “Wildcat” fighters. Lt. Cdr. G. Otto Kilsnmann, Skipper of VB-3-4, was assigned the leadership role. (I recall vividly an earlier night launch when Otto was on call to fill in, that night.)

Both dive bombers were shot down by German anti-aircraft fire: Lt. (jg) S.R. Davis with his turret gunner, S.D. Bakran, ARM 2/c (SBD #19), and Davis with his turret gunner, D.W. McCary, Arm 2/c (SBD #55). Lt. (jg) C.A. Tucker, Jr., with his turret gunner, S.D. Bakran, ARM 2/c (SBD #19), returned to base.

Returning pilots reported that they saw Davis and McCary launch a life raft after their splash down. Both were picked up by the British and taken to prison. Davis was in Stalag Luft One for 19 months but does not know what happened to his gunner (see page 18).

The other dive bomber, SBD #19 with Tucker and Bakran failed to pull out of the dive after it was hit. There were no survivors.

Two of the attached photos, taken at the time of the strike, show F4B Nine, the SBD flown by Lt. (jg) Tucker, over the fjords of Bodo, Norway, just before the dive bombing attack on one of the German ships. One other photo shows the plane as it struck the water after being hit by AA fire. Neither occupant was able to bail out.

The Norwegian Navy has loaded the Tucker/Bakran plane and launched a salvage operation. Families of both C.A. Tucker and Steve Bakran have been notified of the salvage operation.

**TRIBUTE TO TOFE BOLUS**

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Tofe Bolus, a constituent whose recent death saddened those who were fortunate enough to have known him over the years.

Tofe was the son of Lebanese immigrants who came here earlier this century. Like most immigrants, they were simple, honest people with the simplest, but noblest, ambitions—to make a better life for their children. In their children, the Boluses certainly succeeded.

Words like duty, country, and family were the cornerstones of his life, and they were mirrored in the poems he...
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composed. Tofe served as an infantryman in the European theater during World War II. After the war, he returned to Birmingham and opened a small watch repair and jewelry shop, married his wife Helen, an raised a wonderful family. Their four sons and two daughters attended the state universities of Alabama and became leaders in their communities. One of his sons, Paul, worked in my office at one time.

Tofe Bolus epitomized the essence of the American dream. Through hard work, grit, and determination, he built a successful business and was able to give something back to the society that had allowed him to flourish. He was a man of humility and good humor who never lost sight of the important things in life.

I extend my sincerest condolences to Helen and her entire family in the wake of their tremendous loss.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, April 22, the Federal debt stood at $4,556,260,606,187.54, meaning that on a per capita basis, every man, woman, and child in America owes $17,476.29 as his or her share of that debt.

TRIBUTE TO JOHN A. GARRETT

Mr. HERPLIN. Mr. President, I am pleased to rise today in tribute to a long-time friend, John A. Garrett. John is retiring from his position as executive vice president of the Alabama Rural Water Association effective May 1. He has been a committed leader for many years on issues relating to rural America.

Before being elected executive vice president of the Rural Water Association in 1977, when it was officially organized, John served as Director of the Farmers Home Administration under Presidents Nixon and Ford. During his tenure with this agency, he became a nationally recognized leader on agricultural and water issues. He also sat on the National Rural Water Board of Directors.

John also demonstrated his personal commitment to serving others through his active involvement in civic and community affairs. He served as district governor of the Rotary Club; was a founder of Camp ASCA for the handicapped; and was a member of the board of directors of Goodwill Industries of Central Alabama for 25 years. He is also a past chairman of this board.

In 1991, he was inducted into the Alabama Senior Citizens Hall of Fame. This honor is a wonderful testament to the esteem in which he is held by his friends and peers. He is a warm, caring person who truly epitomizes the very best about public service.

Since John turned 85 on April 23, I hope he doesn't mind me wishing him a slightly belated "Happy Birthday" on the floor of the Senate.

NATIONAL FORMER POW RECOGNITION DAY

Mr. RIEGLE. Mr. President, I rise today to recognize the brave Americans who have been held prisoners of war by foreign powers. It is these soldiers who often endure the greatest suffering in any armed conflict, and we as a nation owe them our deepest gratitude for the sacrifices they make for their country. As a tribute to these men and women, April 9, 1994, has been designated "National Former POW Recognition Day," and I am pleased to join in honoring them for the courage and valor they have displayed under the worst of circumstances.

During World War I, World War II, and the conflicts in Korea, Vietnam, the Persian Gulf, and Somalia, more than 70,000 Americans were taken prisoner and suffered cruel and inhumane treatment at the hands of their captors. Pictures of captured Americans broadcast on TV and stories of their hardships in the media have, in recent times, galvanized our nation. Even in times of relative peace we must continue to remember the sacrifices these soldiers have made in times of war.

I am proud to be a cosponsor of the Senate resolution commemorating this important day. I am proud of the many other initiatives the Senate has taken in support of former prisoners of war, including support for improvements in their health benefits, as well as coins, flags, and stamps commemorating their service.

Despite the reverence we hold for our former POW's, the unresolved issue of the nearly 2,000 Americans who have not returned from Vietnam continues to haunt us. We have not been entirely successful in determining the fate of these soldiers due, in part, to the uncooperative stance of the Vietnamese Government in providing full notification and access. In 1993 I introduced an amendment requiring certification that the Vietnamese Government has fully disclosed all available information regarding American POW/MIA's before trade sanctions are lifted. Although this legislation failed in Congress, and President Clinton has lifted the trade embargo, we must continue to make the effort, refusing to compromise ourselves in determining the fate of every missing American soldier in Southeast Asia.

Mr. President, all POW's, those who returned and those who haven't continued to hold a special place in our national consciousness. Their courage and bravery stand as a true monument to the American spirit. All Americans pay a price when the United States becomes involved in armed conflicts overseas, and prisoners of war symbolize the sacrifice we make as individuals and as a nation. As we commemorate the sacrifices POW's have made for their country, let's be mindful of the tragedy inherent in any armed conflict and increase our efforts to resolve future conflicts peaceably.

THE MEANING OF AMERICA

Mr. DASCHLE. Mr. President, I would like to submit for the Record the text of an essay written by a very talented young man from my State of South Dakota. Marcus Stubbles is the winner of this year's South Dakota Young Writer's Essay Contest. In this essay, he has painted an eloquent picture of what America means to him. I think it is valuable for each of us, especially as Members of this body, to reflect on this fundamental question periodically. I would encourage my colleagues to take a moment to read this brief essay, and I ask that its text be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD.

What is America?

This question sounds simple and silly, but it is actually answered in many different ways. You could look in a dictionary, or you could tell me that the term "America", in this context, is the common shortened name for a nation known officially as the United States of America. Technically, I suppose that this is what "America" is. But all we've done by answering the question this way is to replace one word with others.

What is America?

Look at an encyclopedia, and it will tell you that America includes 50 states and assorted territories, covers three million, six hundred and eighteen thousand, seven hundred and seventy square miles, has about 250 million citizens, with a per capita income of about sixteen thousand dollars. Again, I suppose that this, technically, is America. But I don't think that's all there is to America.

What is America?

Look at an atlas. It will tell you that America includes areas of mountains, deserts, rain and climate documented on Earth. It has millions of unique and beautiful plant and animal species. On the human side, it has families and friendships, homes and businesses, and every scale of settlement from small towns with only a few dozen residents to vast metropolitan areas covering hundreds of square miles with millions of people. Again, this is America. But I don't think we've really found the core of what America truly is.

The word America, to me, is a symbol representing an emotional intangible, America, more than anything else, is a state of mind, a feeling in the heart comprised of courage, defiance, and loyalty to principles and ideals above men and institutions. Let me give you some examples of what I mean.

The colonial leaders who signed the Declaration of Independence did so knowing full well that it meant war, a war in which their families and friends could be killed or imprisoned, and they themselves could be executed for treason. But they risked it all in the name of liberty and justice. That was the true meaning of America.

When John Paul Jones was called upon by his British opponent to surrender the badly damaged Bonhomme Richard, his response was nothing of the kind. Boldly declaring...
that he "had not yet begun to fight," he promised the British public that he would win. His fighting spirit, even in the face of terrible odds, was America.

When the pioneers struck out for the mid-west, they faced disease, starvation, danger, and the extremes of the elements. To meet these risks, they had only what they could haul with them and their own ingenuity to use those supplies to best advantage. And they did it all for the promise of a piece of land to call their own, to work for no landlord, to live. Today, independence and determination was America.

When the depression changed America from a carefree, prosperous land to a dustbowl filled with the unemployed and the poor, Franklin Delano Roosevelt took to the airwaves to personally calm and reassure the country and lead it toward its former security and prosperity. This firm leadership, coupled with true concern for the people, was America.

Refugees give up what property and friends they have, and risk their lives to cross an armed border or enter the sanctuary of an embassy, they have already proved themselves to be great Americans, for they have done it all to reach a place they have never seen, only heard of. America is the dream of hope in their eyes that this new land might be found and just.

I believe that we must commit ourselves to keeping this concept of America alive. We must not turn our backs to the identity and justice, and be as committed as the daring colonists who started America. We must maintain a fighting spirit against the worst of odds, like John Paul Jones. We must be as determined and as independent as the daring pioneers of the great plains. We must be resolute and confident in our course, and keep faith with those Americans, like Franklin Delano Roosevelt. And we must always hope for a better future, and be willing to risk our property and even our lives to grasp it like the refugees who have come to America since the pilgrims and who continue to dream of America today.

What is America? America is a nation built upon the ideals of liberty and justice, determination and confidence, spirit and defiance, courage and hope. These values have made America great. In the face of the depression, the power and spirit of the American people were the driving forces that made the economy thrive again. And these values will continue to guide our country in the years ahead.

The tributes to Kathy Johnson, Larry Mitchell Cook, and Nyla Hammers Morgan serve as reminders of the many accomplishments and contributions that have been made to our country. They reflect the values and ideals that have made America strong and enduring. These tributes are a testament to the importance of these values in our national life.

Thank you all for your service and dedication.

message from the president received during recess

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on Saturday, April 23, 1994, received the following message from the President of the United States:

To the Congress of the United States:

It is my sad duty to inform you officially of the death of Richard Milhous Nixon, the thirty-seventh President of the United States.

Born in 1913, he was first elected to the Congress in 1946, a member of that historic freshman class of World War II veterans that also included John F. Kennedy. He was elected to the Senate in 1950, and served two terms as Vice President of the United States between 1953 and 1961. His career in the Congress coincided with the great expan-
sideration of section 348(b) of the Senate amendment, and modifications committed to conference: Mr. LAFAULCE, Mr. SMITH of Iowa, and Mrs. MEYERS of Kansas.

As additional conferees from the Committee on Ways and Means, for consideration of sections 210 and 502-504 of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBSON, Mr. PICKLE, Mr. RANGLIN, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Banking, Housing, and Urban Affairs; and a treaty.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT—RELATIVE TO THE SANCTIONS AGAINST HAITI—FM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

1. In December 1990, the Haitian people elected Jean-Bertrand Aristide as their President by an overwhelming margin in a free and fair election. The United States praised Haiti's success in peacefully implementing its democratic constitutional system and provided significant political and economic support to the new government. The Haitian military abruptly interrupted the consolidation of Haiti's new democracy when in September 1991, it illegally and violently ousted President Aristide from office and drove him into exile.

2. The United States, on its own and with the Organization of American States (OAS), immediately imposed sanctions against the illegal regime. The United States has also actively supported the efforts of the OAS and the United Nations to restore democracy to Haiti and to bring about President Aristide's return by encouraging and facilitating a political process involving all the legitimate Haitian parties. The United States and the international community also offered mate-
ial assistance within the context of an eventual settlement of the Haitian cri-
sis to return to democracy, build constitutional structures, and foster economic well-being.

In furtherance of these twin objectives—restoration of constitutional de-
mocracy and economic recovery—as discussed in section 10 below, the United States has taken additional measures to block the U.S.-located as-
sets of persons (civilian as well as mili-
tary) whose conduct, or material or fi-
nancial support, has assisted the illegal maintenance of the illegitimate regime in Haiti, including persons obstructing the U.N. Mission in Haiti or the im-
plementation of the Governors Island Agreement, and persons perpetrating or contribut-
ing to the violence in Haiti. In addition, in an effort to sta-
bilize employment and minimize eco-
nomic hardship for the local populace in Haiti, U.S. persons currently li-
censed to deal with the vital Haitian assembly sector have received reau-

3. This report is submitted to the Congress pursuant to 50 U.S.C. 1641(a) and 1642(c), and discusses Administra-
tion actions and expenses since my last report (November 13, 1993) that are di-
rectly related to the national emer-
gency with respect to Haiti declared in Executive Order No. 12775, as imple-
mented pursuant to that order and Ex-
cutive Orders Nos. 12779, 12853, and 12872.

4. Economic sanctions against the de facto regime in Haiti were first imposed in October 1991. On October 4, 1991, in Executive Order No. 12775, President Bush declared a national emergency to deal with the threat to the national se-
curity, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 Fed. Reg. 50661). In that order, the President ordered the immediate blocking of all property and interests in property of the Govern-
ment of Haiti (including the Banque de la Republique d’Haiti) then or there-
after located in the United States or within the possession or control of a U.S. person, including its overseas branches. The Executive order also pro-
hibited any direct or indirect payments or transfers to the de facto regime in Haiti of funds or other financial or in-
vengement assets or the return by Haiti of such funds or other financial or in-
vengement assets. The Executive order also provided for the suspension of trade and financial relations with the de facto regime in Haiti, and the importation into the United States of Haitian-origin goods and services, after October 5, 1991, with certain limited exceptions. The order exempted trade in publications and other informational materials and goods from the import, export, and payment prohibitions and permitted the exportation of U.S.-based oil not related to human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of parts or materials previously exported to Haiti from the United States. On February 5, 1992, it was announced that specific licenses could be applied for on a case-by-case basis by U.S. persons wishing to re-
sume business as permitted pursuant to the order.

5. On June 30, 1993, I issued Executive Order No. 12853 that expanded the economic sanctions against the regime to include assets of Haitian na-
tionals identified by the Secretary of the Treasury as providing substantial financial or material contributions to the regime, or doing substantial business with the regime. That Executive order also implemented United Nations Security Council Resolution (“UNSC Resolution”) 841 of June 16, 1993, by prohibiting the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or air-
craft, of petroleum or petroleum prod-
ucts or arms and related material of all types to any person or entity in Haiti, or for the purpose of any business car-
rried on in or operated from Haiti, or promoting or calculated to promote such sale or supply. Carriage of such goods to Haiti on U.S.-registered ves-
sels is prohibited, as is any transaction for the provision or avoidance of, or at-
tempt to evade or avoid, any prohibi-
tion in the order.

6. As noted in my previous report, ap-
parent steady progress toward achiev-
ing the firm goal of restoring democ-
racy in Haiti permitted the United States and the world community to suspend economic sanctions against Haiti in August 1993. With strong sup-
port from the United States, the Uni-
ited Nations Security Council adopted Resolution 861 on August 27, 1993, sus-
pending the petroleum, arms, and fi-
nancial sanctions imposed under UNSC Resolution 841. On the same day, the Secretary General of the OAS an-
ounced that the OAS was urging member states to suspend their trade embargoes. In concert with these U.N. and OAS actions, U.S. trade and finan-
cial restrictions against Haiti were sus-
pended effective at 3:30 a.m. e.d.t., on August 31, 1993.

These steps demonstrated my deter-
mination and that of the international community to see that the Haitian people resume their rightful place in our hemispheric community of democracies. Our work to reach a solu-
tion to the Haitian crisis through the Governments Island Agreement was how-
ever seriously threatened by accelerat-
ing violence in Haiti sponsored or tol-
crated by the de facto regime. The vio-
lence culminated on October 11, 1993, with the obstruction by armed “attaches,” supported by the Haitian military and police, of the deployment of U.S. military trainers and engineers sent to Haiti as part of the United Na-
tions Mission in Haiti. The Haitian military’s decision to dishonor its com-
mittments made in the Governors Is-
land Agreement was apparent. On Oc-
tober 13, 1993, the United Nations Secu-
ricy Council issued Resolution 873, which terminated the suspension of sanctions effective at 11:59 p.m. e.d.t., October 18, 1993.

As a result, effective at 11:59 p.m. e.d.t., October 18, 1993, the Department of the Treasury revoked the suspension of those trade and financial sanctions that had been suspended, so that the full scope of prior prohibitions was re-
instated (58 Fed. Reg. 54024, October 19, 1993). In addition to the actions I took in Executive Order No. 12853, the rein-
state sanctions in the Haitian Trans-
actions Regulations, 31 C.F.R. Part 580 (the “HTR”), prohibit most unlicensed trade with Haiti, and block the assets of the de facto regime in Haiti and the Government of Haiti. Restrictions on the entry into U.S. ports of vessels whose Haitian calls would violate U.S. or OAS sanctions had they been made by U.S. persons were also reinstated.

Also effective at 11:59 p.m. e.d.t., Oc-
tober 18, 1993, I issued Executive Order No. 12872 (58 Fed. Reg. 54029), authoriz-
ing the Department of the Treasury to block assets of persons who have: (1) contributed to the obstruction of UNSC resolutions 841 and 861; (2) violated the Governors Island Agreement, or the activities of the U.N. Mission in Haiti; (2) per-
petrated or contributed to the violence in Haiti; or (3) materially or finan-
cially supported either the obstruction or the violence referred to above. This authority is in addition to the blocking authority provided for in the original sanctions and in Executive Order No. 12853 of June 30, 1993, and ensures ade-
quate authority to reach assets subject to U.S. jurisdiction of military and po-
lice officials, civilian “attaches” and their financial patrons meeting these criteria. A list of 41 such individuals was published on November 1, 1993, by the Office of Foreign Assets Control (FAC) of the Department of the Treas-

On October 18, I ordered the deploy-
ment of six U.S. Navy vessels off Hai-
ti, with the ban on petroleum and muni-

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April 25, 1994
tions shipments to Haiti contained in
UNSC resolutions 841 and 873, my Ad-
ministration succeeded in securing the
passage of embargo sanctions and a sub-
sequent ban on imports into Haiti. UNSC
Resolution 875 calls upon the United Na-
tions Member States acting either na-
tionally or through regional agencies or
arrangements to halt inward maritime
shipping for Haiti in order to inspect and
verify that the Haiti-bound cargo does not
contain UNSC-prohibited petroleum or
arms. A multinational Maritime Interdiction
Force that includes elements of the U.S.
Navy and the U.S. Coast Guard has been
established and now patrols the waters off
Haiti.

7. The declaration of the national
emergency on October 4, 1991, was
made pursuant to the authority vested
in the President by the Constitution
and laws of the United States, includ-
ing the International Emergency Eco-
nomic Powers Act (50 U.S.C. 1701 et
seq.) (IEEPA), the National Emerg-
ency Act (50 U.S.C. 1701 et seq.) and
section 301 of title 3 of the United
States Code. The emergency declara-
tion was reported to the Congress on
October 4, 1991, pursuant to section
204(b) of IEEPA (50 U.S.C. 1703(b)).
The additional sanctions set forth in Execu-
tive Orders Nos. 12779, 12853, and 12872,
were imposed pursuant to the authority
vested in the President by the Con-
stitution and laws of the United
States, including the statutes cited
above, as well as the United Nations
Participation Act of 1945 (22 U.S.C.
287c), and represent the response by the
United States to the United Nations
Security Council and OAS directives and
recommendations discussed above.

8. Since my report of November 13,
1993, FAC, in consultation with the De-
partment of State and other Federal
agencies, has issued General Notice No.
3, blocked Individuals of Haiti; (2) per-
mitting the continued material support of U.S.
and international religious, charitable,
public health, and other humanitarian
organizations and projects operating in
Haiti; (3) permitting the continued material support of U.S.
and international religious, charitable,
public health, and other humanitarian
organizations and projects operating in
Haiti; (4) authorizing commercial sales
of agricultural inputs such as fertilizer and
feedcrop seeds; and (5) in order to
combat deforestation, permitting the
importation of agricultural products
grown on trees.

10. During this reporting period, U.S.-
led OAS initiatives resulted in even
greater intensification and coordina-
tion of enforcement activities. Continued
close coordination with the U.S.
Customs Service in Miami sharply re-
duced the number of attempted exports of
embargo commodities to Haiti. During
the reporting period, the multinational
Maritime Interdiction Force that con-
tains elements of the United States and
U.S. Coast Guard, continued to patrol
offshore Haiti and to conduct ship
boardings, inspections of cargoes bound
for Haiti, identification of suspected
violators, and referrals for investiga-
tion. The Maritime Interdiction Force
has boarded 612 ships and diverted 38 of
these ships for various reasons (inacc-
ecessibility of cargo for inspection, items prohibited by the United Nations
Security Council embargo on board) from
its inception to March 30, 1994. Actions
have been taken to counter embrigated
violations, although the magnitude of
violations appears to have de-

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CONGRESSIONAL RECORD—SENATE

United States or in the possession of
U.S. persons, including their
overseas branches, are blocked. U.S.
persons, however, are not prohibited from
paying funds owed to these enti-
ties or individuals into the appro-
priate blocked account in domestic U.S.
financial institutions. Copies of the
comprehensive list and of General Notices
Nos. 3 and No. 4 are attached.

A policy statement, effective Janu-
ary 31, 1994 (59 Fed. Reg. 8134,
February 16, 1994), was published to extend until
March 31, 1994, the expiration date for all current assembly sector licenses
issued by FAC pursuant to the HTR, and a second policy notice, effective March
29, 1994, was published on April 1, 1994
(59 Fed. Reg. 15342), extending these li-
censes through May 31, 1994. These li-
censes have provided an exception to
the comprehensive U.S. trade embargo
on Haiti under which the “assembly
sector” has continued to receive parts
and supplies from, and supply finished
products to, persons in the United
States. Copies of the policy statements
are attached.

Assembly sector trade with the Unit-
ated States accounted for a significant
portion of Haiti’s imports, and a sub-
stantial majority of its exports, prior
to the institution of the OAS-requested
embargo in November 1991. Although
initially suspended due to the embargo,
assembled sector imports from and ex-
ports to the United States were al-

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ated States accounted for a significant
portion of Haiti’s imports, and a sub-
stantial majority of its exports, prior
to the institution of the OAS-requested
embargo in November 1991. Although
initially suspended due to the embargo,
assembled sector imports from and ex-
ports to the United States were al-
tumed to be no more than 10 percent of
pre-embargo levels.

9. In implementing the Haitian sanc-
tions program, FAC has made exten-
sive use of “specific licenses” for
license transactions with respect to
Haiti in an effort to mitigate the ef-
fects of the sanctions on the legitimate
Government of Haiti and on the livelihood
of Haitian workers employed by Haiti’s assembly sector, and to ensure
the availability of necessary medicines
and medical supplies and the
undisrupted flow of humanitarian do-
nations to Haiti’s poor. For example,
specific licenses were issued: (1) per-
mitting expenditures from blocked as-
ssets for the operations of the legit-
mate Government of Haiti; (2) permit-
ing U.S. firms with pre-embargo rela-
tionships with product assembly oper-
ings to continue these relations-
hips in order to continue employ-
ment for their workers or, if they chose
to withdraw from Haiti, to return to
the United States assembly equipment,
machinery, and parts and materials
previously exported to Haiti; (3) per-
mitting U.S. companies operating in
Haiti to establish, under specified cir-
cumstances, local reserve accounts in commercial or in-
vestment banking institutions in the
United States for deposit of amounts
owed the de facto regime; (4) permitting
the continued material support of U.S.
and international religious, charitable,
public health, and other humanitarian
organizations and projects operating in
Haiti; (5) requiring the continued
material support of U.S.
and international religious, charitable,
public health, and other humanitarian
organizations and projects operating in
Haiti; (6) authorizing commercial sales
of agricultural inputs such as fertilizer
and feedcrop seeds; and (6) in order to
combat deforestation, permitting the
importation of agricultural products
grown on trees.
when the entire officer corps of the Haitian Armed Forces was blocked as part of the de facto regime in Haiti, and on April 4, when one additional civilian was added to the list. As others subverting democracy in Haiti and additional members of the officer corps are identified, these names will be incorporated into the list of “Blocked Individuals of Haiti.”

Since the last report, 35 penalties, totaling in excess of $148,000, have been collected from U.S. businesses and individuals for violations of the Regulations. Eighteen violations involved unlicensed import- and export-related activity. As of March 4, 1994, 12 payments of penalties assessed against the masters of vessels for unauthorized trade transactions or violations of entry restrictions totalled about $35,000. A significant penalty collection during the reporting period was from American Airlines for its direct payments of taxes and fees to the de facto regime in Haiti.

11. The expenses incurred by the Federal Government in the 6-month period from October 4, 1993, through April 3, 1994, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at about $3.4 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

12. I am committed to the restoration of democracy in Haiti and determined to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies. Active U.S. support for United Nations/OAS efforts to resolve the Haitian crisis has led to the maintenance and enforcement of imposing economic sanctions. Our diplomatic efforts complementing these sanctions are designed to encourage and facilitate participation by all legitimate Haitian political elements in the broad-based political process that will bring about the fulfillment of the undertakings they made in the Governors Island Agreement so that Haitian democracy can be restored and President Aristide can return to Haiti. Such a political process will enable the lifting of sanctions and the start of Haiti’s economic reconstruction and national reconciliation. The United States will continue to play a leadership role in the international community’s program of support and assistance for the restoration of democracy and return of President Aristide to Haiti.

I will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.
At the request of Mr. DoLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1356, a bill for the relief of John Mitchell.

S. 1356

At the request of Mr. RIEGLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 163, a joint resolution to designate the month of April 1994, as "National Sudden Infant Death Syndrome Awareness Month," and for other purposes.

S. 1356

At the request of Mr. COCHRAN, the name of the Senator from Arizona [Mr. DECONCINTI] was added as a cosponsor of Senate Joint Resolution 163, a joint resolution to designate the month of September 1994 as "National Sewing Month."

S. 1356

At the request of Mr. ROTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Joint Resolution 183, a joint resolution designating the week beginning May 1, 1994 as "Aron Awareness Week."

S. Res. 205

Resolved. That the Senate has heard with profound sorrow and deep regret the announcement of the passing of the Honorable Richard M. Nixon, a former President of the United States, a former Vice President of the United States, a former Representative and former Senator from the State of California.

Resolved. That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminence in public station in life, the President of the Senate appoint a committee to consist of all the Members of the Senate to attend the funeral of the former President.

Resolved. That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved. That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

Resolved. That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

AMENDMENTS SUBMITTED

INTERSTATE BANKING AND BRANCHING ACT OF 1994

RIEGLE (AND OTHERS) AMENDMENT NO. 1658

Mr. RIEGLE (for himself, Mr. D’AMATO, and Mr. ROTH) proposed an amendment to the bill S. 1983 to permit certain financial institutions to engage in interstate banking and branching, as follows:

On page 3, line 4, strike "(2) and (3)" and insert "(2), (4), and (6)."

On page 4, between lines 17 and 18, insert the following:

"(3) Exception.—The Board may approve an application under paragraph (1)(A), notwithstanding any provision of paragraph (2), if such application involves the acquisition of one or more banks in default or in danger of default or with respect to which the Federal Deposit Insurance Corporation provides assistance under section 13(c) of the Federal Deposit Insurance Act."

On page 4, line 18, strike "(3) and insert "(4)."

Beginning with page 4, line 23, strike all through page 5, line 2, and insert the following:

"(5) No effect on State tax authority.—No provision of this Act shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, and administer any tax or method of taxation to any bank, bank holding company, or foreign bank or to any affiliate of any bank, bank holding company, or foreign bank to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law."

On page 13, line 24, strike "(11)" and insert "(7)."

On page 15, line 14, strike "paragraph" and insert "paragraphs."

On page 15, beginning on line 17, strike "A State bank supervisor" and insert "The appropriate State official."

On page 17, line 2, insert "or to take any enforcement actions or proceedings against." and "may." and "shall not" and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may." and "may.”
NOTICES OF HEARINGS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing shall take place on Thursday, May 12, 1994, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Attention: Leslie Black Cordes.

For further information, please contact Leslie Black Cordes of the committee staff at 202-224-9097.

AUTHORITY FOR COMMITTEE TO MEET
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RIEBOLD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 25, 1994, at 10 a.m. on the Maritime Administration Authorization Act for the fiscal year 1995. The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"HEADSMART: HELMETS FIRST FOR SAFETY"

Mr. DURENBERGER. Mr. President, I rise to bring to the Senate’s attention an important Minnesota community program that is saving lives—HeadsMarty: Helmets First for Safety effort. This program is part of the National Head Injury Foundation’s HeadsMarty injury prevention program.

In Congress, we have debated the best way to prevent head injuries. The two schools of thought have been to either the carrot or the stick approach: to support local safety education efforts; or to mandate usage at the Federal level. I am on record in strong support of the former strategy. My State of Minnesota has provided numerous examples of the success their local support for safety programs has had on vehicle related deaths. It is the local program that cooperatively produces the desired results. The rule of the Federal Government should be to support and encourage such programs, rather than to dictate them.

The Minnesota Helmets First For Safety Program is a voluntary effort which focuses on bike safety and bicycle helmet use. It started in 1991 in St. Cloud, MN, as a partnership between the Minnesota Head Injury Association and the St. Cloud Hospital. After 3 successful years in the St. Cloud area, the program expanded to all Minnesota schools. At least 51 schools are now involved.

A bicycle is not a toy. It is a child’s first vehicle and can be dangerous. Yet, fewer than 2 percent of America’s children wear bicycle helmets. This is why the Minnesota Helmets First for Safety program is so very important. It saves lives and prevents crippling injuries to this Nation’s most treasured resource—our children.

Head injury is the leading cause of death and disability for children and young adults in the United States. More young children die from bicycle injuries than from poisoning, falls, or fire.

Approximately 400 to 500 children die each year from bicycle injuries, with head injury being the most common cause. Three-fourths of bicycle injury deaths are due to head injury and two-thirds of bicycle injuries result in hospitalisations are due to head injury.

Wearing a helmet when bicycling reduces head injury risk by 85 percent. In Minnesota in 1992 there were 1,343 crashes that involved a motor vehicle and a bicycle. Eleven bicyclists were killed; 1,249 were injured.

The need to prevent head injuries is obvious. These injuries cause permanent damage that affect a person’s livelihood. And, there is nothing more tragic than learning of a young life being shattered by a preventable but permanent head injury.

To drive this point home, Mr. President, let me submit two letters on this point. One letter is written by the parents of Jeremy Marks urging other parents to make sure their children wear bicycle helmets. In this letter, Jeremy was hit by a car while riding his bicycle in the neighborhood park. Jeremy was not wearing a helmet and suffered a severe brain injury that has irrevocably changed his young life.

The other letter is just as poignant, but has a happier ending. It is written by the parents of 5-year old Jason. Jason was also hit by a car while riding his bicycle. But, because Jason was wearing a helmet, his injuries, while severe, were repairable.

Two children, two bicycle accidents, two different results—all because of a helmet.

Mr. President, I’ve always supported personal responsibility over mandates. And this program is the perfect example of how successful voluntary helmet use programs can be. We must applaud...
the contributors and participants to Minnesota's HeadSmart, helmets first for safety programs and their efforts to boost personal responsibility and education through the organization and promotion of such lifesaving programs.

To conclude, Mr. President, let me ask that the following tips for parents to get their children to wear a bicycle helmet be put into the record, and I ask that Senator Sasser readers to your friends and pass them on to their family and constituents.

The material follows:

DEAR PARENT: In October of 1993, our 10-year-old son, Jeremy, was hit by a car while riding his bicycle from a neighborhood park to a friend's house. He suffered a traumatic brain injury and was in a coma for 2 1/2 weeks. He was in the hospital for 9 weeks, and now, after four months, he cannot do all the things he would like to do.

Jeremy was able to participate in his favorite sports. His friendships have changed. He must now attend special education classes. He has not been able to be riding difficult problems with attention and concentration. However, he is still one of the lucky ones. He's alive and he's continuing to show improvement.

Jeremy was not wearing a bicycle helmet. If he had been, he would not have sustained such a serious injury and would most likely be facing the difficulties that challenge him today.

Like most parents, we didn't realize that each year hundreds of children are killed or disabled in bike accidents. Now we know first-hand the potential seriousness of a bike-related injury and how deeply the lives of children, their families and friends are affected.

We strongly encourage you and your children to wear a helmet every time you go for a bike ride. An accident can happen anytime and anywhere. Helmets have been proved to save lives and prevent brain injuries.

Please become HeadSmart.

JILL AND PHIL MARKS.


A LETTER FROM PENNY OF ROSEVILLE

This letter is a plea, for the whole world:

Well, it did; it happened to someone in our neighborhood. Our son, 5 years old, Jason, was hit by a car while riding his bicycle from a neighborhood park to a friend's house. He suffered a traumatic brain injury and was in a coma for 2 1/2 weeks. He was in the hospital for 9 weeks, and now, after four months, he cannot do all the things he would like to do.

We strongly encourage you and your children to wear a helmet every time you go for a bike ride. An accident can happen anytime and anywhere. Helmets have been proved to save lives and prevent brain injuries.

Some words of encouragement for the one you love.

JILL AND PHIL MARKS.

Mr. President, recently, our former colleague, Senator Mike Mansfield, was given the first annual Paul Douglas Ethics in Government Award. Paul Douglas served this Nation with distinction, and one of the areas where he contributed the most was in the area of ethics in government.

It was appropriate that the first honoree should be Senator Mike Mansfield, who, like Paul Douglas, is a completely upright man who is the ideal of what a public servant ought to be.

Those of us who were at the ceremony appreciated Mike Mansfield's brief remarks, and I ask to insert them into the Record at this point.

REMARKS OF MIKE MANSFIELD IN ACCEPTING THE PAUL H. DOUGLAS AWARD FOR DISTINGUISHED PUBLIC SERVICE

Mr. SIMON, Mr. President, recently, our former colleague, Senator Mike Mansfield, was given the first annual Paul Douglas Ethics in Government Award.

Paul Douglas served this Nation with distinction, and one of the areas where he contributed the most was in the area of ethics in government.

It was appropriate that the first honoree should be Senator Mike Mansfield, who, like Paul Douglas, is a completely upright man who is the ideal of what a public servant ought to be.

Those of us who were at the ceremony appreciated Mike Mansfield's brief remarks, and I ask to insert them into the Record at this point.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Mr. SASSER. Mr. President, I am pleased to be an original cosponsor of legislation, S. 2040, which will allow employees at federally funded research and development centers to use the Intergovernmental Personnel Act to be placed in Federal agencies. It will also allow personnel in Federal agencies to work at these research and development centers under certain circumstances.

Within about 10 years now, the Oak Ridge complex has been at a disadvantage because its employees have been ineligible to use the Intergovernmental Personnel Act. While employees at the Department of Energy, for instance, have been able under the Intergovernmental Personnel Act to be placed at other Federal agencies, Oak Ridge employees have been unable to take advantage of this mechanism. Not only is this unfair to those Oak Ridge employees to be denied rewarding career opportunities, it also deprives the other agencies of the expertise of many brilliant and talented individuals.

This can become a matter of great consequence. For example, an employee at Oak Ridge National Laboratory (ORNL) may have unique capabilities—capabilities that are perhaps important to preserving the national security—and the Department of Defense may have a great need for such capabilities. But, unfortunately, unless this legislation is enacted, the ORNL employee would not be permitted to serve at the Department of Defense.

While Oak Ridge was among the first to be affected by this constraint, employees at other research facilities may soon be subject to the same restriction. Sandia National Laboratories will be prevented from using the Intergovernmental Personnel Act beginning this fall if no action is taken.

There is no logical reason for the current situation. It is apparently the unintended result of some contract management reform at the Department of Energy. I hope that my colleagues will give this legislative remedy prompt consideration, and I look forward to working with them toward its enactment in the near future.

1Adapted from "Tips for Getting Your Kids to Wear Bicycle Helmets," TIPP (The Injury Prevention Project) of the American Academy of Pediatrics, sponsored by Sandoz Pharmaceuticals Corporation, Pediatric Division.

April 25, 1994
The remarks follow:

REMARKS OF MIKE MANSFIELD
You have seen fit to bestow on my wife Maureen and me quite an honor. I can think of many others who deserve it more but, as you have chosen us, we are flattered and we are grateful to receive this Paul H. Douglas Award.

In 1946 to 1947 I had the pleasure of serving in the 85th Congress with Emily Taft Douglas where she was designated as Congresswoman "at large" from Illinois. She was, among other things, an author, actress, internationalist and a strong proponent of civil rights. She marched at Selma. In her own right, she could also best be described as a Stateswoman whose interests were broad, deep and founded on her strong faith and idealism. It was a privilege to sit next to her on the Foreign Affairs Committee and to learn from her what true liberalism meant. As a dear friend, I cherish her memory. When her husband, Paul Douglas, returned from World War II, he was elected to the U.S. Senate. It was in the Senate that I came to know him.

I have always felt deep respect, admiration and appreciation for Senator Douglas and what he achieved in his many official and private capacities. As a dear friend, I also cherish his memory. He was a man of both the extraordinary vision of what America could become and the dedication and skill to move the nation closer to that ideal. He had the rare gift to be able to see the richness and beauty of the forest while many around him were lost among the trees.

I remember him for his other qualities as well, for his courageous spirit, his patriotism, his integrity, his determination and his optimism.

And I remember him for his abilities as a statesman. Few could match his skill in mastering the essentials, in keeping the urgent from driving out the important, of harnessing the energy of a dream to the machinery of a democratic government. As a nation, we are the better for his contributions.

In many ways, Paul Douglas was the quintessential American, and an extraordinary man for his time—for all time. We were richly blessed to have him among us.

Someone once wrote: "Of those who dream, only the few turn their dreams into action. Of those who act, only the few turn their actions into success. Of those who succeed, only the few turn their success into greatness. And of those who achieve greatness, there are only a few whose deeds and character will outlive them for generations to come."

Such a man was Paul Douglas. I can think of no more appropriate name for an award for public service. He set a standard to which all who work for the betterment of our nation and in service of our citizens should aspire.

Therefore, we accept the Paul H. Douglas Award in the hope that it will inspire future generations of Americans to commit themselves to the service of this nation which both deserves and needs the very best we all have to offer.

As for myself, having also been a public servant in many capacities over the last 5 decades, I have had the privilege to work along side of Paul Douglas for much of that time and, along with him, to be part of that magnificent process by which the directions of our great nation are determined.

That alone has been honor enough for one person's lifetime. On top of that, this gift that you give us today leaves me with no more to say than a simple and heartfelt thank you.*

RELATIVE TO THE DEATH OF RICHARD M. NIXON, A FORMER PRESIDENT OF THE UNITED STATES
Mr. RIEGLE. Mr. President, on behalf of the majority and minority leaders, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 205, relating to the death of former President Richard Nixon, submitted earlier today by the two leaders, that the resolution be agreed to and the motion to reconsider be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESSION UNTIL 9:30 A.M. TOMORROW
Mr. RIEGLE. Mr. President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess in accordance with the previous order, and pursuant to Senate Resolution 205, as a further mark of respect for the memory of deceased former President Richard Nixon.

There being no objection, the Senate, at 5:43 p.m., recessed until Tuesday, April 26, 1994, at 9:30 a.m.

NOMINATIONS
Executive nominations received by the Senate April 25, 1994:

FEDERAL RESERVE SYSTEM
ALAN S. BLINDER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF 14 YEARS FROM FEBRUARY 1, 1982. VICE DAVID W. MULLINS, JR., REMOVED.
ALAN S. BLINDER, OF NEW JERSEY, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF 4 YEARS. VICE DAVID W. MULLINS, JR., REMOVED.
The House met at 12 noon, and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, April 25, 1994.

I hereby designate the Honorable G. V. (Sonny) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, whose mercies are without number and whose grace abounds with love and compassion, we ask Your blessing upon each of us and upon the world that You have created. On this day, we acknowledge the death of Richard Milhous Nixon who served this Nation in the Office of President and who also served in this assembly. We are grateful for his service in the cause of peace in many places in our world and for his leadership in bringing people together of different backgrounds in a new spirit of understanding. We offer this prayer for his family and for those near and dear to him, that Your mighty promises of life that are new every morning and sustain us all the day through, will be with them and each of us now and evermore. In Your name, we pray. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. The Pledge of Allegiance today will be given by the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida led the Pledge of Allegiance as follows:

1 pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE
A message from the Senate by one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 540. An act to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 525. To amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury and for other purposes.

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

S. 2000. An act to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, April 25, 1994.

Hon. Thomas S. Foley,
The Speaker of the House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, April 25, 1994 at 9:34 a.m. and to contain a message from the President whereby he notifies the Congress of the death of President Richard M. Nixon.

With great respect, I am
Sincerely yours,
Donald K. Anderson,
Clerk, House of Representatives.

THE DEATH OF RICHARD MILHOUS NIXON, THE 37TH PRESIDENT OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES
The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read:

To the Congress of the United States:

It is my sad duty to inform you officially of the death of Richard Milhous Nixon, the thirty-seventh President of the United States.

Born in 1913, he was first elected to the Congress in 1946, a member of that historic freshman class of World War II veterans that also included John F. Kennedy. He was elected to the Senate in 1950, and served two terms as Vice President of the United States between 1953 and 1961. His career in the Congress coincided with the great expansion of the American middle class, when men and women from backgrounds as humble as his own secured the triumph of freedom abroad and the promise of economic growth at home.

He remained a visible presence in American public life for over half a century. Yet through all those years of service to his country, in the military, in the Congress, in the Presidency, and beyond, he cherished his life as a private man, a family man. He was lovingly devoted to his wife, Pat, to their daughters Patricia Cox and Julie Eisenhower, and to his four grandchildren.

His lifetime and public career were intertwined with America's rise as a world power. His faith in America never wavered, from his famous "kitchen debate" with Soviet Premier Nikita Khrushchev through all of the debates that followed. We Americans and our neighbors abroad will always owe him a special debt for opening diplomatic doors to Beijing and Moscow during his Presidency, and his influence in world affairs will be felt for years to come.

Richard Milhous Nixon lived the "American Dream." Now, he rests in peace.

William J. Clinton.


DEATH OF RICHARD MILHOUS NIXON, FORMER PRESIDENT OF THE UNITED STATES OF AMERICA

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 411) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 411

Resolved, That the House of Representatives has learned with profound regret and sorrow the death of Richard Milhous Nixon, former President of the United States of America.

Resolved, That in recognition of the many virtues, public and private, of one who served with distinction as Representative, Senator, Vice President, and President, the Speaker shall appoint committees of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Resolved. That the House tenders its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved. That the Sergeant at Arms of the House be authorized and directed, to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved. That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

Resolved. That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

The SPEAKER pro tempore. The majority leader, the gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the death of President Richard Nixon is a great loss, especially to those fortunate enough to have personally known him, to talk with him, and to learn from him through the years. He was truly one of the last of the giants of the generation that helped to shape America’s world’s destiny after World War II. The complexities of foreign affairs was unique in its mastery. No President in my lifetime ever had a better understanding of the Soviet Union and its leaders, and his bold move in establishing American relations with the People’s Republic of China is one of the high spots in the entire history of American diplomacy.

In 1948, the year I came to Washington as a congressional assistant, he had already established a national reputation, and it was in those days I first got to know him through my predecessor. And as the years passed, my wife Corinne and I got to know Pat and Dick Nixon well, and I knew I could always count on him for advice and counsel.

Just a few weeks ago, before we made our most recent trip to the Soviet Union with the majority leader and Members of Congress, I talked to the former President by telephone to ask again for his thoughts and advice on who we ought to be seeing and what we ought to be doing.

President Nixon’s long career of public service was a unique mixture of triumph and tragedy, and the emotions he evoked among supporters and detractors alike were always intense. From the beginning of his public career he was at the center and often was the cause of political turmoil. His favorite political image was “the man in the arena,” the political activist fighting for what he deeply believes in, never giving up or giving in, and he never left the pitch on the sidelines and watch others carrying on the sometimes grand, sometimes petty battles of politics.

It was this fighting spirit that so many Americans will remember about him long after the details of his long and exciting public life are forgotten.

Mr. Speaker, our deepest sympathies go to his daughters and their families on the death of their father, coming so soon after that of that grand lady, Pat Nixon.

Mr. Speaker, I am happy to yield such time as he may consume to my friend and colleague, the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, Richard Nixon has departed this life.

For a person of my age and vintage, but perhaps not uniquely so, the loss of him makes so very poignant the age through which we have lived. I first personally saw Richard Nixon in that most quintessential political experience noted in this century, the Whistle Stop Campaign. As a boy, 14 years of age, I was excited from school one bright October morning to go with my grandfather to Festus, MO, where the then-Vice Presidential candidate ex­orted the onlookers in the interests of his candidate and the cause of his campaign. Richard Nixon was, of course, Senator Nixon—the Vice Presidential nominee on the ticket with Gen. Dwight David Eisenhower.

I last saw and had a word with former President Nixon at a luncheon in January hosted by Senator BOB DOLE in commemoration of the 25th anniversary of President Nixon’s first inauguration as President of the United States. That intervening period in which Richard Nixon has been such a preeminent player constitutes a most remarkable chapter in American history, and I feel very blessed to have been alive and to witness and to par­ticipate in this era.

In the days and weeks ahead, much will be said about Richard Nixon; and at an appropriate time for formal eulo­gies, I will wish to say more. But in the immediate aftermath of his passing, I want to share several items that, to me, speak volumes about Richard Nixon.

Theodore Roosevelt could not have had Richard Nixon in mind when speaking at the Sorbonne in Paris on April 28, 1910, he said:

“It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who spends himself in a worthy cause; who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.”

But, to my way of thinking, if ever a statement could sum up a man, Theodore Roosevelt’s comments depict the Nixon that I and so many Americans found so appealing. I wish to share “What Peoria Knew” at this point in my remarks.

[From the Washington Post, Apr. 24, 1994]

What Peoria Knew—Washington Never Got

Why We Middle Americans Loved Nixon

(By Curt Smith)

The town I grew up in—Caledonia, N.Y. (pop. 2,180)—had one bar, six churches and no lights for president, than any man in his party, God and family, a fondness for the familiar and a reverence for everything American. We were for Richard Nixon.

Discarding platitude and ignorance, where the members of a majority—mine, the Silent —felt outnumbered, we found it natural to ad­mire Nixon’s hardscrabble roots and his te­mperament. No man could do that. Jimmy Carter in 1976, “he was a leader.” Better yet, he was our leader. As for the so-called “empire of silence” and “ac­demics,” he told me once, they “couldn’t even butter a piece of toast.”

In backing Nixon in places like Caledonia, we defended our parents and found our par­ents and grandparents—like millions, bullied by a liberal ruling class former congressman John Anderson dubbed the “Volvo and brie cheese crowd”—had rarely known Nixon.

Meg Greenfield has written of the “Nixon generation,” and not a day of my baby boom life has passed without Nixon at, or near, the center. Aide Bryce Harlow likened him to a bobbing cork. Only FDR ran as many times for national office—five. More people voted for Richard Nixon than any man in his­tory. In post-World War II America, his his­tory was our history. Nixon ‘R’ Us.

For Nixon, for all those years, we felt nos­talgia, and even love—something akin to a gentle protectiveness—for Pat’s cloth coats and the Nixon family, decent, much-wound­ed, and brie cheese.“Beautiful people” had rarely known Nixon.

In early April, I received an answer from Rosemary Woods, his secretary. Nixon would be out of the country, writing for Reader’s Digest. However, schedules change, and that evening I received a call from Nixon’s assistant and former Saturday Evening Post, senior editor and a speechwriter, Pat Buchanan, to tell me well the Nixon that I and so many Americans found so appealing. I wish to share “What Peoria Knew” at this point in my remarks.

Our Peoria knew Nixon. We were for him for president than any man in his party, God and family, a fondness for the familiar and a reverence for everything American. We were for Richard Nixon.

Discarding platitude and ignorance, where the members of a majority—mine, the Silent—felt outnumbered, we found it natural to admire Nixon’s hardscrabble roots and his temperament. No man could do that.

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New but Real Nixon—shy and solicitous. I did not know this at the time. Instead, I joined the demonstrative Fidel Castro in a mock convention and June county primary—Milhouse wins vs. Rockefeller—and gloriéd when on Jan. 30, 1968, he took the oath of of- fice, that fall, entered college. It was then, as America entrenched itself in belligerence, that Nixon fused person and president like no other before or since.

It is hard for post-boomers to understand how early-1970s America seemed at once alive, passionate and coming apart at the seams—sure of its own frequency, civil rights, feminism, drugs, whether police were pigs, love should be free and grades abolished and America—as George McGovern said—should "come home." The University of Pennsylvania avoided confrontation with student war protesters by renaming its American flag to American flags to flag. So Fonda went to North Vietnam and thundered against "those blue-eyed murderers—Nixon and the rest of those ethnocentric American white male chauvinists."

On April 30, 1970, vowing that American would not "be a pitiful, helpless giant," Nixon announced the invasion of Cambodia. Cambodians, our students, four students were shot dead at Kent State University and two at Jackson State College. Radicals bombed universities and downtowns, inciting Nixon to White House to ward off protesters. It was a time of hawk vs. dove, Main Street vs. counterculture, hard hat vs. hippie. America felt helpless.

Nixon upheld it consciously, defiantly—less through policy than through personality. His programs were often moderate-liberal by Reagan standards. Welfare reform, revenue sharing, the all-volunteer army, the Environmental Protection Agency. Despite Vietnam, he engaged in diplomatic sum-mity, and helped end the bipolar world. In February 1972 Nixon ended decades of estrangement in the land of Shanghai and the Forbidden City. Three months later, trekking to Moscow, he became the first U.S. presi-dent to visit the Soviet Union—joining Communist Party leader Leonid Brezhnev in the first agreement of the nuclear age to limit strategic nuclear arms.

Nixon loved foreign policy—global, concep-tual. He defined the television era for America, a cultural war. My generation loved the amplified beat of rock. Said Nixon at a White House dinner with Fred Waring and the Pennsylvania Band: "America's music is her soul, because I like it square." Nixon liked sports, hated cocktail parties, despised "front-run-ners," and thus became the world's most fashionable. "My family never had the wild, swinging times many trendy think of," he told me. "What we did have, of course, was a lot of fun. I, for example, and depending on the season, naturally, loved to sit down and belt out some Christmas car-ols.

Nixon was never what one could reason-ably call a filmbuff, but in his circle it was the world most often being used to eulogize Richard Nixon. I prefer "defiant." His defiance was one of his saving graces, part of his machismo as a tragic hero, and it was at the heart of his first major na-tional TV appearance, the "Checkers speech" of 1962, undertaken in defiance of Republican Party bosses and even of beloved national grandfather figure Dwight D. Eisen-hower.

When I was in college, kinescopes of the Checkers speech would be shown at student film festivals or at midnight screenings and people would laugh themselves goofy. Mostly because of the ubiquitous kids with their political apathy and the rule of the "spiritual values of America" and who each evening, as autumn dawned, com-muned with rallies—"the most re-markable moment of America of our time.

It would be very difficult to ever put Richard Nixon in context—if, indeed, he can be put in context—without relating him to the phenomenon of modern mass communication; tally, Richard Nixon used and was used by this medium through the many stages of its development to this date; indeed, the relationship of Richard Nixon to television is one of the era's more nota-ble. The first agreement of the nuclear age to limit strategic nuclear arms was on TV, and all over TV, and throughout his very public career, he was never off it for very long. On TV he could be mesmerizing, exasperat-ing, galvanizing, and immensely enter-taining. Curiously enough, he never quite mastered the medium, but it never really mastered him, either. It was kind of a draw.

"Richard Nixon defined the postwar era for America," Carl Bernstein said on CNN yes-terday, "and he defined the television era for America." Bernstein also said of his old ad-versary, "We've lost somebody who's been a brilliant figure in American family and there's no need to mythologize." Nixon was never what one could reason-ably call a filmbuff, but in his circle it was the world most often being used to eulogize Richard Nixon. I prefer "defiant." His defiance was one of his saving graces, part of his machismo as a tragic hero, and it was at the heart of his first major na-tional TV appearance, the "Checkers speech" of 1962, undertaken in defiance of Republican Party bosses and even of beloved national grandfather figure Dwight D. Eisen-hower.

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Later, Nixon wrote to call it "the most memorable birthday card she has ever re-ceived." Asked once that wound would be engraved on his heart if it were opened after he died, he said, simply "Pat." Nixon placed them on a bench, in San Clemente, watching the Pacific. In it, her head rests on the shoulder of the man who extolled freedom and security and, campa-ins, upheld "patriotism without sentimentalism" and "the spiritual values of America" and who each election, as autumn dawned, com-muned with rallies—"the most remarka-ble moment of America of our time.

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But we were also laughing at the shameless tripe of Nixon's message, the cloying appeals to sentiment, the mush not only about the little dog Checkers but also about Pat's Republican cloth coat. We could not help it; we were too young to know there were two important facts to be remembered: The speech was a genuinely gutsy gesture, and it worked.

In those days, Nixon would try to use television and television would try to use him, and the relationship remained a fascinating one for virtually until the end. Even Nixon's wish that he not lie in state in the Capitol to be observed by, among others, television cameras seems something of a defeat at a career, a refusal to be the Howard of Martin's 'Laugh-In' to utter one of the show's recurring mantras. His rendition of "Sock it to me?" ranks as probably the most important five-second appearance in the history of political television.

During the long unfolding of the Watergate scandal, we watched as Nixon's defiance turned to defensive despair. Howard Baker said yesterday on "This Week With David Brinkley" that he was certain Nixon knew about the break-in and the bugging of the Democratic national headquarters. Senator Baker also said that if he had just come clean instantly and without delay, "I think the history of political television would have never, however, to mellow on his dis-like of the press; nor apparently did it of him."

In his post-presidential TV appearances, Nixon surrendered some of whatever dignity remained. At times he came across like a baggy-pants Willy Loman out peddling yet another new revised version of himself and trying to salvage his place in history. He appeared never, however, to mellow on his dislike of the press; nor apparently did it of him. Reporting on Nixon's death Friday night, Dan Rather of CBS News couldn't refrain from mentioning again and again that Watergate "tailed recap of the Watergate affair. They didn't have the class to leave him alone even then.

On the Brinkley show Sunday, Sam Donaldson pontificated self-righteously about Nixon having done things "not permissible in American life" but allowed as how Nixon was a key figure in "the modern use of television, or misuse of television, by politicians.

Brinkley himself merely marveled in a temperate and forgiving way at "the incredible career of Richard Nixon" with all its ups and downs and said at the conclusion of the program, "It is hard to believe all of that really happened." Indeed it is. And yet much of it happened before our very eyes.

Men and women of my generation all used to say that we would love to have met John F. Kennedy. I would love to have met him, too, and was bowled over when he came to Chicago and to the Soviet Union. He was the one that could do it and represent our Government with those nations. Finally, he brought the Vietnam war to a close, an unwinnable war that we all were concerned about.

Madam Speaker, I therefore think it is appropriate that we have this resolution, and I thank the gentleman for bringing it forward.

Mr. MICHEL. Madam Speaker, I must make the previous question on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Resolution 41.

The SPEAKER pro tempore (Mrs. McClintock of Florida) called the attention of the House to the request of the gentleman from Missouri for reconsideration of the House Resolution 41. There was no objection.

MAKING IN ORDER CONSIDERATION ON THURSDAY NEXT OR ANY DAY THEREAFTER OF CONFERENCE REPORT ON H.R. 2333, STATE DEPARTMENT, USA, AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that it be in order on Thursday, April 28, 1994 or any day thereafter to consider the conference report on the bill (H.R. 2333) to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, and to extend for one year the points of order against the conference report and
Sec. 134. Facilitating access to the Department of State.

Sec. 133. Report on consolidation of administrative operations.

Sec. 129. Easing the burden of human rights protection.

Sec. 128. Technical and conforming amendments.

Sec. 127. Coordination of United Nations peacekeeping operations.

Sec. 126. Employment authority.

Sec. 125. Trusteeship technical and conforming amendments.

Sec. 124. Buying power maintenance authority.

Sec. 123. Changes in administrative authorities and activities.

Sec. 122. Transfers and reprogramming.

Sec. 121. Authorized strength of the Foreign Service.

Sec. 120. United States Arms Control and Disarmament Agency.

Sec. 119. Other programs.

Sec. 118. International commissions.

Sec. 117. Migration and refugee assistance.

Sec. 116. International organizations, programs, and conferences.

Sec. 115. Administration of foreign affairs.

Sec. 114. Authorization of Appropriations.

Title I—Department of State and Related Agencies

Part A—Authorization of Appropriations

Sec. 136. Fees for commercial services.

Sec. 135. American studies collections.

Sec. 134. Educational and cultural exchanges with Tibet.

Sec. 133. Scholarships for East Timorese students.

Sec. 132. Cambodian scholarship and exchange programs.

Sec. 131. Increasing African participation in United Nations peacekeeping operations.

Sec. 130. Environment and sustainable development exchange program.

Sec. 129. South Pacific exchange programs.

Sec. 128. International exchange programs involving disability-related matters.

Part C—Department of State Organization

Sec. 161. Organization of the Department of State.

Sec. 162. Technical and conforming amendments.

Sec. 163. Director General of the Foreign Service.

Sec. 164. Administrative expenses.

Part D—Personnel

Subpart 1—General Provisions

Sec. 171. Leave in the Foreign Service.

Sec. 172. Waiver of limitation for certain claims for personal property damage or loss.

Sec. 173. Senior Foreign Service performance pay.

Sec. 174. Reassignment and retirement of foreign consular and administrative appointees.

Sec. 175. Report on classification of Senior Foreign Service positions.

Sec. 176. Allowances.

Sec. 177. Grievances.

Sec. 178. Mid-level women and minority placement program.

Sec. 179. Employment assistance referral system for certain members of the Foreign Service.

Sec. 180. United States citizens hired abroad.

Sec. 181. Reduction in force authority with regard to certain members of the Foreign Service.

Sec. 182. Restoration of withheld benefits.

Subpart 2—Foreign Language Competence within the Foreign Service

Sec. 191. Foreign language competence within the Foreign Service.

Sec. 192. Designation of Foreign Language Resources Coordinator.

Sec. 193. Foreign language services.

Title II—United States International, Educational, and Cultural Programs

Part A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 200. United States International, Educational, and Cultural Programs.

Title III—United States Information Agency

Part A—Authorization of Appropriations

Sec. 211. Authorization of appropriations.


Sec. 209. Authorization of appropriations.

Sec. 208. United States Information Agency.

Sec. 207. Authorization of appropriations.

Sec. 206. United States Information Agency.

Sec. 205. Authorization of appropriations.

Sec. 204. United States Information Agency.

Sec. 203. Authorization of appropriations.


Sec. 201. Authorization of appropriations.

Title IV—International Organizations

Part A—United Nations Reform and Peacekeeping Operations


Sec. 229. United States participation in United Nations peacekeeping operations.

Sec. 228. United States participation in United Nations peacekeeping operations.

Sec. 227. United States participation in United Nations peacekeeping operations.

Sec. 226. United States participation in United Nations peacekeeping operations.

Sec. 225. United States participation in United Nations peacekeeping operations.

Sec. 224. United States participation in United Nations peacekeeping operations.

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Sec. 205. United States participation in United Nations peacekeeping operations.

Sec. 204. United States participation in United Nations peacekeeping operations.

Sec. 203. United States participation in United Nations peacekeeping operations.


Sec. 201. United States participation in United Nations peacekeeping operations.

Title V—United Nations Organization

Part A—United Nations Reform and Peacekeeping Operations

Sec. 301. United Nations Organization.

Sec. 300. United Nations Organization.

Sec. 299. United Nations Organization.

Sec. 298. United Nations Organization.


Sec. 296. United Nations Organization.

Sec. 295. United Nations Organization.

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Sec. 203. United Nations Organization.


Sec. 201. United Nations Organization.
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Sec. 412. Reforms in the World Health Organization.
Sec. 413. Reforms in the Food and Agriculture Organization.
Sec. 415. Designated congressional committee.

PART B—GENERAL PROVISIONS AND OTHER INTERNATIONAL ORGANIZATIONS
Sec. 421. Agreement on State and local taxation.
Sec. 422. Conference on Security and Cooperation in Europe.
Sec. 423. International Boundary and Water Commission.
Sec. 424. United States membership in the Asian-Pacific Economic Cooperation Organization.
Sec. 425. United States membership in the International Copper Study Group.
Sec. 427. Inter-American organizations.
Sec. 428. Prohibition on contributions to the International Coffee Organization.
Sec. 429. Prohibition on contributions to the International Rice Research Institute.

Sec. 701. Short title.
Sec. 702. Report on sanctions on Vietnam.
Sec. 703. Report on People's Mujahedeen of Iran.
Sec. 704. Amendments to the FLO Commitments Compliance Act.
Sec. 705. First report in ideas.
Sec. 706. Embargo against Cuba.
Sec. 707. Expropriation of United States property.
Sec. 708. Report on Russian military operations in the independent states of the former Soviet Union.
Sec. 529. United States policy on North Korea.
Sec. 530. Enforcement of nonproliferation treaties.
Sec. 531. Taiwan.
Sec. 532. Waiver of sanctions with respect to the Federal Republic of Yugoslavia to promote democracy abroad.
Sec. 533. Freedom of information exemption for certain Open Skies Treaty database.
Sec. 534. Effectiveness of democracy programs.
Sec. 535. Sense of Congress concerning United States citizens victimized by Germany during World War II.
Sec. 536. Reporting requirements on occupied territories.

PART B—SPOILS OF WAR ACT
Sec. 551. Short title.
Sec. 552. Transfers of spoils of war.
Sec. 553. Prohibition on transfers to countries which support terrorism.
Sec. 554. Report on previous transfers.
Sec. 555. Definitions.
Sec. 556. Construction.

PART C—ANTI-ECOLOGICAL DISCRIMINATION ACT
Sec. 561. Short title.
Sec. 562. Israel's diplomatic status.
Sec. 563. Policy on Middle East arms sales.
Sec. 564. Prohibition on certain sales and leases.
Sec. 565. Prohibition on discriminatory contracts.

PART D—THE CAMBODIAN GENOCIDE JUSTICE ACT
Sec. 571. Short title.
Sec. 572. Policy.
Sec. 573. Establishment of State Department Office.
Sec. 574. Reporting requirement.

PART E—MIDDLE EAST PEACE FACILITATION ACT
Sec. 581. Short title.
Sec. 582. Findings.
Sec. 583. Authority to suspend certain provisions.

TITLE VI—PEACE CORPS ACT
Sec. 601. Authorization of appropriations.
Sec. 602. Amendments to the Peace Corps Act.

TITLE VII—ARMS CONTROL ACT
PART A—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994
Sec. 701. Short title; references in part table of contents.
Sec. 702. Conventional declarations; purpose.
Sec. 703. Purposes.
Sec. 704. Repeals.
Sec. 705. Director.
Sec. 706. Bureaus, offices, and divisions.
Sec. 708. Presidential Special Representatives.
(D) $700,000 is authorized to be appropriated for the fiscal year 1994 and 1995 to carry out the activities of the Commission on Protecting and Reducing Government Secrecy established under title IX of this Act and ending in the fiscal year 1995; and

(E) $490,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 to carry out the activities of the Office of Cambodian Genocide Investigations established under subsection (a)(8).

(3) Of the amounts authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(3), $4,780,000 is authorized to be appropriated for the fiscal year 1994 and $114,825,000 is authorized to be appropriated for the fiscal year 1995 for Maintenance of Buildings and Facility Rehabilitation.

(4) Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(8), (A) $90,000 is authorized to be available to reimburse the City of Seattle and the State of Washington for security costs associated with the Cooperative Security and Antiterrorism conference held in Seattle in November 1993, on a one-time-only basis, and for purposes of obligation and expediency of expenditures, the amounts provided under Public Law 103-121 as reimbursement for extraordinary protective services under section 208 of title 3, United States Code, the limitations of section 206(b) of title 3, United States Code (concerning 20 or more consulates) shall not apply; and (B) $1,000,000 is authorized to be available for fiscal year 1995 to reimburse State and local government agencies for security costs associated with the Western Hemisphere Summit that will be held in Miami, Florida in December 1994.

(5) To offset adverse fluctuations in foreign currency exchange rates, amounts appropriated under this subsection shall be available for obligations incurred and expenditures made in dollars on or before the fiscal year 1995.

SEC. 102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSIGNED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations" under subsection (a)(9), $15,551,000 for the fiscal year 1994 and $10,879,000 for the fiscal year 1995.

(b) REPATRIATION LOANS.—For "Repatriation Loans", $776,000 for the fiscal year 1994 and $776,000 for the fiscal year 1995, for administrative expenses.

(c) LIMITATIONS.—(1) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(3) $200,000 is authorized to be appropriated for the fiscal year 1994 and $540,000 for the fiscal year 1995 for the Department of State for the recruitment of Hispanic American students from United States institutions of higher education with a high percentage enrollment of Hispanic Americans for careers in the Foreign Service and in international affairs.

(2) Of the amounts authorized to be appropriated for "Diplomatic and Consular Programs" under subsection (a)(1) $5,000,000 is authorized to be appropriated for each of the fiscal years 1994 and 1995 for grants, contracts, and other activities to conduct research and promote international understanding on environmental and other scientific issues.

(3) $11,500,000 is authorized to be available for fiscal year 1994 for $5,000,000 authorized to be available for fiscal year 1995, only for administrative expenses of the bureau charged with carrying out the purposes of the Migration and Refugee Assistance Act of 1962.

There are authorized to be appropriated for "Peacekeeping Activities", $401,407,000 for the fiscal year 1994 and $310,591,000 for the fiscal year 1995 for Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to International Peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) ASSIGNED CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions to International Peacekeeping Activities", $401,407,000 for the fiscal year 1994 and $310,591,000 for the fiscal year 1995 for Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to International Peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) PEACEKEEPING OPERATIONS.—There are authorized to be appropriated for "Peacekeeping Operations", $25,768,000 for the fiscal year 1994 and $75,000,000 for the fiscal year 1995 for Department of State to carry out section 551 of Public Law 87-195.

(d) SUPPLEMENTAL PEACEKEEPING.—In addition to amounts authorized to be appropriated for such purpose by subsection (b), there are authorized to be appropriated for "International Peacekeeping Activities", $401,407,000 for the fiscal year 1994 and $1,000,000 for the fiscal year 1995 for Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to International Peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(f) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for the fiscal years 1994 and 1995 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligations incurred and expenditures made in dollars under Public Law 103-121 as reimbursement for extraordinary protective services under section 208 of title 3, United States Code, the limitations of section 206(b) of title 3, United States Code (concerning 20 or more consulates) shall not apply; and

(g) WITHHOLDING OF FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated under this section for contributions to International Organizations shall be reduced in the amount of $118,875,000 for each of the fiscal years 1994 and 1995, and for each year thereafter, unless the President certifies to the Speaker of the House of Representatives and the President of the Senate that no United States agency or United Nations organization, grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of philo-Semitism, or which includes as a subsidiary or member any such organization.
authorized activities, $590,188,000 for the fiscal year 1994 and $592,000,000 for the fiscal year 1995. Other funds are authorized to be appropriated $38,000,000 for the fiscal year 1994 and $38,000,000 for the fiscal year 1995 for assistance for refugees resettling in Israel. (c) There are authorized to be appropriated $1,500,000 for the fiscal year 1994 and $1,500,000 for the fiscal year 1995 for humanitarian assistance. Such assistance shall not limit the use of funds for medical, clothing, and medical and vocational training to persons displaced as a result of civil conflicts in Burma, including persons still within Burma. (b) Availability of Funds.—Funds appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 103. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) United States Bilateral Science and Technology Agreements.—For United States Bilateral Science and Technology Agreements, $4,275,000 for the fiscal year 1994, $5,568,000 for the fiscal year 1995, and $53,500,000 for the fiscal year 1996.

(2) Asia Foundation.—For Asia Foundation, $33,690,000 for the fiscal year 1994, $36,080,000 for the fiscal year 1995, and $38,000,000 for the fiscal year 1996.

SEC. 106. UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act:

(1) $33,500,000 for the fiscal year 1994 and $39,292,000 for the fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1994 and 1995 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

(b) Technical and Conforming Amendments.—Section 49 of the Arms Control and Disarmament Act (22 U.S.C. 2369) is amended—

(1) by striking subsection (a); and

(2) in the first sentence of subsection (b) by striking "pursuant to this section" and inserting "under this Act";

PART B—AUTHORITIES AND ACTIVITIES

SEC. 121. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1994 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1994:

(1) for the Department of State, shall not exceed 9,100, of whom not more than 820 shall be members of the Senior Foreign Service; (2) for the United States Information Agency, shall not exceed 1,200, of whom not more than 175 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,850, of whom not more than 250 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1995 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1995:

(1) for the Department of State, shall not exceed 9,100, of whom not more than 770 shall be members of the Senior Foreign Service; (2) for the United States Information Agency, not to exceed 1,200, of whom not more than 165 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1,850, of whom not more than 240 shall be members of the Senior Foreign Service.

(c) Definition.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C. 2393), except that such term does not include—

(1) service under paragraphs (6) and (7) of such section; (2) members of the Service serving under temporary resident appointments abroad; (3) members of the Service employed on less than a full-time basis; (4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to subsection (e) or (f) of section 1106(b) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) Waiver Authority.—(1) Subject to paragraph (2), the Secretary of State and the Director of the United States Information Agency may waive any limitation under subsection (a) or (b) which applies to the Department of State or the United States Information Agency, as the case may be, 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 any agency head implements a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 122. TRANSFERS AND REPURPOSING.

(a) Amendments to Section 24 of the STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2666) is amended—

(1) in subsection (b)(7) by striking subparagraph (E);

(2) in subsection (d)(1)—

(A) by striking "the second" and inserting "either"; (B) by striking "such second" and inserting "such";

(3) in subsection (d)(2) by amending the first sentence to read as follows: "Amounts appropriated for the 'Diplomatic and Consular Programs' account may not exceed by more than 5 percent the amount specifically authorized to be appropriated for such account for a fiscal year;"; and

(4) by striking subsection (d)(4).

(b) Diplomatic Construction Program.—Section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1996 (22 U.S.C. 4051) is amended by striking subsections (c) and (d)(2). (c) Reprogramming.—Section 34 of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2676) is amended by striking subsections (a) and (b)(1) and inserting—

(1) subsection (a)—

(i) by striking the subsection heading and inserting "Institution for Training;" and

(ii) by striking the "Foreign Service Institute" (hereinafter in this chapter referred to as the "Institution") and inserting "Institution for Training";

SEC. 124. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2676) is amended in subsection (e) by striking "For the years 1992 and 1993." and inserting "For the year 1994.".

SEC. 125. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671) is amended in subsection (c)—

(1) by striking "and" and inserting "or"; and

(2) by striking "an annual confidential" and inserting "a periodic".

SEC. 126. ROLE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

Chapter 7 of the Foreign Service Act of 1980 is amended—

(1) in the chapter title, by striking "Foreign Service Institute;" and

(2) in section 701 (22 U.S.C. 4021)—

(A) by striking the section title and inserting "Institution for Training;" and

(B) in subsection (a)—

(i) by striking the subsection heading and inserting "Institution or Center for Training;" and

(ii) by striking "the Foreign Service Institute (hereinafter in this chapter referred to as the 'Institution')" and inserting "an Institution or center for training (hereinafter in this chapter referred to as the 'Institution')"; and...
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(fii) by striking "Institute" and inserting "institution"; and

(C) by adding at the end the following new subsection:

"At any time the Secretary of State is authorized to provide for professional special foreign affairs training and instruction of employees of foreign governments through the institution.

(2) Training and instruction under paragraph (1) shall be on a reimbursable or advanced reimbursement or advances to the Department of State may be provided by an agency of the United States Government or by a foreign government and shall be credited to the currently available applicable appropriation account.

(3) In making such training available to employees of foreign governments, priority consideration should be given to officials of newly emerging democratic nations and then to such other countries as the Secretary determines to be in the national interest of the United States.

(4) The authorities of section 709 shall apply to training and instruction provided under this section.

SEC. 127. CONSULAR AUTHORITIES.

(a) AUTHORIZED TO ISSUE PASSPORTS AbROAD.—The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 867, U.S.C. 211a) is amended by striking "by diplomatic representatives of the United States, and by such consuls generals, consuls, or vice consuls when in charge," and inserting "by diplomatic and consular officers of the United States, and by other employees of the Department of State who are citizens of the United States.

(b) NOTARIAL AUTHORITY.—The Act entitled "An Act to provide for the reorganization of the consular service of the United States", approved April 5, 1906 (34 Stat. 100, U.S.C. 4221) is amended in section 7 by adding at the end "Pursuant to such regulations as the Secretary of State may prescribe, the Secretary may designate any other employee of the Department of State who is a citizen of the United States who may perform any notarial function authorized to be performed by a consular officer of the United States under this Act.

SEC. 128. REPORT ON CONSOLIDATION OF ADMINISTRATIVE OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, jointly with the Director of the United States Information Agency, the Director of the Arms Control and Disarmament Agency, and the Administrator of the Agency for International Development shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations of the Senate, a report containing the feasibility of consolidating domestic administrative operations for the Department of State, the Agency for International Development, the Arms Control and Disarmament Agency and the United States Information Agency. Such report shall include specific recommendations for implementation.

SEC. 129. FACILITATING ACCESS TO THE DEPARTMENT OF STATE BUILDING.

(a) PROCEDURE TO PROVIDE INCREASED ACCESS.—The Department of State shall maintain procedures to ensure that the members and staff of the congressional committees of jurisdiction in order to facilitate attendance of meetings at the Department of State.

(b) PARKING.—The Department of State shall also make available adequate parking for members and staff of the congressional committees of jurisdiction in order to facilitate attendance of meetings at the Department of State.

SEC. 130. REPORT ON SAFETY AND SECURITY OF UNITED STATES PERSONNEL IN SA­Rajevo, Bosnia-Hercegovina.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps taken to enhance the security and physical protection of United States diplomatic personnel in Sarajevo, Bosnia-Hercegovina.

SEC. 131. PASSPORT SECURITY.

(a) SENSE OF CONGRESS.—The Congress strongly urges the Secretary of State to ensure that any new passport issuances should, to the maximum extent practicable—

(1) be secure against counterfeiting, alteration, duplication, or simulation;

(2) be easily verifiable with appropriate inspection equipment and private and public personnel; and

(3) contain only United States-sourced materials and technologies.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate detailing actions taken by the Department of State to accomplish the goals set forth in subsection (a).

SEC. 132. RECORD OF PLACE OF BIRTH FOR TAI­WANESE-AMERICANS.

For purposes of the registration of birth or certification of nationality of a United States citizen born in Taiwan, the Secretary of State shall permit the place of birth to be recorded as Taiwan.

SEC. 133. TERRORISM REWARDS AND REPORTS.

(a) REWARDS FOR INFORMATION ON ACTS OF INTERNATIONAL TERRORISM IN THE UNITED STATES.—

(1) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1986.—Section 36 of the State Department Basic Authorities Act of 1986 (22 U.S.C. 2758) is amended in subsection (a) by striking "and is primarily outside the territorial jurisdiction of the United States" and inserting "is primarily outside the territorial jurisdiction of the United States or is primarily outside the national jurisdiction of the United States".

(2) NOTIFICATION.—Section 36(g) of the State Department Basic Authorities Act of 1962 (22 U.S.C. 2706), in addition to amounts otherwise available the Department of State may expend not more than $4,000,000 in fiscal years 1994 and 1995 to pay rewards pursuant to section 36(a) of such Act.

(b) ANNUAL REPORTS ON TERRORISM.—

(1) Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656) is amended in subsection (b) to read as follows:

(A) by striking "and" at the end of subparagraph (C);

(B) by changing the period at the end of subparagraph (D) and inserting "; and"

(C) by adding at the end the following:

"(2) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities.

(2) Section 304 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended—

(A) by striking "Treasury" and inserting "Treasury, and the Attorney General and appropriate investigative agencies";

(3) by inserting at the end "Each such report shall provide a detailed list and description of specific assets.

SEC. 134. PROPERTY AGREEMENTS.

Whenever the Department of State enters into a cooperative purchase involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act of 1978 (22 U.S.C. 2922), the Department shall provide to the Secretary of the Treasury, in account for such transactions in accordance with fiscal year obligations.

SEC. 135. CAPITAL INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established within the Department of State a Capital Investment Fund to provide for the procurement of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources.

(b) FUNDING.—Funds otherwise available for the purposes of subsection (a) may be deposited in such Fund.

(c) AVAILABILITY.—Amounts deposited into the Fund are authorized to remain available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited into the Fund shall be available for expenditure to procure capital equipment and information technology.

(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2710) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 136. FEES FOR COMMERCIAL SERVICES.

Title I of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2699 et seq.) is amended by adding the following new section at the end:

"SEC. 52. FEES FOR COMMERCIAL SERVICES. 

(a) AUTHORITY TO CHARGE FEE.— (1) Subject to paragraph (2), the Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm or organization (other than agencies of the United States Government) with commercial services at posta abroad on matters within the authority of the Department of State.

(2) The authority of this section may be exercised only in countries where the Department of Commerce does not perform commercial services for which it collects fees.

(b) USE OF FEES.—Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services.

SEC. 137. PERSONAL SERVICES CONTRACTS ABROAD.

Section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)) is amended by inserting before the period ";" and such contracts are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions relative to the negotiation, making, and performance of contracts and performance of work in the United States.

SEC. 138. PUBLISHING INTERNATIONAL AGREEMENTS.

Section 112a of title 1 of the United States Code is amended by—

(1) by inserting "(a)" immediately before "The Secretary of State"; and
(2) by adding at the end the following new subsections:

"(b) The Secretary of State may determine that publication of certain categories of agreements is not required. If the following criteria are met:

(1) such agreements are not treaties which have been brought into force for the United States after having received Senate advice and consent pursuant to section 2(g) of the Arms Control and Disarmament Act, 22 U.S.C. 3904;

(2) the public interest in such agreements is insufficient to justify their publication, because (A) as of the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, the agreements are no longer in force, (B) the agreements do not create private rights or duties, or establish standards intended to govern government action in the treatment of private individuals; and (C) in view of the limited or specialized nature of the public interest in such agreements, such interest can adequately be satisfied by an alternative means; or (D) the public disclosure of the text of the agreement would, in the opinion of the President, be prejudicial to the national security of the United States; and

(3) the Secretary of State determines that publication of such agreements (other than those in paragraph (2)(D)), including certified copies where necessary for litigation or similar purposes, will be made available by the Department of State upon request.

"(c) Any determination pursuant to subsection (b) shall be published in the Federal Register.

SEC. 139. REPEAL OF REPORTING REQUIREMENTS.

The following provisions of law are repealed:

(1) Section 37(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709), relating to firearms regulations for special agents;

(2) Section 214(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314), relating to extraordinary protective services to foreign dignitaries;

(3) Section 216(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316(d)), relating to application of travel restrictions to personnel of certain countries and organizations.


(5) Section 512(b)(2) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2496a(b)), relating to withdrawal of United States troops from Korea.

(6) Section 412(b) of the Foreign Service Act of 1980 (22 U.S.C. 2372(b)), relating to special differentials for Foreign Service officers.

(7) The second sentence of section 2207(c) of the Foreign Service Act of 1980 (22 U.S.C. 2371(c)), relating to foreign language competence requirements: exceptions.

(8) The second sentence of section 103(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2301(c)), relating to foreign language competence: exceptions.

(9) Section 405 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465g), relating to evaluation of Cuba service programming.

(10) Section 130(c) of the Department of State Basic Authorities Act, Fiscal Years 1965 and 1966 (22 U.S.C. 2392 note), relating to merger of Foreign Service Information Corps into the Foreign Service Corps.

(11) Section 502(b) of the Department of State Basic Authorities Act, Fiscal Years 1964 and 1965 (22 U.S.C. 2460 note), relating to Foreign travel financed from the United States Information Agency's private sector program.

(12) Section 120(d) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-340), relating to Foreign Service associates pilot project.


(14) Section 812(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93), relating to Japan's full fulfillment of its common defense commitments.


(16) Section (1)(b) of the joint resolution entitled "Joint resolution relating to NASA and the International Space Year", approved July 31, 1990 (Public Law 101-335), relating to the international space year 1992.

(17) Section 232 of the Conventional Forces in Europe Treaty Implementation Act of 1990 (Public Law 101-228), relating to activities to reduce Soviet military threat.


(20) Section 408(b) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 2353a) relating to perimeter security at United States embassies and consulates abroad.


(24) Section 201(f) of the Fishery Conservation and Management Act, 1976 (16 U.S.C. 1911(f)) relating to assistance allocation of United States fish stock surplus.


(26) Section 209(b)(2) of the State Department Basic Authorities Act of 1965 (22 U.S.C. 4308a) relating to United States responsibility for employees of the United Nations.

(27) Section 812(d) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 2372(b) note) relating to policies pursued by other countries in the United Nations.

SEC. 140. VISAS.

(a) SURCHARGE FOR PROCESSING CERTAIN VISAS.

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable nonimmigrant identification cards and nonimmigrant visas collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation. Such fees shall remain available for obligation until expended.

(2) For fiscal years 1994 and 1995, fees deposited under the authority of paragraph (1) shall not exceed $50 per applicant. For subsequent fiscal years, fees may be collected under the authority of paragraph (1) which shall be prescribed in subsequent authorization Acts.

(b) AUTOMATED VISA LOOKOUT SYSTEM.—

Not later than 18 months after the date of enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that officer shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the nonadmissibility of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.

(c) PROCESSING OF VISAS FOR ADMISSION TO THE UNITED STATES.—

(1) Beginning 12 months after the date of enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that officer shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the nonadmissibility of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.

(2) If an alien to whom a visa was issued as a result of a failure described in paragraph (1)(B) is admitted to the United States and there is thereafter probable cause to believe that the alien was a participant in a terrorist act causing serious loss of life or property in the United States, the Secretary of State shall make a declaration of ineligibility under section 214(b)(1) of the Immigration and Nationality Act. Such a determination shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.

(3) The Secretary of State shall, to the extent practicable, establish an interagency system to assess the availability of individuals who are inadmissible under the provisions of the Immigration and Nationality Act.

(d) ACCESS TO THE INTERSTATE IDENTIFICATION INDEX.—

(1) Subject to paragraphs (2) and (3), the Department of State is authorized to access the Immigration and Naturalization Service's Automated Visa Processing Center in the Immigration and Naturalization Service's automated machine readable nonimmigrant identification card and nonimmigrant visa databases. The Immigration and Naturalization Service's Automated Visa Processing Center shall have on-line access, without payment of any fee or charge, to the Interstate Identification Index maintained by the Interstate Identification Index Information Center. The Immigration and Naturalization Service's Automated Visa Processing Center shall have access to the Interstate Identification Index managed by the Interstate Identification Index Information Center solely for the purpose of determining whether a visa applicant has a criminal history record indexed in such Index. Such access shall be subject to the same security and access control safeguards as those employed by the Immigration and Naturalization Service's Automated Visa Processing Center to enhance the security and confidentiality of the information contained in the Interstate Identification Index.
through the Interstate Identification Index.

Title II. Through a review of historical records, the Department shall submit a separate request to the Identification Records Section of the Federal Bureau of Investigation for the return of any index cards for individuals for whom convictions are recorded in the Interstate Identification Index. The Department shall submit a request for the return of any index cards for individuals for whom convictions are recorded in the Interstate Identification Index.

SEC. 124. WOMEN'S HUMAN RIGHTS PROTECTION.-(a) Secretary of State.--The Congress makes the following declarations:

(1) The State Department shall designate a senior advisor to the appropriate Undersecretary of State of the United States in the United States for the purpose of advancing women’s human rights within the overall human rights policy of the United States Government.

(2) The purpose of assigning a special assistant on women’s human rights issues is not to segregate such issues, but rather to assure that they are considered along with other human rights issues in the development of United States global policy.

(3) A specifically designated special assistant is necessary because within the human rights field, and the foreign policy establishment, the issues of gender-based discrimination and violence against women have long been ignored or made invisible.

(4) The Congress believes that abuses against women would have greater visibility (such as women’s human rights issues) would improve if the advocates were responsible for integrating women’s human rights issues into United States foreign policy, by several agencies and departments, including the Department of State.

(b) ORGANIZATION.—(1) The Secretary shall notify the Congress of the steps taken to fulfill the objectives detailed in subsection (a).

(2) The Secretary shall be responsible for integrating women’s human rights into United States foreign policy, advising the Administrator of the Agency for International Development, in the conduct of foreign policy, and other related duties as the Secretary may from time to time designate.

IV. SENIOR OFFICIALS.—In addition to the Assistant Secretary of State for the Secretary of State, the Undersecretary of State for the Department of State, and other senior officials, each of whom shall be appointed by the President, the Administrator of the Agency for International Development, the Administrator of the Agency for International Development, and the Director of the Agency for International Development, shall be responsible for matters pertaining to human rights and humanitarian affairs, including matters relating to prisoners of war and members of the United States Armed Forces missing in action in the conduct of foreign policy.

(1) The Department should designate a senior advisor to the appropriate Undersecretary of State, each of whom shall be appointed by the President, to serve as a senior advisor to the Undersecretary of State for the Department of State.

(2) The senior advisor to the Undersecretary of State shall carry out the responsibilities of the Undersecretary of State for the Department of State.

(3) The senior advisor shall have and exercise all the authority vested in the Undersecretary of State for the Department of State.

(4) The senior advisor shall be responsible for all matters pertaining to human rights and humanitarian affairs, including matters relating to prisoners of war and members of the United States Armed Forces missing in action in the conduct of foreign policy.
orders, regulations, or departmental directives implementing such amendments become effective, or 90 days after the date of enactment of this Act, whichever comes earlier.

d) TRANSITION.—Any officer of the Department of State, Ala-BAMA Office of the Department of State affected by the amendment made by subsection (a) (other than the Inspector General of the Department of State) shall be deemed to be a reference to the Secretary of State or the Department of State, as may be appropriate.

e) OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM.—Notwithstanding any other provision of law, the Secretary of State shall provide for the appointment, by the President, of a Coordinator for Counterterrorism, or the designee of the Director of the Office of Counterterrorism at the Department of State had as of January 20, 1983.

DEPUTY ASSISTANT SECRETARY FOR BURDENSHARING:

(1) ESTABLISHMENT.—None of the funds authorized to be appropriated by this Act shall be available for obligation or expenditure in the Office of the Coordinator for Counterterrorism during fiscal year 1986 unless, not later than 90 days after the date of enactment of this Act, the Secretary of State has established within the Department of State the position of Deputy Assistant Secretary for Burdensharing, the incumbent of which shall be an official of ambassadorial rank, appointed by the President by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The Deputy Assistant Secretary for Burdensharing shall perform such duties and exercise such authorities as the Secretary of State shall prescribe, including the principal duty of negotiations for the following:

(A) Increased in-kind and financial support (including increased payment of basing costs) by countries allied to the United States for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries.

(B) Recoupment of funds associated with financial commitments from such countries for paying the United States the residual value of United States facilities in such countries that the United States relinquishes to such countries upon the termination of the use of such facilities by the United States.

SEC. 162. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ACT OF MAY 26, 1949.—The Act entitled “An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes” (May 26, 1949; Public Law 61-73; 22 U.S.C. 2355 et seq.) is amended—

(b) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979.—Section 115 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 23552a) is amended by adding (c) (5) after (c) (4):—


(d) by striking (c) (3) after (c) (2); and

(e) by adding (d) (1) and (d) (2) after (c) (3):—

(f) by striking (c) (4) and (c) (5) after (c) (3); and

(g) by adding (c) (6) after (c) (5):—

(h) by striking (c) (7) after (c) (6).
SEC. 172. WAIVER OF LIMITATION FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY IN INDIAN COUNTRY.

(a) CLAIMS RESULTING FROM EMERGENCY EVACUATION IN A FOREIGN COUNTRY.—Subsection 372(c)(b) of title 31 of the United States Code is amended—

(1) by inserting "(1)" after "(b);" and

(2) by adding after paragraph (1), as so designated, the following:

"(2) The Secretary of State may waive the payment limitation referred to paragraph (1) for claims for damage or loss by United States Government personnel under the jurisdiction of a chief of mission in a foreign country if such claims arise in circumstances where there is in effect a departure from the country authorized or ordered under circumstances described in section 372(a)(5) of title 31 if the Secretary determines that there exists exceptional circumstances that warrant such a waiver.

(b) RETROACTIVE APPLICATION.—The amendments made by subsection (a) shall apply with respect to claims arising on or after October 31, 1988.

SEC. 173. SENIOR FOREIGN SERVICE PERFORMANCE PAY.

(a) GENERAL.—Notwithstanding any provision of law, the Secretary of State may award an individual with a performance award or payment in any fiscal year 1989 and 1990 under section 576 of the Foreign Service Act of 1980 (22 U.S.C. 2301) to which an individual would otherwise be entitled in a fiscal year referred to in subsection (a) for the purpose of providing an individual with a performance award or payment to which the individual would otherwise have been entitled shall be eligible to receive such performance award or payment to which the individual would otherwise have been entitled in a fiscal year to which the individual would otherwise have been entitled in a fiscal year referred to in subsection (a).

(b) LIMITATION.—Notwithstanding any other provision of law, the Secretary may not make a performance award or payment in any fiscal year 1989 and 1990 under section 576 of the Foreign Service Act of 1980 (22 U.S.C. 2301) if such award or payment would have been awarded to an individual if such award or payment had been made to the individual.

(c) APPLICATION.—The amendments made by subsection (a) shall apply to awards made after the date which is one year after the date of the enactment of such amendments.

SEC. 174. REASSIGNMENT AND RETIREMENT OF PERSONAL APPOINTED PERSONNEL.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4063) is amended by striking "300(b)" and inserting "300(b)(1)".
yond the control of the agency, the Board or the grievant.

LIMITATION ON REQUESTS FOR JUDICIAL REVIEW.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 310) is amended in the first sentence by inserting before the words "final action of the Secretary" the words "if the request for judicial review is filed not later than 180 days after the final action of the Secretary or the Board (or in the case of an agency with a single Secretary) at the time of the Secretary's return to the United States".

SEC. 178. MID-LEVEL WOMEN AND MINORITY PLACEMENT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to promote the acquisition and retention of highly qualified, trained, and experienced women and minority personnel within the Foreign Service, to provide the maximum opportunity for the Foreign Service to meet staffing needs and to acquire the services of experienced and talented women and minority personnel, and to help alleviate the impact of downsizing, reduction-in-force, and budget restrictions occurring in the defense and other security-related agencies of the United States.

(b) ESTABLISHMENT.—For each of the fiscal years 1994 and 1995, the Secretary of State shall provide and maintain a mid-level women and minority personnel placement program within the Foreign Service. This program shall be consistent with the priority placement program provided in section 156 of the Department of Defense, the Department of Defense out-placement referral program, the Office of Personnel Management Interagency Placement Program, and the Office of Personnel Management Interagency Placement Program. The Secretary shall establish and implement an annual mid-level entry program in the Department of State under section 306 of the Foreign Service Act of 1980.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Chairman of the House Committee on Foreign Relations of the House of Representatives and the Chairwoman of the Senate Committee on Foreign Relations, and such report shall include recommendations on methods to improve implementation of the purpose of this section.

SEC. 179. EMPLOYMENT ASSISTANCE REFERRAL SYSTEM FOR CERTAIN MEMBERS OF THE FOREIGN SERVICE.

(a) REFERRAL SYSTEM.—Certain members of the Foreign Service who are documented employees and in subsection (b), may participate in the Office of Personnel Management's Interagency Placement program or any successor program. Such members of the Foreign Service shall be treated in the same manner as employees participating in such a program as of the effective date of this section.

(b) CERTAIN MEMBERS OF THE FOREIGN SERVICE.—For purposes of this section, the term "members of the Foreign Service" means (individuals) holding a career or career candidate appointment under chapter 3 of the Foreign Service Act of 1980.

SEC. 180. UNITED STATES CITIZENS HIRED ABROAD.

(a) AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 (22 U.S.C. 2361 et seq.) is amended as follows:

(1) By redesigning sections 611, 612, and 613 as sections 612, 613, and 614, respectively.

(2) By inserting after section 610 the following new section:

**SEC. 611. REDUCTIONS IN FORCE.**

(a) The Secretary may conduct reductions in force and shall prescribe regulations for the separation of members of the Service from their positions at the time of reduction in force under chapter 3 of this Act, under such reductions in force which give due effect to the following:

(1) Organizational changes.

(2) Documented employee knowledge, skills, or competencies.

(3) Tenure of employment.

(4) Documented employee performance.

(5) Military preference, subject to section 303 of title 5, United States Code.

(b) The provisions of section 609 shall be applicable to any member of the Service holding a career or career candidate appointment under chapter 3 of this Act, who is separated under the provisions of this section.

(c) An employee against whom action is taken under this section may elect either to file a grievance under chapter 11 or to appeal to the Merit Systems Protection Board under procedures prescribed by the Board.

(d) Paragraphs (3) and (4) of subsection (a) of section 311 shall be limited to cases of reprisal, interference in the conduct of an employee's official duties, or similarly inappropriate use of the authority of this section.

(3) By amending section 609 (22 U.S.C. 4069) in subsection (a)(2), by inserting "or 611" after "608(b)"; and

(4) By striking the period at the end of paragraph (4); and

(5) By inserting "and other members of the Service" after "categories of career candidates".
(A) in section 1101(b)(3) by striking "611" and inserting "612"; and
(B) in section 1108(b) by inserting before the period at the end of the paragraph "or with limited-use languages and priority needs of the service at the discretion of the Director General;"

(5) The table of contents for the Foreign Service Act is amended by striking out the items related to sections 611, 612, and 613 and inserting in lieu thereof:

- Sec. 611. Reductions in force.
- Sec. 612. Termination of limited appointments.
- Sec. 613. Termination of appointments of consular agents and foreign national employees.

"Sec. 614. Foreign Service awards."

(b) MANAGEMENT RIGHTS.—Section 1005 of the Foreign Service Act of 1980 (22 U.S.C. 4005(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and
(2) by inserting after paragraph (2) the following new paragraph:

"(3) to conduct reductions in force, and to prescribe regulations for the separation of employees; and such reductions in force conducted under section 611:";

(c) CONSULTATION.—The Secretary of State (or in the case of any other agency authorized by law to utilize the Foreign Service personnel system), the head of that agency shall consult with the Director of the Office of Personnel Management before prescribing regulations for reductions in force under section 611 of the Foreign Service Act of 1980 as added by subsection (a) of this section, and shall publish such regulations.

SEC. 182. RESTORATION OF WITHHELD BENEFITS.

(a) ELIGIBILITY.—With respect to any person for which the Secretary of State and the Secretary concerned within the Department of Defense has approved the employment or the holding of a position pursuant to the provisions of section 1058, title 10, United States Code, before the date of enactment of this Act, the consents, approvals and determinations under that section shall be deemed to have been effective as of January 1, 1993.

(b) TECHNICAL CORRECTION.—Subsection (d) of section 1409 of Public Law 102-193 is repealed.

Subpart 2—Foreign Language Competence Within the Foreign Service

SEC. 191. FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall promulgate regulations—

(1) establishing hiring preferences for Foreign Service Officer candidates competent in languages, with priority preference given to those languages in which the Department of State has a deficit;
(2) establishing a standard that employees will not receive foreign language training in more than 3 languages, and requiring that employees achieve full professional proficiency (S4/R4) in 1 language as a condition for training in a third, with exceptions for priority needs of the service at the discretion of the Director General;

(3) requiring that employees receiving long-term training in a language, or hired with a hiring preference for a language, serve at least 2 tours in jobs requiring that language proficiency; or certain high-priority foreign languages and priority needs of the service at the discretion of the Director General;

(4) requiring that significant consideration be given to foreign language competence and use in the evaluation, assignment, and promotion of all Foreign Service Officers of the Department of State and the Department of Defense;
(5) requiring the identification of appropriated Washington, D.C. metropolitan area positions, if any, which would delay the separation of an employee pursuant to a reduction in force conducted under section 611 of the Foreign Service Act of 1980 (22 U.S.C. 4011(a)) for training and instruction in the field of foreign languages to meet the needs of all Federal agencies, to take the lead in this interagency effort, and

(6) in order to promote efficiency and quality in the training provided by the Secretary of State and other Federal agencies, the Secretary shall be responsible for making recommendations to the Secretary of Defense for increased share in the joint management and coordination of Federal foreign language resources.

(b) ELIGIBILITY.—With respect to the Foreign Language Resources Coordinator (in this subsection referred to as the "Coordinator") who shall be responsible—

(1) to coordinate and exercise the efforts of the appropriate agencies of Government—

(a) to strengthen mechanisms for sharing of foreign language resources; and
(b) to identify Federal foreign language resource requirements in the areas of diplomacy, military preparedness, international security, and other foreign policy objectives;
and

(B) for making recommendations to the Secretary of State as to which Federal foreign language assets, if any, should be made available to the private sector in support of national global economic competitiveness goals.

(2) All appropriate United States Government agencies maintaining and utilizing Federal foreign language training and related resources shall cooperate fully with any Coordinator.

SEC. 192. FOREIGN LANGUAGE SERVICES.

(a) SURCHARGE FOR CERTAIN FOREIGN LANGUAGE SERVICES.—Notwithstanding any other provision of law, the Secretary of State is authorized to require the payment of an appropriate fee, surcharge, or reimbursement for providing other Federal agencies with foreign language translation and interpretation services.

(b) USE OF FUNDS.—Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing translation or interpretation services in any foreign language. Such funds may remain available until expended.

TITLES: STATES INFORMATION, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. AUTHORIZATION FOR CERTAIN APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Educational Exchange Act of 1978, the Mutual Educational and Cultural Exchange Act of 1980, and the Board for International Broadcasting Act, the Inspector General Act of 1978, the Center for Cultural and Technical Exchange Between North and South, the American Marshall Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes.

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $473,488,000 for the fiscal year 1994 and $480,362,000 for the fiscal year 1995.


(b) LIMITATIONS.—For the "International Broadcasting Activities", $3,000,000 for the fiscal year 1994 and $3,000,000 for the fiscal year 1995.

(c) OFFICE OF THE INSPECTOR GENERAL.—For the "Office of the Inspector General", $1,500,000 for the fiscal year 1994 and $1,500,000 for the fiscal year 1995.

(d) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $25,600,000 for the fiscal year 1994 and $24,500,000 for the fiscal year 1995.

(e) DIPLOMATIC AND CONSULAR PERSONNEL.—(1) Of the amounts authorized to be appropriated for "Diplomatic and Consular Personnel", $126,312,000 for the fiscal year 1994 and $126,312,000 for the fiscal year 1995.

(2) Of the amounts authorized to be appropriated for "Other Programs", $1,500,000 for the fiscal year 1994 and $1,500,000 for the fiscal year 1995.

(3) Of the amounts authorized to be appropriated for "Other Programs", $21,000,000 for the fiscal year 1994 and $21,000,000 for the fiscal year 1995.

(4) For the "International Broadcasting Activities", $3,000,000 for the fiscal year 1994 and $3,000,000 for the fiscal year 1995.

(5) For the "Office of the Inspector General", $1,500,000 for the fiscal year 1994 and $1,500,000 for the fiscal year 1995.

(6) For the "Center for Cultural and Technical Interchange between East and West", $25,600,000 for the fiscal year 1994 and $24,500,000 for the fiscal year 1995.

(7) OF THE AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR "Diplomatic and Consular Personnel", $126,312,000 FOR THE FISCAL YEAR 1994 AND $126,312,000 FOR THE FISCAL YEAR 1995.

(8) OF THE AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR "Other Programs", $1,500,000 FOR THE FISCAL YEAR 1994 AND $1,500,000 FOR THE FISCAL YEAR 1995.

(9) OF THE AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR "Other Programs", $21,000,000 FOR THE FISCAL YEAR 1994 AND $21,000,000 FOR THE FISCAL YEAR 1995.

(10) For the "International Broadcasting Activities", $3,000,000 FOR THE FISCAL YEAR 1994 AND $3,000,000 FOR THE FISCAL YEAR 1995.


(12) For the "Center for Cultural and Technical Interchange between East and West", $25,600,000 FOR THE FISCAL YEAR 1994 AND $24,500,000 FOR THE FISCAL YEAR 1995.

CONGRESSIONAL RECORD—HOUSE
April 25, 1994

SEC. 228. CHANGES IN ADMINISTRATIVE AUTHORITIES.

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SEC. 234. THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1987 to 1990 (22 U.S.C. 6601(a)(1)), the Director of the United States Information Agency (hereafter in this section referred to as the "Director") is authorized to establish a scholarship program for the purposes of this section.

(a) AUTHORITY.—In order to promote a thorough understanding of the United States among emerging elites abroad, the Director of the United States Information Agency is authorized to make grants to educational institutions at appropriate universities abroad to further the study of the United States, in agreements with such universities for such purposes.

(b) DESIGN AND DEVELOPMENT.—Such collections—

(1) shall be developed in consultation with United States associations and organizations of scholars in the principal academic disciplines in which American studies are conducted; and

(2) shall be designed primarily to meet the needs of undergraduate and graduate students.

(c) SITE SELECTION.—In selecting universities abroad as sites for such collections, the Director shall—

(1) ensure that such universities are able within a reasonable period of the establishment of such collections, to assume responsibility for their maintenance in current form;

(2) ensure that undergraduate and graduate students shall enjoy reasonable access to such collections; and

(3) include in any agreement entered into between the United States Information Agency and a university abroad, terms embodying requirements of such maintenance and access under this subsection.

(d) FUNGING.—

(1) The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "Fund") to carry out the purposes of this section and to enter into such agreements as may be necessary to carry out the purposes of this section.

(A) The Director shall make deposits to the fund of amounts appropriated or otherwise made available to carry out this section.

(B) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out this section. Funds donated to carry out the purposes of this section shall be deposited into the fund.

(C) The corpus of the fund shall be invested in Federally-insured bank savings accounts or in comparable interest-bearing accounts, certificates of deposit, money market funds, obligations of the United States, or other low-risk instruments and securities.

(D) Withdrawal or expend amounts from the fund for any expenses necessary to carry out the purposes of this section.

(2) AVAILABILITY OF AUTHORIZATIONS OF APPROPRIATIONS.—Authorizations of appropriations for the purposes of this section shall be available without fiscal year limitation and shall remain available until expended.

SEC. 235. AMERICAN STUDIES COLLECTIONS.

Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1994 and 1995, for the purposes of this section, for training and education in the United States, for full or partial support of educational and cultural exchanges between the United States and the people of Tibet. Such programs shall include opportunities for training and education in the United States, which declares that the Director, with the concurrence of the Director of the United States Information Agency, may accept, use, and dispose of gifts of donations of services or property to carry out this section.

SEC. 236. EDUCATIONAL AND CULTURAL EXCHANGES WITH TIBET.

Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1994 and 1995, for the purposes of this section, for training and education in the United States, for full or partial support of educational and cultural exchanges between the United States and the people of Tibet. Such programs shall include opportunities for training and education in the United States, which declares that the Director, with the concurrence of the Director of the United States Information Agency, may accept, use, and dispose of gifts of donations of services or property to carry out this section.

(a) PURPOSE.—The purpose of this section is to establish a scholarship program for the purposes of this section.

(b) PROGRAM.—The purpose of this section is to establish a scholarship program for the purposes of this section.

(c) DEFINITION.—For the purposes of this section, the term "American University" means the Director of the United States Information Agency shall establish programs of educational exchanges in disciplines relevant to United States foreign policy objectives in order to promote a thorough understanding of the United States among emerging elites abroad, and shall establish programs of educational exchanges in disciplines relevant to United States foreign policy objectives in order to promote a thorough understanding of the United States among emerging elites abroad.

(d) LIMITATION.—Grants awarded to United States scholars and experts may not exceed $10 percent of the total funds awarded for any fiscal year for programs under this section.

SEC. 242. INTERNATIONAL EXCHANGE PROGRAMS INVOLVING DISABILITY-RELATED MATTERS.

(a) AUTHORITY.—In carrying out the authorities of section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2482(b)), the President shall ensure that such authorities are used to promote educational, cultural, medical, and scientific exchanges and other activities, with respect to disability matters, including participation of individuals with disabilities within the meaning of section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) in such activities, through such non-profit organizations as have a demonstrated capability to coordinate exchange programs involving disability-related matters.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit a report to Congress describing implementation of the requirements of this section.

(c) ANNUAL SUMMARY OF ACTIVITIES.—As part of the Congressional presentation materials submitted in connection with the annual budget request for the United States Information Agency, the Director of the Agency shall include a summary of the international exchange activities which meet the requirements of this section.

PART C—M IKE MANSFIELD FELLOWSHIPS

SEC. 251. SHORT TITLE.

(A) Authorization.—This part may be cited as the "Mike Mansfield Fellowship Act."
Congressional Record—House 8489

SEC. 252. ESTABLISHMENT OF FELLOWSHIP PROGRAM.
(a) ESTABLISHMENT.—(1) There is hereby established the "Mansfield Fellowship Program", under which the Mansfield Center for United States-Japan Relations ("the Center") will make fellowship awards to eligible United States citizens for periods of 2 years each (or, pursuant to section 253(b)(3)(A), for a period of less than 2 years). Such awards shall be made to employees of the Government, including civilian employees of the United States Information Agency who are not detailed to the United States Information Agency.

(b) USE OF FEDERAL FACILITIES.—The National Foreign Affairs Training Center is authorized to use Federal facilities, personnel, and equipment for the purpose of carrying out the fellowship program, subject to the approval of the Director of the National Foreign Affairs Training Center.

(c) USE OF INDIVIDUAL FUNDS.—The Center shall use such funds as are provided to it by the Federal Government for the purpose of carrying out the fellowship program, subject to the approval of the Director of the National Foreign Affairs Training Center.

(d) USE OF PRIVATE SOURCES.—The Center shall accept and use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the approval of the Director of the National Foreign Affairs Training Center.

SEC. 253. PROGRAM REQUIREMENTS.
(a) ELIGIBILITY.
(1) Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Fellowships.

(b) Fellows who are not detailed to the Federal Government shall agree to return to the Federal Government for further employment for a period of at least 2 years following the period of their fellowship, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow's control and after receiving notice of such determination provided in paragraph (d)) to find reemployment for such period.

(c) During the period of the fellowship, the Center shall provide:

(A) to each fellow who is not a detailee a stipend at a rate of pay equal to the rate of pay of a GS-9 employee that individual would have been receiving when on leave from the fellowship program, plus a cost-of-living adjustment calculated at the same rate for the same period of time, for such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship period.

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, for his or her separate separation from the Federal Government under subparagraph (A) to the extent that a fellow has Japanese language skills or knowledge of Japan’s political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

(d) Any fellow who is not a detailee who does not comply with the requirements of subparagraph (c) shall be forthwith terminated.

(e) Any fellow who is not a detailee who does not comply with the requirements of subparagraph (c) shall be forthwith terminated.

(f) The Secretary of State may determine based on a Fellow’s level of proficiency in the Japanese language or, subject to the approval of the Center, a nongovernmental organization which is a recipient of Federal funds, to determine the purposes of the fellowship period.

(g) Fellows who are not detailees shall enter into negotiations for an agreement with the Government of Japan for the provision of teachers, classroom space, and, in accordance with section 253(b), other items necessary to the purpose of placing fellows in the Government of Japan.

(h) Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Fellowships.

(i) Fellows who are not detailees shall agree to return to the Federal Government for further employment for a period of at least 2 years following the period of their fellowship, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow’s control and after receiving notice of such determination provided in paragraph (d)) to find reemployment for such period.

(j) During the period of the fellowship, the Center shall provide:

(A) to each fellow who is not a detailee a stipend at a rate of pay equal to the rate of pay of a GS-9 employee that individual would have been receiving when on leave from the fellowship program, plus a cost-of-living adjustment calculated at the same rate for the same period of time, for such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship period.

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, for his or her separate separation from the Federal Government under subparagraph (A) to the extent that a fellow has Japanese language skills or knowledge of Japan’s political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

SEC. 254. SEPARATION OF PERSONNEL DURING THE FELLOWSHIPS.
(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this part and is not detailed under section 253.

(b) REEMPLOYMENT.—Any fellow who is not a detailee who does not comply with the requirements of subparagraph (c) shall be forthwith terminated.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 3301(a), 8173, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a fellow who is not a detailee, is entitled to the same rights and benefits as if covered by section 3382 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 255. MANSFIELD FELLOWS ON DETAIL FROM THE FEDERAL GOVERNMENT.
(a) IN GENERAL.—(1) An agency head may detail, for a period of not more than 2 years, an employee of the agency who has been awarded a Mansfield Fellowship, to the Center.

(b) Each fellow who is detailed under this section shall enter into an agreement with the Federal Government before receiving a fellowship that the fellow will—
(A) continue in the service of the fellow’s agency at the end of the fellowship for a period of at least 2 years unless the fellow is involuntarily separated from the service of such agency; and

(B) pay to the United States Information Agency any additional expenses incurred by the fellow during any period of any leave of absence required of a fellow who leaves the service of such agency to enter into the service of another agency in any branch of the United States Government unless any fellow fails agency that authorized the fellowship notifies the employee before the effective date of entry into the service of the other agency that payment will be required under this section.

(b) Status as Government Employee.—A fellow detailed under subsection (a) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefore is deemed to be made under section 5356 of title 5, United States Code.

(c) Reimbursement.—Fellows may be detailed under subsection (a) without reimbursement to the United States by the Center.

(d) Allowances and Benefits.—A fellow detailed under subsection (a) may be paid by the Center for allowances and benefits listed in section 253(b)(4).

SEC. 356. Liability for Repayments. If a fellow fails to fulfill the fellow’s agreement to pay the United States Information Agency for the expenses incurred by the United States Information Agency in connection with the fellowship, a sum equal to the amount of the expenses of the fellowship shall be recoverable by the United States Information Agency from the fellow (or a legal representative) by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amounts due the fellow from the Federal Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Federal Government.

SEC. 357. Definitions. For purposes of this part—

(1) the term “agency of the United States Government” includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(A) the term “agency head” means—

(a) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(b) in the case of the judicial branch of Government, the chief judge of the respective court;

(c) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(d) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(B) the term “Center” means the Mansfield Center for Pacific Affairs; and

(C) the term “details” means an employee of an agency of the United States Government on assignment or loan to the Mansfield Center for Pacific Affairs without a change of position from the agency by which he or she is employed.

TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

SEC. 301. Short Title. This title may be cited as the “United States International Broadcasting Act of 1994”.

SEC. 302. Congressional Findings and Declaration of Purposes. The Congress makes the following findings and declarations:

(1) It is the policy of the United States to promote, protect, and advance freedom of opinion and expression, including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers,” in accordance with Article 19 of the Universal Declaration of Human Rights.

(2) Open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States.

(3) It is the policy of the United States to support broadcasting to other nations with consistent with the requirements of this title.

(4) The continuation of existing United States international broadcasting, and the creation of a new broadcasting service to the people of the Republic of China and other countries of Asia which lack adequate sources of free information, would enhance the promotion of information and ideas, while advancing the goals of United States foreign policy.

(5) The reorganization and consolidation of United States international broadcasting will achieve important economies and strengthen the capability of the United States to use broadcasting to support freedom and democracy in a rapidly changing international environment.

SEC. 303. Standards and Principles. (a) Broadcast Standards.—United States international broadcasting shall—

(1) be consistent with the broad foreign policy objectives of the United States;

(2) be consistent with the international telecommunications policies and treaty obligations of the United States;

(3) not duplicate the activities of private United States broadcasters;

(4) not duplicate the activities of government supported broadcasting entities of other democratic nations;

(b) Broadcasting Principles.—United States international broadcasting shall include—

(1) news which is consistently reliable and authoritative, accurate, objective, and comprehensive;

(2) a balanced and comprehensive projection of United States thought and institutions, respecting the diversity of United States culture and society;

(3) clear and effective presentation of the policies of the United States Government and reasonable discussion and opinion on those policies;

(4) programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;

(5) information about developments in each significant region of the world;

(6) a variety of opinions and voices from within America, particularly those represented by censorship or repression from speaking to their fellow countrymen;

(7) reliable research capacity to meet the criteria of paragraphs (a) and (c).

(8) adequate transmitter and relay capacity to support the activities described in this section; and

(9) training and technical support for independent indigenous media through government agencies or private United States entities.

SEC. 304. Establishment of Broadcasting Board of Governors. (a) Establishment.—There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this title referred to as the “Board”).

(b) Composition of the Board.—(1) The Board shall consist of 9 members, as follows:

(A) 3 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director of the United States Information Agency who shall also be a voting member.

(2) The President shall designate one member (other than the Director of the United States Information Agency) as Chairman of the Board.

(3) Exclusive of the Director of the United States Information Agency, not more than 4 of the members of the Board appointed by the President shall be of the same political party.

(c) Term of Office.—The term of office of each member of the Board shall be three years, except that the Director of the United States Information Agency shall remain a member of the Board during the Director’s term of service. Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Director of the United States Information Agency, the acting Director of the agency shall serve as a member of the Board until a Director is appointed.

(d) Selection of Board.—Members of the Board appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.

(e) Compensation.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such services for the Board, shall be entitled to receive compensation equal to the daily equivalent of the rate of pay of individuals in a similar category of the Executive Schedule under section 5315 of
title 5, United States Code. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5705) for personal services performed in the Government service employed intermittently. The Director of the United States Information Agency shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

(1) DECISIONS.—Decisions of the Board shall be recorded in majororate vote, a quorum being present. A quorum shall consist of 5 members.

SEC. 305. AUTHORITIES OF THE BOARD.

(a) In general.—The Board shall have the following authorities:

(1) To direct and supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

(3) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

(4) To review, evaluate, and determine, at least annually, the addition or deletion of language services.

(5) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

(7) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be more efficiently and effectively conducted.

(9) To submit to the President and the Congress, through the Director of the United States Information Agency, an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

(10) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.

(11) To appoint such staff personnel for the Board as the Board may determine to be necessary to carry out the provisions of this title, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, governing pay rates.

(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations for which each of the fiscal years 1994 and 1995 may not exceed the amount made available, under the Board for International Broadcasting for such purposes for fiscal year 1990.

(13) To make available in the annual report required by paragraph (9) information on funds expended on administrative and management expenses by the Board, by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(14) To require the use of United States Government transmitter capacity for relay to Radio Free Asia.

(b) BROADCASTING BUDGET.—

(1) The Director of the Bureau and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to the Office of Management and Budget.

(2) The Director of the United States Information Agency shall include in the Agency's submission to the Office of Management and Budget the comments and recommendations of the Board concerning the proposed broadcasting budget.

(c) IMPLEMENTATION.—The Director of the United States Information Agency and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and grantees.

(d) TECHNICAL AMENDMENTS.—

(1) Section 5(a) of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465(b)) is amended by striking "and the Associate Director for Broadcasting of the United States Information Agency" and inserting "of the Voice of America".

(2) Section 3(b) of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465(b)) is amended by striking "Director and Associate Director for Broadcasting of the United States Information Agency" and inserting "Broadcasting Board of Governors".

SEC. 306. FOREIGN POLICY GUIDANCE.

To assist the Board in carrying out its functions, the Secretary of State, acting through the Director of the United States Information Agency, shall provide information and guidance on foreign policy issues to the Board.

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

(a) ESTABLISHMENT.—There is hereby established an International Broadcasting Bureau within the United States Information Agency (hereafter in this title referred to as the "Bureau"), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

(b) SELECTION OF THE DIRECTOR OF THE BUREAU.—

(1) The Director of the Bureau shall be appointed by the Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board. The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

(2) Section 301(b) of title 5, United States Code, is amended by adding at the end the following:

"Director of the International Broadcasting Bureau, the United States Information Agency."

SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) BOARD OF RFE/RL, INCORPORATED.—The Board may not make any grant to RFE/RL, Incorporated, unless the grant is authorized by the Board of Governors established under section 304 and of no other member and

(1) The Board of Directors of RFE/RL, Incorporated, shall not make any grant to RFE/RL, Incorporated, unless the grant is authorized by the Board of Governors established under section 304 and of no other member and

(2) Such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it considers necessary to carry out the purposes of the grant provided under this title.

(b) LOCATION OF PRINCIPAL PLACE OF BUSINESS.—

(1) The Board may not make any grant to RFE/RL, Incorporated unless the headquarters of RFE/RL, Incorporated and its senior administrative and managerial staff are located outside the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(2) Not later than 90 days after confirmation of the members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL, Incorporated who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

(3) LIMITATION ON GRANT AMOUNTS.—The total amount of grants made by the Board for the operation of Radio Free Europe and Radio Liberty may not exceed $75,000,000 for any fiscal year after fiscal year 1995.

(d) ALTERNATIVE GRANT.—If the Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 309 in an effective and economical manner, the Board may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may reasonably require.

SEC. 309. A FEDERAL AGENCY FOR INSTRUMENTALITY.—Nothing in this title may be construed to make RFE/RL, Incorporated a Federal agency or instrumentality.

SEC. 310. TERMINATION.—Nothing contained in this title shall be construed to affect the continuing authority of the certificate of incorporation of RFE/RL, Incorporated, unless the certificate of incorporation has been revoked or surrendered under section 305 for RFE/RL, Incorporated, shall be available to make annual grants for the purpose of carrying out similar functions as were carried out by RFE/RL, Incorporated, on the day before the date of enactment of this Act with respect to Radio Free Europe and Radio Liberty, consistent with section 2 of the Board for International Broadcasting Act of 1973, as in effect on such date.

SEC. 311. GRANT AGREEMENTS OF RFE/RL, INCORPORATED.—(a) Grant agreements of RFE/RL, Incorporated, by the Board shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions—

(1) that grant be used only for activities which the Board determines are consistent with the purposes of subsection (c).

(2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section.

(3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the Board or the United States.
(4) that duplication of language services and technical operations between RFE/RL, Incorporated, and the International Broadcasting Bureau be reduced to the extent appropriate, as determined by the Board; and
(5) that RFE/RL, Incorporated, justify in detail any expenditures of grant funds, and that such funds may not be used for any other purpose unless the Board gives its prior written approval.

V. GRANT AUTHORITY

(a) No grant funds provided under this section may be used for the following purposes:

(1) Paying any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 3352 of title 5, United States Code.
(2) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1996, with respect to any employee who was a-long service employee as of August 1, 1996, acquiring a salary or other compensation in excess of such limitations.
(3) Such financial transactions and necessary to facilitate an audit. Such representatives shall be provided for on-site monitoring of such activities.

(b) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting, the Inspector General of the United States Government Accountability Office is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

(c) Prior to the confirmation of all members of the Board, the Board shall submit a report to the Comptroller General of the United States and the appropriate congressional committees a detailed plan for such relocation, including size cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation.

SEC. 309. RADIO FREE ASIA.

(a) AUTHORITY.

(1) Grants authorized under section 305 shall be available to provide for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.
(2) Such broadcasting service shall be referred to as "Radio Free Asia".

(b) FUNCTIONS.—Radio Free Asia shall—

(1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and
(2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.

(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, submits to Congress a detailed plan for the establishment and operation of Radio Free Asia, including—

(2) The plan required by paragraph (1) shall be submitted to the Board not later than the 10th day after the date on which all members of the Board are confirmed.

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

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

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

(1)(A) The Board may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative, managerial, and technical staff of Radio Free Asia will be located outside the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.
(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 1999.
(3) Any grant agreement shall require that any lease agreements entered into by Radio Free Asia shall provide for on-site monitoring of such activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.
(4) Grants made for the operating costs of Radio Free Asia may not exceed $22,000,000 in any fiscal year.
(5) The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed $5,000,000.
(6) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.
(e) LIMITATIONS ON ADMINISTRATIVE AND MANAGERIAL COSTS.—It is the sense of the Congress that, in order to reduce administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the amount that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.
(f) ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date on which initial funding is
provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on:

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

(2) whether Radio Free Asia consistently meets the standards for quality and objectivity.

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

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

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

SEC. 310. TRANSITION.

(a) AUTHORIZATION.—The President is authorized consistent with the purposes of this Act to direct the transfer of all functions and authorities from the President for International Broadcasting to the United States Information Agency, the Board, or the Bureau as may be necessary to implement this title.

(b) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees and, before entering into any agreements for the utilization of Voice of America transmitters, equipment, and personnel that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President determines in the President's fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States.

(c) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF Voice of America Broadcasting.—The Board shall notify the appropriate congressional committees and, before entering into any agreements for the utilization of Voice of America transmitters, equipment, and personnel that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board may not make any transfer under this title that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia.

(ii) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make Radio Free Asia a Federal agency or instrumentality.

SEC. 311. TRANSITION.

(a) AUTHORIZATION.—The President is authorized consistent with the purposes of this Act to direct the transfer of all functions and authorities from the Board for International Broadcasting to the United States Information Agency, the Board, or the Bureau as may be necessary to implement this title.

(b) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees and, before entering into any agreements for the utilization of Voice of America transmitters, equipment, and personnel that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board may not make any transfer under this title that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia.

(c) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF Voice of America Broadcasting.—The Board shall notify the appropriate congressional committees and, before entering into any agreements for the utilization of Voice of America transmitters, equipment, and personnel that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board may not make any transfer under this title that will significantly reduce the broadcasting activities of the Voice of America in any or all other regions in order to accommodate the broadcasting activities of Radio Free Asia.

(d) OTHER AUTHORITIES.—The President of the United States Information Agency and the Director of the Board for International Broadcasting may, as appropriate, establish together with the Secretary of State, any merger or consolidation, elimination of any such proceeding under the Act, and orders issued in any such proceeding under the Act.

SEC. 312. PRIVATIZATION OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) DECLARATION OF POLICY.—It is the sense of the Congress that the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing plans and implementation of any such proceeding under the Act, and orders issued in any such proceeding under the Act.

(b) PRESIDENTIAL SUBMISSION.—The President shall submit with his annual budget submission as provided for in section 307 an analysis and recommendations for achieving the objectives of subsection (a).

(c) REPORTS ON TRANSFER OF RFERL RESEARCH INSTITUTE.—Not later than 120 days after the date of enactment of this title, the Board for International Broadcasting, or the Board for International Broadcasting, as the case may be, shall submit a report to the Committees on Appropriations providing a progress report on such efforts until such transfer has been achieved.

SEC. 313. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to the direction and supervision of the Board shall not be available for obligation or expenditure—
(1) unless such funds are appropriated pursuant to an authorization of appropriations; or
(2) in excess of the authorized level of appropriations.

(b) Subsequent Authorization.—The limitation under subsection (a) shall not apply if funds appropriated for 'Contributions to International Organizations' for fiscal year 1995, 20 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(c) Certification.—The certification referred to in subsection (a) is a certification by the President that—

(1) the United States has established an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the approval of the General Assembly, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the Inspector General is authorized to—

(A) make investigations and reports relating to the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations.

(d) Specialized Agencies.—The United Nations has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the Inspector General; and

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

(f) Specialized Agencies.—United Nations representatives to the United Nations should promote multilateralism and access to all records and official communications of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(g) Definition.—For purposes of this part, the term "Inspector General" means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

SEC. 402. UNITED STATES PARTICIPATION IN MANAGEMENT OF THE UNITED NATIONS.

It is the sense of the Congress that, consistent with United Nations Charter, United States nationals should have equitable representation at senior management levels in the United Nations system, especially in the Department for Administration and Management and in the office of the Inspector General.

SEC. 403. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE FUNDING FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Senate that beginning October 1, 1995, funds made available to the Department of Defense (including funds for 'Operation and Maintenance') shall be available for United States assessed or voluntary contributions for United Nations peacekeeping operations, or

(1) the unuseable incremental costs associated with peacekeeping operations of the United Nations Armed Forces in any United Nations peacekeeping operation (other than an operation necessary to protect American lives or the lives of American nationals) to the extent to which the Congress has authorized, appropriated, or otherwise approved funds for such purposes.

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the total of all assessed contributions for International Peacekeeping Operations, or

(1) the fiscal years 1994 and 1995; Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for fiscal years 1994 and 1995 shall not be available for the payment of the United Nations assessed contributions for the United Nations peacekeeping operation in an amount which is greater than 30 percent of the total of all assessed contributions for that operation, notwithstanding the last sentence of the paragraph headed "Contributions to International Organizations' in Public Law 92-544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note).

(b) Subsequent Fiscal Years.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year after fiscal year 1995 shall not be available for the payment of the United Nations assessed contributions for the United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.

(c) Conforming Amendment.—The last sentence of the paragraph headed "Contributions to International Organizations' in Public Law 92-544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note), is amended by striking "conducted" and inserting "other than United Nations peacekeeping operations conducted".

SEC. 405. UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTINATIONAL FORCES.

It is the sense of the Congress that the President shall take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of multinational forces for United Nations peacekeeping operations are accorded protections equivalent to those accorded to prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

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(2) the President should also take all neces­
sary steps to bring to justice all individu­
als responsible for any mistreatment or tor­
ture of, or for causing the death of, United
States military personnel who are captured
while duty in support of the U.N. or inter­
national agreements intended to protect
American personnel participating in or other­
wise operate in support of the operation,
and an estimate of the cost to the United
States of such participation or support.

SEC. 4. TRANSMITTALS OF CERTAIN
UNITED NATIONS DOCUMENTS.

Section 4 of the United Nations Participa­
tion Act of 1945 (22 U.S.C. 287b) is amended—
(i) by inserting "(a) PERIODIC REPORTS.—"
after "Sec. 4."); and
(ii) by striking the end of the following:
"(b) TRANSMITTAL OF SECURITY COUNCIL
RESOLUTIONS.—Not later than 3 days (exclud­
ing Saturdays, Sundays, and legal holidays) after adoption of any resolution by the Secu­
rity Council, the Secretary of State shall
transmit the text of such resolution and any
supporting documentation to the designated
congressional committees.

(c) REPORTS ON PEACEKEEPING
OPERATIONS.—The Secretary of State shall
promptly transmit to the designated congres­
sional committees any published report
prepared by the United Nations and distrib­
uted to the members of the Security Council
that contains assessments of any proposed,
ongoing, or concluded United Nations peace­
keeping operation.

SEC. 407. CONSULTATIONS AND REPORTS.

(a) CONSULTATIONS AND REPORTS ON
UNITED NATIONS PEACEKEEPING OPERATIONS.
(i) CONSULTATIONS.—Each month the Presi­
dent shall consult with the Congress on the
status of United Nations peacekeeping opera­
tions.

(ii) INFORMATION TO BE PROVIDED.—In con­
nection with these consultations, the follow­
ing information shall be provided each month to the designated congressional com­
mittes:
(A) With respect to ongoing United Nations
peacekeeping operations, the following:
(i) A list of all resolutions of the United
Nations Security Council anticipated to
be voted on during such month that would ex­
tend or change the mandate of any United
Nations peacekeeping operation.
(ii) For each such operation, any changes
in the duration, mandate, and control
and command arrangements that are anticipated as a result of the adoption of the resolution.
(iii) An estimate of the total cost to the
United States of any such operation for the
period covered by the resolution, and an estimate of the amount of that cost that will
be assessed to the United States.
(B) With respect to each new United Na­
tions peacekeeping operation that is antici­
pated to be authorized by a Security Council
resolution during such month, the follow­
ing information for the period covered by
the resolution:
(1) The anticipated duration, mandate, and
command and control arrangements of such
operation.
(2) An estimate of the total cost to the
United Nations of the operation, and an esti­
mate of the amount of that cost that will be
assessed to the United States.
(3) An estimate of the dollar value and percen­
tage of all reimbursable assistance awarded to United States contractors during the
previous year.
(4) MILITARY FORCES.—A
PERSONNEL PARTICIPATING
IN

(B) With respect to United Nations peace­
keeping operations for the prior fiscal year:
(i) the aggregate cost of all United
Nations peacekeeping operations for the prior fiscal year;
(ii) the costs of each United Nations peace­
keeping operation for the prior fiscal year;
and
(iii) the amount of United States con­	ributions (both assessed and voluntary) to
United Nations peacekeeping operations on
an operation-by-operation basis for the prior fiscal year.

(C) With respect to other international
peacekeeping operations in which the United
States participates:
(i) the aggregate cost of all such opera­
tions for the prior fiscal year;
(ii) the costs of each such operation for
the prior fiscal year;
and
(iii) the amount of United States con­	ributions (both assessed and voluntary) to
such operations on an operation-by-oper­
ation basis for the prior fiscal year.

(D) In the case of the first 2 reports sub­
mitted pursuant to this subsection, a projec­
tion for the first 2 fiscal years, including assessed and voluntary contributions.

(b) OTHER MATTERS REGARDING PEACEKEEP­
ING OPERATIONS.

(A) An assessment of the effectiveness of
United Nations and other international
operations, their relevance to United States na­
tional interests, the efforts by the United
Nations and other international organiza­
tions (as applicable) to resolve the relevant
armed conflicts, and the projected termi­
nation dates for all such operations.

(B) The dollar value and percentage of
total peacekeeping contributions that have been awarded to United States contractors during the
previous year.

(C) UNITED NATIONS REFORM.—
"(A) A description of the status of ef­
forts to establish and implement an inde­
pendent office of the Inspector General at
the United Nations.

(1) If an office of the Inspector General
has been established at the United Nations, a
description of whether the Inspector General
is keeping the Secretary General and the
members of the General Assembly fully in­
fomed about problems, deficiencies, the ne­
cessity for corrective action, and the
progress of corrective action.

(2) For purposes of this subparagraph,
the "independent office of the Inspector General"
means an independent office (or other inde­
pendent entity) established by the United
Nations to conduct and supervise objective
audits, inspections, and investigations relat­
ing to the programs and operations of the
United Nations.

(D) A description of the status of efforts
to reduce the United States peacekeeping as­
essment rate.

(E) A description of the status of other
United Nations efforts to achieve financial
management reform at the United Nations.

(F) MILITARY PERSONNEL PARTICIPATING
IN MULTINATIONAL FORCES.—A description of
the status under international law of
members of multinational forces, including
the extent of the risk for United States
military personnel who are captured and
incarcerated in cases where their captors fail to respect
the 1949 Geneva Conventions and other inter­
national agreements intended to protect
prisoners of war and;

"(1) the aggregate cost of all United
Nations peacekeeping operations for the prior fiscal year;

"(i) the costs of each United Nations peace­
keeping operation for the prior fiscal year;
and

(ii) the amount of United States con­
tributions (both assessed and voluntary) to
United Nations peacekeeping operations on
an operation-by-operation basis for the prior fiscal year.

"(C) With respect to other international
peacekeeping operations in which the United
States participates:
(i) the aggregate cost of all such opera­
tions for the prior fiscal year;
(ii) the costs of each such operation for
the prior fiscal year;
and
(iii) the amount of United States con­	ributions (both assessed and voluntary) to
such operations on an operation-by-oper­
ation basis for the prior fiscal year.

"(D) In the case of the first 2 reports sub­
mitted pursuant to this subsection, a projec­
tion for the first 2 fiscal years, including assessed and voluntary contributions.

"(A) An assessment of the effectiveness of
United Nations and other international
operations, their relevance to United States na­
tional interests, the efforts by the United
Nations and other international organiza­
tions (as applicable) to resolve the relevant
armed conflicts, and the projected termi­
nation dates for all such operations.

"(B) The dollar value and percentage of
total peacekeeping contributions that have been awarded to United States contractors during the
previous year.

"(C) UNITED NATIONS REFORM.—
"(A) A description of the status of ef­
forts to establish and implement an inde­
pendent office of the Inspector General at
the United Nations.

(1) If an office of the Inspector General
has been established at the United Nations, a
description of whether the Inspector General
is keeping the Secretary General and the
members of the General Assembly fully in­
fomed about problems, deficiencies, the ne­
cessity for corrective action, and the
progress of corrective action.

(2) For purposes of this subparagraph,
the "independent office of the Inspector General"
means an independent office (or other inde­
pendent entity) established by the United
Nations to conduct and supervise objective
audits, inspections, and investigations relat­
ing to the programs and operations of the
United Nations.

"(D) A description of the status of efforts
to reduce the United States peacekeeping as­
essment rate.

"(E) A description of the status of other
United Nations efforts to achieve financial
management reform at the United Nations.

"(F) MILITARY PERSONNEL PARTICIPATING
IN MULTINATIONAL FORCES.—A description of
the status under international law of
members of multinational forces, including
the extent of the risk for United States
military personnel who are captured and
incarcerated in cases where their captors fail to respect
the 1949 Geneva Conventions and other inter­
national agreements intended to protect
prisoners of war and;
SEC. 520. TRANSFERS OF EXCESS DEFENSE ARTICLES FOR INTERNATIONAL PEACEKEEPING OPERATIONS.

Chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding after section 632(d) the following:

"SEC. 632. TRANSFERS OF EXCESS DEFENSE ARTICLES FOR INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) GENERAL AUTHORITY.—The President may transfer to International and regional organizations of which the United States is a member such excess defense articles as the President determines necessary to support international peacekeeping operations and other activities and operations to maintain and promote international peace and security. Such transfers shall be on such terms and conditions as the President may determine, consistent with this section.

(b) CONDITIONALITY OF AUTHORITY.—

(1) IN GENERAL.—The authority of subsection (a) may not be exercised with respect to an international or regional organization until the United States has entered into a written agreement with that organization providing that the value of any excess defense articles transferred under this subsection shall be credited against United States assessed contributions to that organization. For purposes of this paragraph, the term 'value' means such amount as may be agreed upon by the United States and the recipient organization, except that such amount may not exceed the value (as defined in section 644(m)(1) of this Act) of the excess defense articles so transferred.

(2) LIMITATION ON TRANSFERS.—No transfer of excess defense articles made under this section in accordance with paragraph (1) shall be made unless the Secretary of Defense (or the President's representative) shall have notified the designated congressional committees that operation and to any costs of crating, packing, handling, and transporting incurred under this subsection (x).

SEC. 409. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contributions to the United Nations or any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure the participation of nations that are the major contributors to such assessed contributions.

(b) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(c) REPORT TO CONGRESS.—Not later than January 1 of each year, the President shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, reports concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

(d) EXPULSION OF EXISTING LAW.—Section 182 of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005, is amended by striking subsections (a), (b), (c), and (d).
SEC. 412. REFORMS IN THE WORLD HEALTH ORGANIZATION.

(a) SENSE OF THE CONGRESS. — It is the sense of the Congress that United States contributions to the World Health Organization (WHO) should be utilized in the most effective and efficient manner possible, particularly for the reduction of diseases and disabilities in developing countries.

(b) Notwithstanding subsection (a), the President shall direct the United States representatives to the World Health Assembly, the Executive Board, and the World Health Organization to monitor the operations of the World Health Organization to ensure that such organizations achieve—

(1) the timely implementation of reforms and management improvements, including those outlined in the resolutions of the 46th World Health Assembly related to the external audits of the United Nations and the World Health Organization (NGA) issued in February 1992;

(2) the establishment of realistic and measurable targets in accordance with the established health priorities.

SEC. 413. REFORMS IN THE FOOD AND AGRICULTURE ORGANIZATION.

In light of the longstanding efforts of the United States and the other major donor nations to reform the Food and Agriculture Organization (FAO) and the findings of the ongoing investigation of the General Accounting Office, the Congress makes the following declarations:

(1) It should be the policy of the United States to promote the following reforms in the Food and Agriculture Organization:

(A) Decentralization of the administrative structure of FAO, including eliminating redundant or unnecessary administrative staff, increased responsibilities of regional offices, increased time for consideration of budget issues by member states, and a more meaningful role for nonmember states in the decision-making process.

(B) Reform of the FAO Council, including formation of an executive management committee to provide oversight of management.

(C) Limitation of the term of the Director General and the number of terms which an individual may serve.

(D) Restructuring of the Technical Co-operation Program (TCP), including reduc­tion in number of consultants and increased efforts to fund through the TCP contracts and establishing procedures to deploy TCP consultants, supplies, and equipment in a timely manner.

(E) Reduction in the presence of United Nations personnel at the international field food agencies and to enhance the professionalism of these institutions, it should be the policy of the United States, to the maximum extent practicable, to utilize existing personnel programs such as the United States Department of Agriculture Associate Professional Officer program to place United Nations personnel with unique skills in the Food and Agriculture Organization, the International Fund for Agricultural Development, and the World Food Program.

SEC. 414. SENSE OF CONGRESS REGARDING ADHERENCE TO UNITED NATIONS BUDGETARY REFORM.

It is the sense of the Congress that—

(1) the President should seek an assurance from the Secretary General of the United Nations that the United Nations will comply with Article 100 of the United Nations Charter;

(2) neither the Secretary General of the United Nations nor his staff should seek or receive instructions from any government or from any other authority external to the United Nations; and

(3) the President should report to Congress when he receives such assurance from the Secretary General of the United Nations.

SEC. 415. DESIGNATED CONGRESSIONAL COMMITTEES.

For purposes of this part, the term “designated congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

PART B.—GENERAL PROVISIONS AND OTHER INTERNATIONAL ORGANIZATIONS

SEC. 421. AGREEMENT ON STATE AND LOCAL TAXATION.

The President is authorized to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, which was signed by the United States on April 25, 1988, and by entering into such agreement, the President may be exercising only to the extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 422. CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE.

The President is authorized to implement, for the United States, the provisions of Annex I of the Decision concerning Legal Capacity and Jurisdictions and Immunities, issued by the Council of Ministers of the Conference on Security and Co-operation in Europe on December 1, 1993, in accordance with the First Additional Protocol to the Charter of the Conference on Security and Co-operation in Europe.

SEC. 423. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) AUTHORIZATION TO RECEIVE PAYMENTS. — Section 2 of the American-Mexican Chamali Convention Act of 1964 (Public Law 88-300; 22 U.S.C. 2770–18) is amended—

(1) by inserting the following after subsection (a) of such Act:

"(2) the United States Commissioner is authorized to receive payments of money from public or private sources in the United States or Mexico made for the purpose of carrying out the terms of the said Act;" and

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

"(b) The United States Commissioner is authorized to receive payments of money for the purpose of paying any moneys due from public or private sources in the United States or Mexico made for the purpose of carrying out the terms of the said Act."
ship of the United States in the Asian-Pacific Group (APEC) may be paid from funds appropriated for “Contributions to International Organizations.”

SEC. 415. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL COPPER STUDY GROUP.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to accept the Terms of Reference of and maintain membership of the United States in the International Copper Study Group.

(b) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to the Group may be paid from funds appropriated for “Contributions to International Organizations.”

SEC. 426. EXTENSION OF THE INTERNATIONAL ORGANIZATIONS IMMUNITY ACT TO THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES.

The International Organizations Immunity Act of 1991 (22 U.S.C. 2587) is amended by adding at the end the following new section:

“SEC. 501. Unless the Congress otherwise provides, the International Union for Conservation of Nature and Natural Resources shall be considered to be an international organization for the purposes of this title and shall be entitled to the privileges and immunities provided in this Act for purposes of this title.

(1) The limitations of subsection (a) shall not apply to contributions to the International Atomic Energy Agency or the United Nations Children’s Fund (UNICEF).

(2) UNITED NATIONS DEVELOPMENT PROGRAM.—Except as provided in paragraphs (2) and (3), for fiscal years 1994 and 1995 none of the funds made available for United Nations Development Program or United Nations Development Program—Administered Funds shall be available for programs and activities in or for Burma.

(3) Of the funds made available for United Nations Development Program and United Nations Development Program—Administered Funds for fiscal year 1995, $27,000,000 may be available only if the President certifies to the Congress that the United Nations Development Program’s programs and activities in or for Burma promote the employment of persons who have not been discriminated against on the basis of race, ethnicity, religion, gender, or political affiliation; protect human rights in Burma and do not benefit the military regime.

Title V—FOREIGN POLICY

PART A—GENERAL PROVISIONS

SEC. 561. UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS.

(a) STANDARDS FOR REFUGEES AND CHILDREN.—The United States Government, in providing overseas assistance and protection of refugees and displaced persons, shall seek to address the protection and provision of basic needs of refugee women and children who represent 80 percent of the refugees or displaced persons assisted for 1994, as determined by the 1991 United Nations High Commissioner for Refugees (UNHCR) “Guidelines on the Protection of Refugee Women,” whether directly, or in cooperation with international organizations and nongovernmental voluntary organizations, the Secretary of State shall seek to ensure:

(1) specific attention on the part of the United Nations and relief organizations to recruit and employ female protection officers;

(2) implementation of gender awareness training for field staff including, but not limited to, security, emergency shelter, and medical personnel;

(3) the protection of refugee women and children from violence and other abuses on the part of government and non-government group;

(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) restructuring of programs and work with women’s organizations;

(5) incorporation of maternal and child health needs into refugee health services and education, specifically to include education on and access to services in reproductive health and birth spacing;

(6) the availability of counseling and other psychosocial services, including but not limited to rape and domestic violence;

(7) the provision of educational programs, particularly literacy and numeracy, vocational and income-generation skills training, and other training efforts promoting self-sufficiency for refugee women, with special emphasis on women heads of household;

(8) education for all refugee children, ensuring equal quality for girls, and special attention to early primary schooling for unaccompanied refugee minors;

(9) the collection of data that clearly enumerate gender and gender so that appropriate health, education, and assistance programs can be planned;

(10) the recruitment, hiring, and training of more women program professionals in the international humanitarian field; and

(11) gender-awareness training for program staff of the United Nations High Commissioner for Refugees (UNHCR) and nongovernmental voluntary organizations on implementation of the 1991 UNHCR “Guidelines on the Protection of Refugee Women.”

(b) PROCEDURES.—The Secretary of State should adopt specific procedures to ensure that all recipients of United States Government refugee and migration assistance funds implement the standards outlined in subsection (a).

(c) REQUIREMENTS FOR REFUGEE AND MIGRATION ASSISTANCE.—The Secretary of State, in providing migration and refugee assistance, shall support the protection of efforts to address the protection needs of the highest levels of government, the issue of abuses against refugee women and children by governments or insurgent groups that include in particular to:

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of life, liberty, and the security of person;

(2) the blockage of humanitarian relief assistance;

(3) gender-specific persecution such as systematic individual or mass rape, forced pregnancy, forced abortion, enforced prostitution, any form of indecent assault or act of violence against refugee women, girls, and children;

(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, and the military regime; and

(5) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subclause (1), the Secretary of State shall immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.
SEC. 504. FOOD AS A HUMAN RIGHT.

(a) The Right to Food and United States Foreign Policy.

(1) In General.—The United States should, in accordance with its international obligations and in keeping with the longstanding humanitarian tradition of the United States, promote increased respect internationally for the rights to food and to medical care, including the protection of these rights with respect to civilians and noncombatants during times of armed conflict (such as through ensuring safe passage of relief supplies and access to impartial humanitarian relief organizations providing relief assistance).

(b) Responsibilities of Assistant Secretary of State.—The responsibilities of the Assistant Secretary of State who is responsible for human rights and humanitarian affairs shall include promoting international law internationally for the rights to food and to medical care in accordance with paragraph (1).

(c) International Effort to Strengthen the Right to Food.—It is the sense of the Congress that a major effort should be made to strengthen the right to food in international law to assure the access of all persons to adequate food supplies.

SEC. 505. TRANSPARENCY IN ARMAMENTS.

It is the sense of the Congress that—

(1) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(2) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(3) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(4) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(5) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(6) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

(7) if a nation that has not submitted the required information by the reporting date of a particular year, but subsequently submits notification to the United Nations that it intends to provide such information, the information it provides after the date of submission shall be considered submitted and incorporated into the UN register as of the date of submission, but shall not be considered submitted as of any earlier date, for purposes of determining whether the nation has met its reporting requirements.

SEC. 506. DUPLICATE CONVENTION IMPLEMENTATION.

(a) In General.—Part I of title 18, United States Code, is amended after inserting after chapter 23, pursuant to section 2340A of chapter 113B—

"CHAPTER 113B—TORTURE"

"Sec. 2340. Definitions.

"2340A. Torture.

"2340B. Exclusive Remedies.

"2340C. Effective Date.—The amendments by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 507. UNITED STATES POLICY CONCERNING TERRORISM.

(a) Policy.—It is the sense of the Congress that the President should—

(1) take steps to encourage the United Nations Security Council—

(A) to reaffirm support for the protection of individuals and the administration of the democratically-elected leadership of Iraq to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime; and

(ii) the administration of the democratically-elected leadership of Iraq in such areas is critical, to ensure that the stability of both Iraq and the entire region are enhanced by the measures taken under this section.

(b) Technical Amendment.—The part analysis for part I of title 18, United States Code, is amended by inserting after the title amending the Inspector General Act to establish term limits for the appropriate committees of jurisdiction.

SEC. 508. HIGH-LEVEL VISITS TO TAIWAN.

It is the sense of the Congress that—

(1) the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to provide the people of Taiwan with access to economic and other opportunities that are important to their future.

(2) the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to promote United States interests in the region.

(3) in addition to Cabinet-level visits, the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to promote United States interests in the region.

"SEC. 2340B. EXCLUSIVE REMEDIES.

"(1) Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter affect any substantive or procedural right enforceable by law by any party in any civil proceeding.

"(2) Technical Amendment.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to the Iowa district the following new item:

"113B. Torture... 2340C. Effective Date. The amendments by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 507. UNITED STATES POLICY CONCERNING TERRORISM.

(a) Policy.—It is the sense of the Congress that the President should—

(1) take steps to encourage the United Nations Security Council—

(A) to reaffirm support for the protection of individuals and the administration of the democratically-elected leadership of Iraq to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime; and

(ii) the administration of the democratically-elected leadership of Iraq in such areas is critical, to ensure that the stability of both Iraq and the entire region are enhanced by the measures taken under this section.

(b) Technical Amendment.—The part analysis for part I of title 18, United States Code, is amended by inserting after the title amending the Inspector General Act to establish term limits for the appropriate committees of jurisdiction.

SEC. 508. HIGH-LEVEL VISITS TO TAIWAN.

It is the sense of the Congress that—

(1) the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to provide the people of Taiwan with access to economic and other opportunities that are important to their future.

(2) the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to promote United States interests in the region.

(3) in addition to Cabinet-level visits, the President should take steps to show clear support for the continued existence of the Republic of China as a United States interest and to promote United States interests in the region.
SEC. 509. TRANSFER OF CERTAIN OBSCURE OR SURPLUS DEFENSE ARTICLES IN THE UNITED STATES, AND ALIEN ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) AUTHORITY.—(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2281), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense (with the concurrence of the Secretary of State, or any or all of the items described in paragraph (2).

(b) EFFECTIVE DATE.—The amendment is effective on the date of enactment of this Act.


(a) IN GENERAL.—Section 212 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by striking "1993" and inserting "1995".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on December 30, 1993.

SEC. 511. REPORT ON THE USE OF FOREIGN PRO Duo AND BLOCCED ASSETS.

Not later than 60 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 Foreign Affairs of the House of Representatives, a report containing a detailed accounting analysis and justification for all expenditures made from the assets of foreign governments that have been frozen or blocked by the United States Government, including expenditures from frozen or blocked assets of Haiti, Iraq, and Iran.

SEC. 512. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), is amended—

(a) (in section 590D (8 U.S.C. 1157 note)—


(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(b) (in section 590F (8 U.S.C. 1256 note) in subsection (b)(2), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

SEC. 513. POLICY REGARDING THE CONDITIONS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST Favored Nation STATUS.

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

1. In an Executive Order of May 28, 1993, the President established conditions for renewal of most-favored-nation (MFN) status for the People's Republic of China in 1994.

2. The Executive Order requires that in making a recommendation about the further extension of MFN status to the Secretary of State shall not recommend extension unless the Secretary determines that—

(A) extension will substantially promote the economic and broad environment; and

(b) China is complying with the 1992 bilateral agreement between the United States and China concerning prison labor.

3. The Executive Order further requires that in making a recommendation, the Secretary of State shall determine whether China has made overall, significant progress with respect to—

(A) taking steps to begin adhering to the Universal Declaration of Human Rights;

(B) releasing and providing an acceptable accounting for Chinese citizens imprisoned or detained for the non-violent expression of religious beliefs, including such expression of religious beliefs in connection with the Democracy Wall and Tiananmen Square movements;

(C) ensuring humane treatment of prisoners, such as by allowing access to prisons by international humanitarian and human rights organizations;

(D) protecting Tibet's distinctive religious and cultural heritage; and

(E) permitting international radio and television broadcast to China.

4. The Executive Order further requires the Executive Branch to resolutely pursue all legislative and executive actions to ensure that China abides by its commitments to follow fair, nondiscriminatory trade practices in dealing with United States businesses, and adheres to the Nuclear Non-proliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

5. The China-United States Joint Commission and United States-China Joint Commission, in cooperation with international efforts to obtain North Korea's full, unconditional compliance with the Nuclear Non-Proliferation Treaty.

6. The President has initiated an intensive high-level dialogue with the Chinese government which began last year with a meeting at the beginning of which the Secretary of State and the Chinese Foreign Minister, including meetings in Beijing and in Washington, including meetings in Paris between the Secretary of State and the Chinese Foreign Minister, and recent meetings with several Under Secretaries and their Chinese counterparts.

7. The President's efforts have led to some recent progress on the many issues of concern to the United States.

8. Notwithstanding this, substantially more progress is needed to meet the standards in the Executive Order.

9. The Chinese government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress criticism and to control abuses by its own security forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President of the United States should use all appropriate opportunities to seek to negotiate further concrete progress with the Chinese government, to press for further concrete progress toward meeting the standards for continuation of MFN status.

SEC. 514. IMPLEMENTATION OF PARTNERSHIP FOR PEACE.

(a) REPORT TO CONGRESS.—The President shall submit annually, beginning 90 days after the date of enactment of this Act, a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of the "Partnership for Peace" initiative, including an assessment of its impact and the following contributions to the Partnership for Peace initiative:

(b) SENSE OF SENATE.—It is the sense of Congress that—

1. the creation of a new Cambodian government through United Nations sponsored elections offers a unique opportunity for the revival of the Cambodian nation, an opportunity which the United States should help realize;

2. the President should enunciate a clear policy toward Burma and, in so doing, be guided by the approach in Senate Resolution 112;

3. the government and people of Thailand are committed to achieving a democratic, nonviolent transition to civilian, democratic rule, and for its contribution to the implementation of the Paris Peace Accords on Cambodia;

4. the President of the United States should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords;

5. the Government of Thailand should continue to allow the democratic leaders of Burma to operate freely within Thailand and to grant them free passage to allow them to present their case at other international gatherings.

6. the President of the United States should urge the Government of Thailand to promote, and cooperate with the Thai authorities in the effort to make the authorities responsible for the trafficking, forced labor, and physical and sexual abuse of women and children in Thailand, and to protect the civil and human rights of the Burmese women in Thailand and prevent their further victimization;

7. the United States should work with the United Nations High Commissioner for Refugees, the Government of Thailand, and other...
relevant parties to ensure that the rights of asylum seekers in Thailand, and in particular the Hmong people from Laos, are fully respected and that force is not used in any respect.

SEC. 516. PEACE PROCESS IN NORTHERN IRELAND.

It is the sense of the Senate that the United States should:

(1) strongly encourage all parties to the conflict in the North of Ireland to renounce violence, participate in the current search for peace in the region; and

(2) assist, in furthering the peace process where appropriate.

SEC. 517. SENSE OF THE SENATE ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT.

(a) Senate Findings.—The Senate makes the following findings:

(1) The freedom and security of the international community rests on the sanctity of the rule of law.

(2) The international community is increasingly threatened by unlawful acts such as war crimes, genocide, aggression, crimes against humanity, terrorism, drug trafficking, money laundering, and other crimes of an international character.

(3) The prosecution of individuals suspected of perpetrating such acts is often impeded by political and legal obstacles such as immunity, disputes over extradition, differences in the structure and capabilities of international courts, and the lack of uniform guidelines under which to try such individuals.

(b) The war crimes trials held in the aftermath of World War II at Nuremberg, Germany, and Tokyo, Japan, demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum.

(5) Since its inception in 1945 the United Nations has sought to build on the precedent established at the Nuremberg and Tokyo trials by establishing a permanent international criminal court with jurisdiction over crimes of an international character.

(6) United Nations General Assembly Resolution 44/39, adopted on December 4, 1989, on the need for a permanent international criminal court with jurisdiction over crimes of an international nature.

(7) The measures taken by the United Nations Security Council in Resolution 727, which imposed a mandatory arms embargo on Yugoslavia, including Bosnia and Herzegovina, and in Resolution 757, which condemned the Government of Serbia for its continued failure to respect the territorial integrity of Bosnia and Herzegovina, have not been adequate to maintain international peace and security.

SEC. 518. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States Senate will not consent to the ratification of a treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature unless American citizens are guaranteed, in the terms establishing such a court, and in the court's operation, that the court will take no action infringing upon or diminishing their rights under the First and Fourth Amendment rights of the Constitution of the United States.

SEC. 519. PROTECTION OF FIRST AND FOURTH AMENDMENT RIGHTS.

The United States Senate will not consent to the ratification of a treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature unless American citizens are guaranteed, in the terms establishing such a court, and in the court's operation, that the court will take no action infringing upon or diminishing their rights under the First and Fourth Amendment rights of the Constitution of the United States.

SEC. 520. POLICY ON TERMINATION OF UNITED STATES ARMS EMBARGO.

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

(1) On July 10, 1991, the United States adopted a policy suspending all licenses and other approvals for the transfer of defense articles and defense services to Yugoslavia.

(2) On September 25, 1991, the United Nations Security Council adopted Resolution 713, which imposed a mandatory international arms embargo on all deliveries of weapons and military equipment to Yugoslavia.

(3) On June 14, 1992, the United Nations Security Council adopted Resolution 727, which decided that the mandatory arms embargo imposed by Resolution 713 should apply to any independent states that might thereafter emerge on the territory of Yugoslavia.

(4) On February 29 and March 1, 1992, the people of Bosnia and Herzegovina voted in a referendum to declare independence from Yugoslavia.

(5) On April 7, 1992, the United States recognized the Government of Bosnia and Herzegovina.

(6) On May 22, 1992, the Government of Bosnia and Herzegovina was admitted to full membership in the United Nations.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(2) such an international court should be designed to serve the interests of the United States and the world community; and

(3) the United States delegation should be able to advise every party to advance this proposal at the United Nations.

(c) Required Reports.—Not later than 14 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate a detailed report on developments relating to, and United States interests in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character.
(20) Bosnia and Herzegovina's right of self-defense under Article 51 of the United Nations Charter includes the right to ask for and receive all possible assistance from other United States and any other country and to receive such assistance if offered.

(b) POLICY ON TERMINATION OF ARMS EMBARGO.—(1) In the sense of the Congress that the President should terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from the Government of Bosnia and Herzegovina upon receipt of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(2) As used in this subsection, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (56 Fed. Reg. 33222) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to former Yugoslavia.

(c) POLICY ON MILITARY ASSISTANCE.—The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

SEC. 321. SENSE OF SENATE ON RELATIONS WITH VIETNAM.

It is the sense of the Senate that—

(1) the Government of the United States is committed to seeking the fullest possible accounting of American servicemen unaccounted for during the war in Vietnam; and

(2) cooperation by the Government of Vietnam in resolving the fate of those American servicemen unaccounted for has increased significantly over the last three years and is essential to the resolution of outstanding POW/MIA cases.

SEC. 322. FREE TRADE IN IDEAS.

(a) Statement of Policy.—It is the sense of the Congress that the President should not restrict travel or exchanges for information, educational purposes on Vietnam-related topics, on humanitarian purposes or for public performance or exhibitions, between the United States and any other country.

(b) AMENDMENTS TO THE VIETNAM WARwig_NWgNTERMINATION ACT.—(1) Section 203(b)(4) of the Vietnam Warwig_NWgNTERMINATION Act (50 U.S.C. App. 286(4)) is amended—

(1) in section 203(b)(4) of the Vietnam Warwig_NWgNTERMINATION Act (50 U.S.C. App. 286(4)), by striking "within 30 days" and inserting "not later than 180 days after the date of enactment of this Act; and

(2) in section 203(b)(4) of the Vietnam Warwig_NWgNTERMINATION Act (50 U.S.C. App. 286(4)), by striking "and to actions taken under such section on or after such date." and inserting "and to actions taken under such section on or after such date."

(c) AMENDMENTS TO THE UNITED STATES ARMS EMBARGO ON IRAN.—(1) Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. App. 203(b)) is amended by striking paragraph (3) and inserting the following:

"(3) the status of any other country, including payment of living expenses and arrangements for passage to or from any country, including payment of living expenses and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages."

(d) AMENDMENTS TO THE UNITED STATES EMBARGO ON IRAN.—(1) Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. App. 203(b)) is amended—

(1) in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. App. 203(b))—

(2) in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. App. 203(b)), by striking paragraph (3) and inserting the following:

"(3) Section 203(b) of the International Emergency Economic Powers Act (as added April 25, 1994 CONGRESSIONAL RECORD—HOUSE
by paragraph (1) shall not apply to restrict-
tions under the bilateral and multilateral
agreements described in section 23A(b)(4) in force on
the date of enactment of this Act, with respect to
limitations on the use of funds provided by the
International Emergency Economic Powers Act
on the date of enactment of this Act.

SEC. 528. EMBARGO AGAINST CUBA.

It is the sense of the Congress that the
President should advocate and seek a manda-
tory international United Nations Security
Council embargo against the dictatorship of
Castro.

SEC. 527. EXPROPRIATION OF UNITED STATES
PROPERTY.

(a) PROHIBITIONS. -None of the funds made
available to carry out this Act, the Foreign
Assistance Act of 1961, or the Arms Export
Control Act may be provided to a govern-
ment or any agency or Instrumentality
thereof, if the government of such country
(other than a country described if subsection
(d) -

(i) has on or after January 1, 1966-
(A) nationalized or expropriated the
property of any United States person,
(B) repudiated or nullified any contract
with a United States person,
(C) taken any other action (such as the
impediment of discriminatory taxes or other ex-
actions) that has the effect of seizing own-
ership or control of the property of any United
States person, and
(ii) has not, within the period specified in subsection
(a), (i) 
(A) returned the property,
(B) provided adequate and effective com-
ensation for such property in convertible
foreign exchange or other mutually accept-
able compensation equivalent to the full
value thereof, as required by international
law.

(c) a) offered a domestic procedure providing
prompt, adequate and effective compensa-
tion in accordance with international law, or
(b) submitted the dispute to arbitration under the rules of the
Convention for the Settlement of Investment Disputes or other
mutually agreeable binding international ar-
britation procedure.

(b) OTHER ACTIONS. -The President shall
instruct the United States Executive Direc-
tors of such instrumentalities and development banks
and International financial institution to vote against any loan or other utilization of
the funds of such bank or institution for the
benefit of a government to which assistance is prohibited under subsection (a), unless such
assistance is directed specifically to pro-
sing the human needs of the citizens of that
country.

(c) PERIOD FOR SETTLEMENT OF CLAIMS. -
The period of time described in subsection
(a)(i) is the latest of the following:

1. 3 years after the date on which a claim
was filed,
2. In the case of a country that has a to-
altarian or authoritarian government at
the time of the action described in sub-
section (a)(i), 3 years after the date of instal-
lation of a democratically elected govern-
ment,
3. 90 days after the date of enactment of
this Act.

(d) EXCEPTED COUNTRIES AND TERRI-
TORIES. -This section shall not apply to any
country established by international man-
date through the United Nations or to any
territory recognized by the United States
Government to be in dispute.

(e) RESUMPTION OF ASSISTANCE. -A prohibi-
tion under subsection (a) may be suspended
by the President, at any time after the date
on which the United States Constitution
shall be cease to be effective when the President certifies
in writing to the Speaker of the House of Rep-
resentatives and to the Committee on For-
eign Relations of the Senate that such gov-
ernment is in agreement with the terms of the steps described
in subsection (a)(x).

(f) REPORTING REQUIREMENT. -Not later
than 90 days after enactment of this Act
and at the beginning of each fiscal
year thereafter, the Secretary of State
shall transmit to the Speaker of the House of Rep-
resentatives and to the Committee on Foreign
Relations of the Senate, a report containing the
following:

1. A list of every country in which the
United States Government is aware that
a United States person has an outstanding
expropriation claim.
2. The total number of such outstanding
expropriation claims made by United States
persons against each such country.
3. An estimate of the number of such
claims which serve the basic human needs of
United States citizens.

(g) WAIVER. -The President may waive the
prohibitions in subsections (a) and (b) for a
country, on an annual basis, if the President
determines and so notifies Congress that it is in the national
security interests of the United States.

(h) DEFINITIONS. -For purposes of this sec-
tion, the term "United States person" means a United States citizen or corporation, part-
nership, or association at least 50 percent
beneficially owned by United States citizens.

SEC. 529. REPORT ON RUSSIAN MILITARY OPER-
ATIONS IN THE INDEPENDENT STATES OF THE FORMER
SOVIET UNION.

(a) IN GENERAL. -Not later than 5 months
after the date of enactment of this Act, the
President shall submit to Congress a report
on the operations and activities of the armed
forces of the Russian Federation, including
elements purportedly operating outside the
chain of command of the armed forces of
the Russian Federation, outside the borders of
the Russian Federation and, specifically, in
the other independent states that were a part of the former Soviet Union and in the
Baltic States.

(b) CONTENT OF REPORT. -The report re-
quired by subsection (a) shall include, but
not be limited to-

1. An assessment of the numbers and types
of Russian armed forces deployed in each of
the other independent states of the former
Soviet Union and in the Baltic States and
the number of their operations and activities
since the demise of the Soviet Union in De-

secember 1991;
2. A detailed assessment of the involve-
ment of Russian armed forces in conflicts in
the other independent states of the former
Soviet Union or involving Armenia, Azerbaijan, Georgia,
Moldova, and Tajikistan, including support
provided directly or indirectly to one or
more parties to such conflicts;
3. An assessment of the political and milita-
ry objectives of the operations and activi-
ties discussed in paragraphs (1) and (2) and
of the strategic objectives of the Russian Fed-
eration in its relations with the other inde-
dependent states of the former Soviet Union
and in the Baltic States;
4. An assessment of other significant ac-
tions, including political and economic,
taken by the Russian Federation to influ-
ence the strategic objectives of the Russian
Federation in its relations with the other inde-
dependent states of the former Soviet Union
and the Baltic States;
5. An analysis of the new Russian military
doctrine adopted by President Yeltsin on
November 2, 1993, with particular regard to its
implications for Russian policy toward the independent states of the former
Soviet Union and the Baltic States.

(c) DEFINITIONS. -For purposes of this sec-
tion-

1. "Other independent states of the former Soviet Union" means Armenia, Azer-
bajian, Belarus, Georgia, Kazakhstan,
Kyrgyzstan, Moldova, Tajikistan, Turkmenistan,
Ukraine, and Uzbekistan;
2. "The Baltic States" means Latvia, Lith-
uania, and Estonia.

SEC. 530. UNITED STATES POLICY ON NORTH
KOREA.

It is the sense of the Congress that-

1. It is in the United States national secu-
rity interest to neutralize the proliferation of weapons of mass destruction, particularly
nuclear weapons.
2. The North Korea Nuclear weapons
program is one of the most pressing national
security challenges the United States cur-
rently faces.
3. Without North Korea's development of other weapons of mass destruction and of ballistic
missiles further threatens United States na-
tional security interests and regional secu-
ry.
4. United States policy should ensure that
North Korea does not possess a nuclear bomb
or the capability to build one.
5. United States forces in Korea must re-
main vigilant and maintain a robust defense
posture.
6. United States diplomacy is the preferable
method of dealing with the North Korean nuclear challenge, all options, including the appro-
riate use of force, remain available.
7. In fashioning an appropriate policy for
dealing with the challenge presented by
North Korea's nuclear program, the Admin-
istration should consult closely with United
States treaty allies, particularly Japan and
the Republic of Korea, as well as with China,
Russia, and other members of the United Na-
tions Security Council.
8. United States policy should support the
efforts of the International Atomic Energy
Agency (IAEA), as the international commu-
nication designated by the United Na-
ions Security Council for cooperation in
alliance with the Nuclear Nonproliferation
Treaty, to perform inspections of North Ko-
rea's nuclear program.
9. The United States should encourage
strong and expeditious action by the United
Nations Security Council inasmuch as North
Korea has proved unwilling to comply fully
with the following:

A. North Korea's December 1991
denuclearization agreement with South
Korea, pledging not to possess, manufacture,
or use nuclear weapons, not to possess plutu-
num reprocessing facilities, and to negoti-
ate the establishment of a nuclear inspec-
tion system.
B. The nuclear safeguards agreement
North Korea signed with the IAEA on Janu-
C. The agreement on IAEA inspections
North Korea accepted on February 15, 1994.
10. Unless North Korea unequivocally ad-
heres to the Nuclear Nonproliferation Treaty
and abides by all provisions of that treaty,
the President should seek international con-
straints to isolate North Korea, including the
imposition of sanctions, in an effort to per-
suade Pyongyang to halt its nuclear weapons
program and permit IAEA inspections of all
nuclear facilities.
11. Recognizing that within the inter-
national community China has significant

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influence over Pyongyang, the nature and extent of Chinese cooperation with the rest of the international community on the North Korean nuclear issue, including Chinese cooperation with the IAEA, should such sanctions be proposed and/or adopted, will inevitably be a significant factor in the ultimate solution of the Korean nuclear issue. (12) If unable to achieve an international consensus to isolate North Korea, the President should employ all unilateral means of imposing, without exception, sanctions on North Korea, including but not limited to, the prohibition of any transaction involving the commercial sale of any good or technology to North Korea. (13) The President should consult with United States allies in the region regarding the military posture of North Korea and the ability of the United States and its allies to deter a nuclear or conventional attack, or to defeat such an attack should it occur. (14) Toward these ends, the United States and South Korea should take all steps necessary to ensure that United States and South Korean forces stationed on the Korean peninsula can defend themselves, including the training and maintenance of United States and South Korean forces and the deployment of Patriot missiles to South Korea, and other appropriate measures. (15) The international community must insist that North Korea's nuclear program is not a bilateral problem between the United States and North Korea, but rather one in which virtually the entire global community is united against North Korea. (16) The international community must insist that North Korea's nuclear program is not a bilateral problem between the United States and North Korea, but rather one in which virtually the entire global community is united against North Korea. (17) International concerns about North Korean weapons of mass destruction and capabilities will not be adequately addressed until North Korea cooperates fully with the IAEA, all North Korea nuclear facilities and materials are placed under full-scope safeguards, and North Korea adheres unequivocally to the Nuclear Nonproliferation Treaty as well as special inspections of all suspected nuclear sites as the IAEA deems appropriate. (18) The Administration should work to encourage a productive dialogue between North and South Korea, and to adequately address all security concerns on the Korean peninsula. SEC. 530. ENFORCEMENT OF NONPROLIFERATION TREATIES. (a) POLICY.—It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any non-nuclear weapon state that is found by the United Nations Security Council, in consultation with the International Atomic Energy Agency (IAEA), to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after the date of the termination of the Nuclear Non-proliferation Act of 1978. (b) WAIVER.—The President may waive the application of subsection (b) if— (1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise undermine the common defense and security; and (2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state. SEC. 531. TAIWAN. In view of the self-defense needs of Taiwan, the Congress makes the following declarations: (1) Sections 2 and 3 of the Taiwan Relations Act are reaffirmed. (2) Section 3 of the Taiwan Relations Act takes praxis over statements of United States policy, including communications, regulations, directives, and policies based thereon. (3) In assessing the extent to which the People's Republic of China is pursuing its stated goals of peaceful unification, and in assessing whether or not China is attempting to resolve the Taiwan issue, the United States should take into account both the capabilities and intentions of the People's Republic of China. (4) The President should on a regular basis assess the capabilities and intentions of the People's Republic of China and consider whether it is appropriate to adjust arms sales to Taiwan accordingly. SEC. 532. WAIVER OF SANCTIONS WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA TO PROMOTE DEMOCRACY ABROAD. (a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Federal Republic of Yugoslavia those United States-supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties. (b) POLICY.—The President, acting through the United States Permanent Representative to the United Nations, should propose that the United Nations Security Council pursuant to Article 41 of the United Nations Charter, with respect to the Federal Republic of Yugoslavia, should take account of the exemption described in subsection (a). SEC. 533. FREEDOM OF INFORMATION EXEMPTION FOR CERTAIN OPEN SKIES TREATY DATA. (a) IN GENERAL.—Data with respect to a foreign country collected by sensors during observation flights conducted in connection with the Treaty on Open Skies, including data from flights conducted prior to entry into force of the treaty, shall be exempt from disclosure under the Freedom of Information Act if— (1) the country has not notified the United States of the data to the public; and (2) if the country has not, acting through the Open Skies Commission or any other diplomatic channel, authorized the United States to disclose the data to the public. (b) STATUTORY CONSTRUCTION.—This section constitutes a specific exemption within the meaning of section 552(b)(3) of title 5, United States Code. (c) PURPOSES.—For the purposes of this section— (1) the term "Freedom of Information Act" means the provisions of section 552 of title 5, United States Code; (2) the term "Open Skies Consultative Commission" means the commission established pursuant to Article X of the Treaty on Open Skies; and (3) the term "Treaty on Open Skies" means the Treaty on Open Skies, signed at Helsinki on March 24, 1992. SEC. 534. STUDY OF DEMOCRACY EFFECTIVENESS. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Relations of the House of Representatives on a streamlined, cost-effective organization of United States democracy assistance. (b) CONTENT OF REPORT.—The report shall include the following: (1) A review of all United States-sponsored programs to promote democracy, including identification and discussion of those programs that are overlapping. (2) A clear statement of achievable goals and objectives for all United States-sponsored democracy programs, and an evaluation of the manner in which current democracy activities meet these goals and objectives. (3) A review of the current United States Government organization for the delivery of democracy assistance and recommended changes to reduce costs and streamline oversight and evaluation. (4) Recommendations for coordinating programs, identifying and prioritizing overlapping United States Government's role in democracy promotion. (5) A review of all agencies involved in delivering United States Government funds in the form of democracy assistance and a recommended focal point or lead agency within the United States Government for policy oversight of the effort. (6) A review of the feasibility and desirability of mandating non-United States Government funding, including matching funds, for in-kind support, for democracy promotion programs. If it is determined that such non-Government funding is feasible and desirable, recommendations should be made regarding goals and procedures for implementation. SEC. 535. SENSE OF CONGRESS CONCERNING UNITED STATES CITIZENS VICTIMIZED BY GERMANY DURING WORLD WAR II. It is the sense of the Congress that United States citizens who were victims of war crimes and crimes against humanity committed by the Government of Germany during the period 1939 to 1945 should be compensated by the Government of Germany. SEC. 536. REPORTING REQUIREMENTS ON OCCUPIED TIBET. (a) REPORT ON UNITED STATES-TIBET RELATIONS.—Because Congress has determined that Tibet is an occupied sovereign country and has no legal rights to control, the true representatives are the Dalai Lama and the Tibetan Government in exile; (1) it is the sense of the Congress that the United States Government work to establish a dialogue with those recognized by Congress as
the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, concerning the situation in Tibet and the future of the Tibetan people and to expand and strengthen United States-Tibet cultural and educational relations, including promoting bilateral exchanges arranged directly with the Tibetan Government in exile; and

(2) not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall transmit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report on the state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people, the Dalai Lama, his representatives and the Tibetan Government in exile, and on conditions in Tibet.

(3) not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit in unclassified form to the Committees on Foreign Relations and the Committee on Intelligence of the House of Representatives a report on the conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict;

(3) the construction of spoils of war by troops in the field;

(4) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of the temporary military duration of the immediate conflict, including the conveyance of such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict

Nothing in this part shall apply to

(1) the abandonment or failure to take possession of spoils of war by troops in the field;

(2) the destruction of spoils of war by troops in the field;

(3) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or

(4) the destruction of spoils of war by troops in the field;

It is the sense of the Congress that the President may, at any time, terminate any waiver granted under this subsection.

SEC. 565. POLICY ON MIDDLE EAST ARMS SALES.

(a) BOYCOTT OF ISRAEL.—Section 302 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended—

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report concerning steps taken to ensure that the provisions of section 47 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 are being met.
the term ‘foreign person’ means any person other than a United States person as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(3) For purposes of paragraph (1), a foreign person shall be deemed to comply with the boycott of Israel by Arab League countries by taking any actions prohibited by section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)). Certification by the Secretary of State or his designee may occur only 30 days after notice has been given to the Congress that this certification procedure will be utilized at a specific overseas mission.

(b) Waiver by Secretary of State.—The Secretary of State may waive the requirements of this section on a country-by-country basis for a period not to exceed one year upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States.

(c) Certification.—The Secretary of State shall certify to the Congress that such waiver is in the national interest and is necessary to carry on diplomatic functions of the United States. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(d) Review and Termination.—(1) The Department of State shall conduct reviews of the certifications submitted pursuant to this section for the purpose of assessing the accuracy of the certifications.

(2) Upon complaint of any foreign or United States person of a violation of the certification requirement as required by this section, filled with the Secretary of State, the Department of State shall investigate such complaint, and if such complaint is found to be correct and a violation is thereby established, contracts which have been entered into by any department or agency with any such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the Secretary of State shall not enter into any contracts with such violator.

(e) United States Information Agency.—The provisions of this section shall apply to the United States Information Agency in the same manner and extent to which such provisions apply to the Department of State. In the case of this section, the Director of the United States Information Agency shall have the responsibilities of the Secretary of State.

PART D—THE CAMBODIAN GENOCIDE JUSTICE ACT

SEC. 571. SHORT TITLE.

This part is referred to as the ‘‘Cambodian Genocide Justice Act’’.

SEC. 572. POLICY.

(a) In General.—Consistent with international law, it is the policy of the United States to support efforts to bring to justice the members of the Khmer Rouge for their criminal activities in Cambodia during the period referred to as the ‘‘Cambodian Genocide Justice Act’’.

(b) Specific Actions Urged.—To that end, the Congress urges the President—

(1) to collect, or assist appropriate organizations and individuals to collect relevant data on crimes of genocide committed in Cambodia;

(2) in circumstances in which the President deems appropriate, to encourage the establishment of an international tribunal for the prosecution of those accused of genocide in Cambodia; and

(3) whenever feasible, to provide such national or international tribunal with information collected pursuant to paragraph (1).

SEC. 573. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

(a) Establishment.—(1) None of the funds authorized to be appropriated by this Act for ‘‘Diplomatic and Consular Programs’’ shall be used during fiscal years 1994 and 1995 unless, not later than 90 days after the date of enactment of this Act, the Secretary of State has established within the Department of State under the Assistant Secretary for East Asia and Pacific Affairs (or any successor Assistant Secretary) the Office of Cambodian Genocide Investigation (hereafter in this part referred to as the ‘‘Office’’).

(2) The Office shall support activities inside or outside of Cambodia, except that not less than 75 percent of the funds made available for the Office and its activities shall be used to carry out activities within Cambodia.

(b) Purpose.—The purpose of the Office shall be to support through organizations and individuals with whom the Secretary of State may contract to carry out the operations of the Office, as appropriate, efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia during the period referred to as the ‘‘Cambodian Genocide Justice Act’’, and every 7 January, 1979, including—

(1) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigations.

(3) to submit the relevant data to a national or international penal tribunal that may be established to prosecute the genocidal acts committed by the Khmer Rouge; and

(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of genocide in Cambodia.

(c) Appropriations Requirement.—The Secretary of State shall, subject to the availability of appropriations, contract with appropriate individuals and organizations to carry out the purpose of the Office.

(d) Notification to Congress.—The Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives shall be notified of any exercise of the authority of section 34 of the State Department Basic Authorities Act of 1956 with respect to the Office or any of its programs, projects, or activities at least 15 days in advance in accordance with procedures applicable to notifications under that section.

SEC. 574. REPORTING REQUIREMENT.

(a) In General.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

(1) that describes the activities of the Office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions which are not related to United Nations activities in Cambodia.

(b) Definition.—For purposes of this section, the term ‘‘appropriate congressional committees’’ means the Committees on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

PART E—MIDDLE EAST PEACE FACILITATION

SEC. 581. SHORT TITLE.

This part may be cited as the ‘‘Middle East Peace Facilitation Act of 1994’’.

SEC. 582. FINDINGS.

The Congress finds that—

(1) the Palestine Liberation Organization 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 peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over the Palestinian people; and

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people.

(3) the United States and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993, at the White House.

(4) the United States and the Palestinian Liberation Organization; and
The Congress expects that any extension of the authority provided to the President in subsection (a) will be conditional on the Palestine Liberation Organization (PLO) meeting the following conditions:

(a) denouncing the Arab League boycott of Israel;
(b) urging the nations of the Arab League to end the Arab League boycott of Israel;
(c) cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel; and
(d) condemning individual acts of terrorism and violence.

The report is due to the President by 30 days after a written policy justification is submitted to the relevant congressional committees. The President may specify.

(2) The President shall consult with the relevant congressional committees before exercising the authority provided in subsection (a), and the President shall furnish to the relevant congressional committee written certification that the President is exercising the authority provided in subsection (a) in compliance, prevent violations and discipline of terrorists; and cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel; and

The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2277) as it applies with respect to the Palestine Liberation Organization or entities associated with it.
(2) Section 114 of the Department of State Authorization Act, Fiscal years 1984 and 1985 (22 U.S.C. 2906 note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.
(4) Section 37 of the Brotton Woods Agreement Act of 1975 (22 U.S.C. 2021b) as it applies to the grant of the Palestine Liberation Organization to end the Arab League boycott of Israel; and

(b) PLO COMMITMENTS DESCRIBED.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that:

(1) It is in the national interest of the United States to exercise such authority; and
(2) the Palestine Liberation Organization continues to abide by all the commitments described in paragraph (4).

(4) Rule Concerning PLO Compliance.—Any suspension under subsection (a) of a provision of law specified in subsection (c) shall cease to be effective if the President certifies to the relevant congressional committees that the Palestine Liberation Organization has not continued to abide by all the commitments described in paragraph (4).

(5) PLO COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3) are the commitments made by the Palestine Liberation Organization—

(A) in its letter of September 9, 1993, to the President of the United States; and
(B) in, and resulting from, the good faith implementation of, the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, and shall also be consistent with the United States policy of preventing and combating international terrorism under section 215 of the United States ARMED FORCES PERSONNEL.-Section 10(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2301(c)) is amended by adding "and in the case of any person employed in a position or performing an activity in compliance, prevent violations and discipline of terrorists; and cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel; and

The relevant congressional committees means—

(1) the Committee on Foreign Affairs, the Committee on International Operations, the Committee on Appropriations of the House of Representatives; and
(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

The following provisions of law are hereby repealed:

(4) The preparation for, operation of, or approval of, the United States military aid, military training, and military assistance to any country.
(5) The dissemination and coordination of public information concerning arms control, disarmament, and nonproliferation.
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Subsections (b) and (c) of section 36 (22 U.S.C. 2576), relating to arms control impact information and analysis.

Section 38 (22 U.S.C. 2578), relating to reporting Standing Consultative Commission activities.

Section 32 (22 U.S.C. 2592), relating to reports on adherence to and compliance with arms control agreements.

SEC. 705. DIRECTOR.
Section 22 (22 U.S.C. 2562) is amended to read as follows:

"SEC. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

(b) DUTIES.—(1) The Director shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament. In carrying out his duties under this Act, the Director, under the direction of the Secretary of State, shall have primary responsibility within the Government for matters relating to arms control and disarmament, and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation.

(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.

SEC. 706. BUREAUS, OFFICES, AND DIVISIONS.
Section 25 (22 U.S.C. 2565) is amended to read as follows:

"SEC. 25. The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this Act, including a bureau of intelligence and information support and an office to perform legal services for the Agency.

SEC. 707. SCIENTIFIC AND POLICY ADVISORY COMMITTEE.
Section 25 (22 U.S.C. 2566) is amended to read as follows:

"SEC. 25. (a) ESTABLISHMENT.—(1) The President may appoint a Scientific and Policy Advisory Committee (in this section referred to as the 'Committee') of not to exceed 15 members, not less than eight of whom shall be scientists.

(2) The members of the Committee shall be appointed as follows:

(A) No member, who shall be a person of renown and distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee.

(B) Fourteen other members shall be appointed by the President.

(3) The Committee shall meet at least twice each year.

(b) FUNCTION.—It shall be the responsibility of the Committee to advise the President, the Secretary of State, and the Director respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

(c) REIMBURSEMENT OF EXPENSES.—The members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under section 31(d) of this Act.

(2) TREATY REQUIREMENTS.—The Committee shall terminate two years after the date of enactment of the Arms Control and Nonproliferation Act (22 U.S.C. 2571) as follows:

(a) DEFINITION.—As used in this section, the term 'scientist' means an individual who has a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who has distinguished himself or herself in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering.

SEC. 708. PRESIDENTIAL SPECIAL REPRESENTATIVES.
(a) IN GENERAL.—Section 27 (22 U.S.C. 2567) is amended to read as follows:

"SEC. 27. The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament. Each Presidential Special Representative shall hold the rank of ambassador, or such rank as the President determines, and serve under the direction of the Agency as Chief Science Advisor. Presidential Special Representatives appointed under this subsection shall exercise their powers under direction of the President and the Secretary of State, acting through the Director. The Agency may establish positions and policy on arms control, nonproliferation, and disarmament and provide for administrative support, including funding, staff, and office space, to all Presidential Special Representatives.

(b) CONFORMING AMENDMENT.—Section 3315 of title 5, United States Code, is amended by striking "Special Representatives for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency (2)." and inserting:

"Special Representatives for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency (2)."

SEC. 709. POLICY FORMULATION.
Section 33 (22 U.S.C. 2573) is amended to read as follows:

"SEC. 33. (a) FORMULATION.—The Director shall prepare for the President, the Secretary of State, and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

(b) PROHIBITION.—No action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

SEC. 710. NEGOTIATION MANAGEMENT.
Section 34 (22 U.S.C. 2574) is amended to read as follows:

"SEC. 34. (a) RESPONSIBILITIES.—The Director, under the direction of the President and the Secretary of State, shall have primary responsibility for the preparation, conduct, and management of United States participa-

 tion in all international negotiations and implementation fora in the field of arms control, nonproliferation, and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States Government representatives to international organizations, conferences, and activities relating to the field of nonproliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons, funding of inspections and control systems, and participation in all international negotiations and implementation fora in the field of arms control, nonproliferation, and disarmament. In furtherance of these responsibilities, the President may appoint to the United States

SEC. 712. VERIFICATION OF COMPLIANCE.
Section 37 (22 U.S.C. 2577) is amended to read as follows:

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

(1) in the case of any arms control, nonproliferation, or disarmament agreement, the status of the negotiations for such agreement, the determination of the Director as
to the degree to which the components of such agreement can be verified;

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

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

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

"(5) STANDARD FOR VERIFICATION OF COMPLIANCE.—In making determinations under paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be used for verification.

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

"(7) PARTICIPATION OF THE AGENCY.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 51(a)(5), the Director, or the Director's designee, shall participate in all interagency groups or organizations within the executive branch of Government that are established to discuss the United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

SEC. 713. NEGOTIATING RECORDS.

(a) IN GENERAL.—The Arms Control and Disarmament Act is amended by inserting after section 7 the following:

"SEC. 713. NEGOTIATING RECORDS.—

"(1) The Director shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party, under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions between the parties with respect to arms control, nonproliferation, or disarmament agreements.

"(2) NegoITIATING AND IMPLEMENTATION RECORDS.—In particular, the Director shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

"(3) PARTICIPATION OF AGENCY PERSONNEL.—In order to implement effectively this section, the Director shall ensure that Agency officials are thoroughly familiar with the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.

(b) REPORT REQUIRED.—Not later than January 31, 1995, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations and the Permanent Select Committee on Intelligence the report required by subsection (a) of this section.

SEC. 714. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—Section 38(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Designations; issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that the issuance of an export license under this section would be detrimental to the national security of the United States, to recommend to the President that such export license be disapproved.

"(b) REPORT OF THE SECRETARY OF STATE.—The Secretary of State shall submit to the Congress a report prepared by the Director, in consultation with the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

"(1) a detailed statement concerning the arms control and disarmament objectives of the executive branch of Government for the forthcoming year;

"(2) a report on nonproliferation agreements or other arrangements.

"(c) PARTIAL DISAPPROVALS.—If, in the case of any arms control, nonproliferation, or disarmament agreement, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement.

"(d) RECORDS.—In making determinations under paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be used for verification.

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

"(f) PARTICIPATION OF THE AGENCY.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 51(a)(5), the Director, or the Director's designee, shall participate in all interagency groups or organizations within the executive branch of Government that are established to discuss the United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

SEC. 715. APPOINTMENT AND COMPENSATION OF PERSONNEL.

(a) IN GENERAL.—The Arms Control and Disarmament Act (22 U.S.C. 2341(b)) is amended by striking 'except that during the 2-year period provided under 4th (a) of the Arms Control and Disarmament Act' and inserting 'except that during the 2-year period provided under this Act'.

(b) SECURITY REQUIREMENTS.

Section 45(a)(1) of the Arms Control and Disarmament Act (22 U.S.C. 2585) is amended in the third sentence—

"(1) by inserting "or employed directly from other Government agencies" after "personnel detailed from other Government agencies"; and

"(2) by striking "by the Department of Defense or the Department of State" and inserting "by such agencies".

SEC. 716. REPORTS.

(a) IN GENERAL.—Title IV of the Arms Control and Disarmament Act (22 U.S.C. 2346) is amended by striking sections 49 and 50;

"(b) by redesignating sections 51 and 53 as sections 49 and 50, respectively; and

"(c) by inserting after section 50 (as redesignated by paragraph (2)) the following new sections:

"ANNUAL REPORT TO CONGRESS

"SEC. 51. (a) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations and the Permanent Select Committee on Intelligence, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, a report on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament.

"(b) by inserting "or the Director" after "relevant Secretary".

"(c) REPORT OF THE SECRETARY OF STATE.—The Secretary of State shall submit to the Congress a report prepared by the Director, in consultation with the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

"(1) a detailed statement concerning the arms control and disarmament objectives of the executive branch of Government for the forthcoming year;
"(a) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year; and

(b) a detailed assessment of the status of any ongoing arms control or disarmament negotiations, including a comprehensive description of the negotiations or other activities during the preceding year and an analysis of the status and prospects for the forthcoming year;

(c) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and any ongoing arms control or disarmament negotiations during the preceding year and an appraisal of the status and prospects for the forthcoming year;

(d) a detailed assessment of the status of any ongoing arms control or disarmament negotiations; and

(e) an annual report required by this section shall be submitted in unclassified form, with classified information regarding military expenditures for each country of the world in arms control, nonproliferation, and disarmament activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

(f) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and any ongoing arms control or disarmament negotiations during the preceding year and an appraisal of the status and prospects for the forthcoming year;

(g) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with assistance to reduce any damage to the United States from nonadherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken; and

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

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

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

(3) recommendations as to any steps that should be considered by the United States to obligated national security and to reduce compliance problems.

(2) In the first paragraph of the Report, the report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate.

"PUBLIC ANNUAL REPORT ON WORLD MILITARY EXPENDITURES AND ARMS TRANSFERS

"SEC. 52. Not later than December 31 of each year, the Director shall publish an unclassified report on world military expenditures and arms transfers. Such report shall provide detailed, comprehensive, and statistical information regarding military expenditures, arms transfers, armed forces, and related economic data for each country of the world. In addition, such report shall include pertinent in-depth analyses as well as high-level perspectives with respect to arms transfers and proliferation trends and initiatives affecting such developments.

"(2) REVITALIZATION OF ACDA.—Not later than December 31, 1995, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report describing the actions that have been taken and the results achieved by the United States Arms Control and Disarmament Agency pursuant to the provisions of this part and the amendments made by this part.

"SEC. 718. FUNDING.

(a) IN GENERAL.—Title IV of the Arms Control and Disarmament Act, as amended by section 717, is further amended by adding at the end the following:

"REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.—(a) The Secretary of Defense shall provide to the Congress an annual report required by this section on the policies and organization of each research unit, the status and prospects for the forthcoming year, and the Chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Relations of the House of Representatives a detailed report describing the actions that have been taken and the results achieved by the United States Arms Control and Disarmament Agency pursuant to the provisions of this part and the amendments made by this part.

"SEC. 53. (a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and each subsequent fiscal year, any funds appropriated for the Agency shall not be available for obligation or expenditure—

(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

(2) in excess of the authorized level of appropriations.

(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations enacted after such funds are appropriated.

(c) APPLICATION.—The provisions of this section—

(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts, authorized by law and administered by the Agency.

"TRANSFER AND REPROGRAMMINGS.

"SEC. 54. (a) TRANSFER OF FUNDS.—Funds appropriated for the purpose of carrying out this Act may be allocated or transferred to any agency for any purpose, and such funds shall be available for obligation and expenditure in accordance with the authorities of this Act or in accordance with the authorities governing the activities of the agencies to which such funds are allocated or transferred.

(b) LIMITATION.—Not more than 12 percent of any appropriation made for the purpose of carrying out this Act shall be obligated or reserved during the last month of the fiscal year.

(c) CONGRESSIONAL NOTIFICATION OF CERTAIN REPROGRAMMINGS.—Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance of the proposed reprogramming, funds appropriated to carry out this Act (other than funds to carry out title V) shall not be available for obligation or expenditure through any reprogramming described in paragraph (1) during the last 15 days in which such funds are available, unless the notification required by that paragraph was submitted before that 15-day period.

"CONFORMING AMENDMENTS.

(a) Section 22 (22 U.S.C. 2551) is amended—

(1) in the first undesignated paragraph, by inserting "nonproliferation," after "Arms control"; and

(2) in the second and third undesignated paragraphs, by inserting "nonproliferation," after "Arms control" each place it appears.

(b) Section 29 (22 U.S.C. 2569) is amended—

(1) in the first sentence, by striking "field of arms control and disarmament" and inserting "field of arms control, nonproliferation, and disarmament"; and

(2) in the second sentence, by inserting "nonproliferation," after "Arms control" each place it appears.

(c) Section 31 (22 U.S.C. 2571) is amended—

(1) in the text above paragraph (a), by striking "field of arms control and disarmament" each of the three places it appears and inserting "field of arms control, nonproliferation, and disarmament"; and

(2) in paragraph (b), by inserting "field of arms control, nonproliferation, and disarmament" after "Arms control" each place it appears.

(d) Section 33 (22 U.S.C. 2575) is amended by inserting "nonproliferation," after "Arms control" each place it appears.

(e) Section 36 (22 U.S.C. 2676) is amended—

(1) by amending the section heading to read as follows: "ARMS CONTROL INFORMATION"; and

(2) by striking "(a)"; and

(3) by inserting "nonproliferation," after "Arms control" each of the two places it appears.

(f) Section 39 (22 U.S.C. 2579) is amended by inserting "nonproliferation," after "Arms control" each place it appears.

(g) Section 49 (as redesignated by section 817(a)(2)) is amended—

(1) by striking "project"; and

(2) by inserting "of the former Soviet Union" after "affairs".

PART B—AMENDMENTS TO THE ARMS EXPORT CONTROL ACT

"SEC. 731. LIMITATION ON AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) TRANSFERS TO COUNTRIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.—Section 516(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(b)) is amended—

(1) by striking "and" at the end of paragraph (3); and

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

"(4) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, the extent, particularly the extent, if any, to which the transfer reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the countries or countries to which the excess defense articles are transferred."
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SEC. 734. PROHIBITION ON INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 277b) is amended by inserting after subsection 39a the following new section:

"SEC. 39a. PROHIBITION ON INCENTIVE PAYMENTS.

"(a) No United States supplier of defense articles or services sold under this Act, nor any employee, agent, or subcontractor thereof, shall, with respect to the sale of any such defense articles or defense service to a foreign country, make any incentive payments for the purpose of influencing, in whole or in part, any offset agreement with that country.

"(b) Any person who violates the provisions of this section shall be subject to the imposition of civil penalties as provided for in this section.

"(c) In the enforcement of this section, the President is authorized to exercise the same powers concerning violations and enforce-
a foreign person involved in the export, transfer, or trade of an item on the MTAC Annex, it should be a rebuttable presumption that the items would be reexport or retransfer of any item that is a parent or subsidiary of that foreign person. Such a report shall also include the text of any agreements or understandings between the United States and such country regarding the terms and conditions of the country's adherence to the MTAC."

SEC. 737. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.

Section 6(c)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2460(c)) is amended by adding at the end the following new paragraph:

(5) The Secretary and the Secretary of State shall include in the notification required by paragraph (2):

(A) a detailed description of the goods or services to be offered, including a brief description of the manner in which such goods or services are to be exported, transferred or traded.

(B) the reasons why the foreign country or international organization to which such export or transfer is proposed to be made needs the goods or services which are the subject of such export or transfer and a description of the manner in which such country or organization intends to use such articles, services, or design and construction services.

(C) the reasons why the proposed export or transfer is in the national interest of the United States.

(D) an analysis of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made.

(E) an analysis of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the goods or services which are the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of articles, services, or design and construction services.

(F) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the goods or services which are the subject of such export would be delivered.

TITLE VIII—NUCLEAR PROLIFERATION PREVENTION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Nuclear Proliferation Prevention Act of 1994".

PART A—REPORTING ON NUCLEAR EXPORTS

SEC. 811. REPORTS TO CONGRESS.

Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3821(a)) is amended by striking: (1) in paragraph (4), by striking "and" after the semicolon; and (2) in paragraph (5), by striking the period and inserting a semicolon.

SEC. 813. NOTIFICATION OF ADMITTANCE OF MTAC ADHERENTS.

The Secretary of Commerce is amended by inserting after section 73 the following new section:

"SEC. 73A. NOTIFICATION OF ADMITTANCE OF MTAC ADHERENTS.

"(1) following any action by the United States that results in a country becoming a Member of the Missile Technology Control Regime (MTAC) and an adherent to the United States obligations under the Missile Technology Control Regime and Intended to support the design, development, or production of a Category I space launch vehicle system listed in Category I of the MTAC Annex, the Secretary shall transmit to the President a report describing the licensed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy.

"(b) each instance in which—

(1) a sanction has been imposed under section 821(a) or section 821 of the Nuclear Proliferation Prevention Act of 1994 or section 102(b)(1) of the Arms Export Control Act;

(2) sales or leases have been denied under section 3(j) of the Arms Export Control Act or transactions prohibited by reason of acts relating to proliferation of nuclear explosive devices as described in section 40(d) of that Act;

(3) a sanction has not been imposed by reason of section 821(c)(2) of the Nuclear Proliferation Prevention Act of 1994 or the imposition of a sanction has been delayed under section 102(b)(4) of the Arms Export Control Act;

(iv) a waiver of a sanction has been made under—

(1) section 821(f) or section 821 of the Nuclear Proliferation Prevention Act of 1994;

(2) section 820(d) of the Foreign Assistance Act of 1961, or paragraph (a) or (b)(B) of section 102(b) of the Arms Export Control Act;

(iii) each instance in which—

(1) section 821(f) or section 821 of the Nuclear Proliferation Prevention Act of 1994, or the section 821(f) of the Nuclear Proliferation Prevention Act of 1994, or the imposition of a sanction has been delayed under section 102(b)(4) of the Arms Export Control Act;

(2) section 821(f) or section 821 of the Nuclear Proliferation Prevention Act of 1994, or the section 821(f) of the Nuclear Proliferation Prevention Act of 1994, or the imposition of a sanction has been delayed under section 102(b)(4) of the Arms Export Control Act;

(2) sections 821(f) or section 821 of the Nuclear Proliferation Prevention Act of 1994, or the section 821(f) of the Nuclear Proliferation Prevention Act of 1994, or the imposition of a sanction has been delayed under section 102(b)(4) of the Arms Export Control Act;

(3) each instance in which—

(4) a determination by the President that—

(1) in general—except as provided in subsection (g), the President shall not impose a sanction described in subsection (e) if the President determines that in writing that, on or after the effective date of this part, a foreign person or a United States person that is a parent or subsidiary of that foreign person with respect to which the President makes the determination described in that paragraph.

(2) any successor entity to that foreign person engaged, directly or indirectly, in the production of special nuclear material;
(D) any foreign person or United States person that is an affiliate of that person if the President determines that such actions are essential to the national security of the United States;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(E) to information and technology essential to United States products or production; or

(F) to medical or other humanitarian items.

(6) ADVISORY OPINIONS.—Upon the request of any person, the Secretary of State may, in consultation with the Secretary of Defense, make a decision in response to that person as to whether a proposed activity by that person would subject that person to the sanctions as described in this section. Any person who relies in good faith on such an advisory opinion that states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be subject to such sanction on account of such activity.

(e) Waivers.—The sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies in writing to the Congress that—

(1) reliable information indicates that the foreign person or United States person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in that subsection; and

(2) the President has received reliable assurances from the foreign person or United States person that it will not, in the future, aid or abet any individual, group, or non-nuclear-weapon state in its efforts to acquire unsafeguarded special nuclear material or any nuclear explosive device, as described in subsection (a)(1).

(f) WAIVER.—

(1) WAIVER.—The President may apply the sanction imposed on any person pursuant to this section at the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies in writing to the Congress that the continued imposition of the sanction would have a serious adverse effect on vital United States interests.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress and make a report to the Congress within 15 days if the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

SEC. 822. ELIGIBILITY FOR ASSISTANCE.

(1) PROHIBITION.—Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended—

(a) in subsection (b), by striking the end and inserting after such paragraph the following:

"(1) the President may waive the prohibitions of section 301 of the Arms Export Control Act with respect to any grounds for the prohibition of assistance under that section arising before the effective date of the Arms Export Control Act of 1976, as amended, to the following:

"(A) the use of the institution’s funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of non-nuclear-weapon state.

(B) DUTIES OF UNITED STATES EXECUTIVE DIRECTORS.—Section 701(b)(3) of the International Financial Institutions Act (22 U.S.C. 267d-2)."
SECTION 219. PROHIBITION ON ASSISTING NUCLEAR PROLIFERATION THROUGH THE PROVISION OF FINANCING.

(a) Prohibited Activity Defined.—For purposes of this section, the term "prohibited activity" means the act of knowingly, materially, and directly contributing or attempting to contribute, through the provision of financing, to:

(1) the acquisition of unsafeguarded special nuclear material; or

(2) the use, development, production, storage, transfer, or other acquisition of any nuclear explosive device, by any individual, group, or non-nuclear-weapon state.

(b) Presidential Determination and Order With Respect to United States and Foreign Persons.—Whenever the President determines, in writing after opportunity for a hearing on the record, that a United States person or a foreign person has engaged in a prohibited activity, the President may delay, for up to an additional 90 days, the effective date of an order issued under subsection (c) imposing any sanction on a foreign person if the President determines, and certifies in writing to the Congress, that the appropriate foreign government is in the process of taking actions described in subparagraph (B).

(c) Report to Congress.—Before the end of the 90-day period described in paragraph (a), the President shall submit to the Congress a report on—

(A) the status of consultations under this subsection with the government referred to in paragraph (1); and

(B) the basis for any determination under paragraph (A) that the Congress will use in making a determination that any such nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 860(f) of that Act).

(d) Authorization to Carry Out the Foreign Assistance Act of 1961.—(A) The authorization of the President to carry out the Foreign Assistance Act of 1961 (as defined in section 860(4) of the Nuclear Proliferation Prevention Act of 1994) or a nuclear explosive device, or to acquire unsafeguarded special nuclear material (as defined in section 860(f) of that Act).

SECTION 220. AMENDMENT TO THE ARMS EXPORT CONTROL ACT

(a) General.—The Arms Export Control Act is amended by adding at the end the following new chapter:

"CHAPTER 10—NUCLEAR NONPROLIFERATION CONTROLS"

"SEC. 101. NUCLEAR ENRICHMENT TRANSFERS.

(a) Prohibitions; Safeguards and Management.—Except as provided in subsection (b) of this section, no funds made available under the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including such assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, or furnishing assistance to any foreign country on or after August 4, 1977, or on or after August 4, 1977, unless before such delivery—

(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

"(b) Certification by President of Necessity of Continued Assistance; Disapproval by Congress.—(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines, and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

(B) he has received reliable assurances that the supplying country will not transfer, develop nuclear weapons or assist other nations in doing so.
Such certification shall set forth the reasons supporting such determination in each particular case. (2) A certification under paragraph (1) of this subsection shall be made by the President to the Congress. However, if, within thirty calendar days after receiving this certification, the Congress enacts a joint resolution stating in substance that the Congress disapproves such certification, the President shall forthwith report to the Congress in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(3) The President in any fiscal year of which is the effective date of part B of the Nuclear Proliferation Prevention Act of 1994—

(A) transfers to a non-nuclear-weapon state a nuclear explosive device, or

(B) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(C) transfers to a non-nuclear-weapon state any specific goods and technology (excluding food or other agricultural commodities), except that such prohibition shall not apply to any country with respect to the same detonation, transfers to a non-nuclear-weapon state any component of a nuclear explosive device.

"(4) The United States Government shall prohibit any United States export (or attempted export) of equipment, materials, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device. For purposes of clause (B), an export (or attempted export) by a person who is an agent or employee of the United States, for compensation or otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.

"(5) The President shall transmit to the Congress in each fiscal year of which is the effective date of part B of the Nuclear Proliferation Prevention Act of 1994 a certification under paragraph (2) of this subsection, if the President determines that an immediate imposition of sanctions on that country would be detrimental to the national security of the United States. Not more than one such certification may be transmitted for a country with respect to the same detonation, transfers, or receipt of a nuclear explosive device.

"(6) Any joint resolution under this subsection—

(A) transfers to a non-nuclear-weapon state a nuclear explosive device, or

(B) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(C) transfers to a non-nuclear-weapon state any component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(D) is a non-nuclear-weapon state and seeks and receives any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, then the President shall forthwith report in writing to the Congress that such a nuclear explosive device, or

thereafter, the President shall forthwith report in writing to the Congress that such a nuclear explosive device,

"(7) The President shall transmit to the Congress in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 a certification under paragraph (2) of this subsection, if the President first transmits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the President determines that any nuclear explosive device, or

weather to the public; and

"(8) Any joint resolution under paragraph (5) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(9) Any joint resolution under this subsection—

(A) transfers to a non-nuclear-weapon state a nuclear explosive device, or

(B) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(C) transfers to a non-nuclear-weapon state any component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(D) is a non-nuclear-weapon state and seeks and receives any design information or component which is determined by the President to be important to, and intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, then the President shall forthwith report in writing to the Congress that such a nuclear explosive device, or

thereafter, the President shall forthwith report in writing to the Congress that such a nuclear explosive device,

"(10) The President shall transmit to the Congress in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 a certification under paragraph (6) of this subsection, if the President determines that any nuclear explosive device, or

weather to the public; and

"(11) Any joint resolution under paragraph (7) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(12) Any joint resolution under paragraph (8) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(13) Any joint resolution under paragraph (9) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(14) Any joint resolution under paragraph (10) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(15) Any joint resolution under paragraph (11) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(16) Any joint resolution under paragraph (12) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(17) Any joint resolution under paragraph (13) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(18) Any joint resolution under paragraph (14) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(19) Any joint resolution under paragraph (15) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(20) Any joint resolution under paragraph (16) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(21) Any joint resolution under paragraph (17) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(22) Any joint resolution under paragraph (18) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(23) Any joint resolution under paragraph (19) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(24) Any joint resolution under paragraph (20) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(25) Any joint resolution under paragraph (21) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(26) Any joint resolution under paragraph (22) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(27) Any joint resolution under paragraph (23) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(28) Any joint resolution under paragraph (24) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(29) Any joint resolution under paragraph (25) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(30) Any joint resolution under paragraph (26) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(31) Any joint resolution under paragraph (27) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(32) Any joint resolution under paragraph (28) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(33) Any joint resolution under paragraph (29) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(34) Any joint resolution under paragraph (30) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(35) Any joint resolution under paragraph (31) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(36) Any joint resolution under paragraph (32) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(37) Any joint resolution under paragraph (33) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(38) Any joint resolution under paragraph (34) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(39) Any joint resolution under paragraph (35) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.

"(40) Any joint resolution under paragraph (36) of this subsection shall, if introduced in either House within thirty days of the effective date of such resolution, be considered in the Senate in accordance with subparagraph (A) of paragraph (4) of this subsection.
Committee on Foreign Relations of the Senate that the imposition of such sanction would be seriously prejudicial to the achievement of the objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(6)(A) In the event the President is required to impose sanctions under paragraph (1)(B) or (1)(C), the President shall forthwith so inform such country and shall impose the required sanctions beginning on the second calendar day following the date on which the President decides to impose such sanctions. In the case of an event which is not the imposition of such sanctions, the President shall immediately inform such country and shall begin to take any action the President determines and certifies in writing under paragraph (1)(C) or (1)(D), the President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(B) Notwithstanding any other provision of law, the sanctions which are required to be imposed against a country under paragraph (1)(C) or (1)(D) shall not apply if the President determines and certifies in writing to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives that the application of such sanctions against such country is not necessary to achieve a serious foreign policy interest of the United States. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(7) For purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die and the days on which either House is not in session be deemed to be a reference to section 101 or 102, as the case may be, of the Arms Export Control Act.

"SEC. 105. DEFINITION OF NUCLEAR EXPLOSIVE DEVICE.

"As used in this chapter, the term 'nuclear explosive device' has the meaning given that term in section 850(4) of the Nuclear Proliferation Prevention Act of 1994.

"SEC. 287. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701(a)) is amended—

"(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

"(2) by inserting "(1)" after "(a)"; and

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

"SEC. 826. REPORTS.

"(a) CONTENT OF ACDA ANNUAL REPORT.—

Section 51(a) of the Arms Control and Disarmament Agency Act, as inserted by this Act, is amended—

"(1) by striking "and" at the end of paragraph (9);

"(2) by striking the period at the end of paragraph (9) and inserting "; and";

"(3) by adding after paragraph (9) the following new subparagraph:

In the event the President is required to impose sanctions under paragraph (1)(B) or (1)(C), the President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SANCTIONS WHICH ARE REQUIRED TO BE IMPOSED AGAINST A COUNTRY UNDER PARAGRAPH (1)(C) OR (1)(D) SHALL NOT APPLY IF THE PRESIDENT DETERMINES AND CERTIFIES IN WRITING TO THE COMMITTEE ON FOREIGN RELATIONS AND THE COMMITTEE ON GOVERNMENTAL AFFAIRS OF THE SENATE AND THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES THAT THE APPLICATION OF SUCH SANCTIONS AGAINST SUCH COUNTRY IS NOT NECESSARY TO ACHIEVE A SERIOUS FOREIGN POLICY INTEREST OF THE UNITED STATES. THE PRESIDENT SHALL TRANSMIT WITH SUCH CERTIFICATION A STATEMENT SETTING FORTH THE SPECIFIC REASONS THEREFOR.

"(C) NON-NUCLEAR-WEAPON STATE DEFINED.—As used in this section, the term 'nuclear weapons state' means any country which is a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(D) NON-NUCLEAR-WEAPON STATE DEFINED.—As used in this section, the term 'nuclear weapons state' means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(E) NON-NUCLEAR-WEAPON STATE DEFINED.—As used in this section, the term 'nuclear weapons state' means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(7) the term 'nuclear weapons state' means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(8) the term 'nuclear weapons state' means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"SEC. 826. REPORTS.

"(a) CONTENT OF ACDA ANNUAL REPORT.—

Section 51(a) of the Arms Control and Disarmament Agency Act, as inserted by this Act, is amended—

"(1) by striking "and" at the end of paragraph (9);

"(2) by striking the period at the end of paragraph (9) and inserting "; and";

"(3) by adding after paragraph (9) the following new subparagraph:

"A non nuclear weapon state,";

"(4) the term "nuclear weapons state" means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(5) the term "nuclear weapons state" means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(6) the term "nuclear weapons state" means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"(E) REFERENCES IN LAW.—Any reference in law to section 101 or 102, as the case may be, of the Arms Export Control Act means—

"(A) a corporation, partnership, or other nongovernment entity which is not a foreign person; and

"(B) the term "nuclear weapons state" means any country which is not a nuclear-weapons state, as defined in Article IV (3) of the Nuclear Non-Proliferation Treaty or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefore.

"SEC. 812. EFFECTIVE DATE.

The provisions of this part, and the amendment made by this part, shall take effect 60 days after the date of the enactment of this Act.

PART C—INTERNATIONAL ATOMIC ENERGY AGENCY

"SEC. 841. BILATERAL AND MULTILATERAL INITIATIVES.

It is the sense of the Congress that in order to maintain and enhance international confidence in the effectiveness of IAEA safeguards and in other multilateral undertakings linked to the peaceful use of nuclear energy, the United States and other nations should seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to—

"(1) build international support for the principle that nuclear supply relationships must require purchasing nations to agree to full-scope inspections; and

"(2) encourage each nuclear-weapon state within the meaning of the Treaty to under-
take a comprehensive review of its own procedures for information dissemination and to consider the results of such a review in connection with any further assistance the United States might provide to the IAEA.

(2) oppose efforts by non-nuclear-weapon states to develop or use unclassified nuclear weapons.

(3) pursue greater financial support for the implementation and improvement of safeguards from all IAEA member nations with significant nuclear programs, particularly from those nations that are currently using or planning to use weapons-grade nuclear material for commercial purposes.

(4) arrange for the timely payment of annual financial contributions by all members of the IAEA, including the United States.

(5) pursue the elimination of international commerce in highly enriched uranium for use in research reactors while encouraging multilateral cooperation to develop and use low-enriched alternative fuels.

(6) pursue an international open skies arrangement that would authorize the IAEA to operate surveillance aircraft and would facilitate IAEA access to sensitive materials and processes.

(7) develop an institutional means for IAEA member nations to share intelligence material with the IAEA on possible safeguards violations without compromising national security or intelligence sources or methods.

(8) require any exporter of a sensitive nuclear facility or sensitive nuclear technology to a non-nuclear-weapon state to notify the IAEA prior to export and to require safeguards over that facility or technology, according to its destination; and

(9) seek agreement among the parties to the Treaty to apply IAEA safeguards in perpetuity and to establish new limits on the right to withdraw from the Treaty.

SEC. 603. REPORTS REQUIRED.

In order to promote the early adoption of reforms in the implementation of the safeguards system of the IAEA, Congress urges the President to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group, to:

(1) improve the access of the IAEA within safeguards facilities that are capable of producing, processing, or fabricating special nuclear material suitable for use in a nuclear explosive device;

(2A) facilitate the IAEA’s efforts to meet and maintain its own goals for detecting the diversion of nuclear materials and equipment, giving particular attention to safeguards facilities in which there are bulk quantities of nuclear material and to nuclear explosive systems.

(3) if it is not technically feasible for the IAEA to meet those detection goals in a particular facility, require the IAEA to declare publicly the extent of those difficulties and to do so;

(4) enable the IAEA to issue fines for violations of safeguards procedures, to pay regular fees for the services of IAEA inspectors, or to be subject to the challenge of inspections on demand at suspected nuclear sites;

(5) assist IAEA member states in the establishment of systems for declassifying information relating to the design or production of special fissionable material or, in the case of non-nuclear-weapon states, of any nuclear explosive device;

(6) implement special inspections of undeclared nuclear facilities, as provided for under existing safeguards procedures, and seek authority for the IAEA to conduct challenge inspections on demand at suspected nuclear sites.

(7) expand the scope of safeguards to include tritium, uranium concentrates, and nuclear waste containing special fissionable material, and increase the scope of such safeguards on heavy water;

(8) revise downward the IAEA’s official minimum amounts of nuclear material (“significant quantity”) needed to make a nuclear explosive device and establish these amounts as national rather than facility standards;

(9) expand the use of full-time resident IAEA inspectors at sensitive fuel cycle facilities;

(10) promote the use of near real-time material accountancy in the conduct of safeguards at facilities that use, produce, or store significant quantities of special fissionable material;

(11) develop with other IAEA member nations an agreement on procedures to expedite approvals of visa applications by IAEA inspectors;

(12) provide the IAEA the additional funds, technical assistance, and political support necessary to carry out the goals set forth in this subsection; and

(13) make public the annual safeguards implementation reports and the IAEA’s current nuclear trade control laws, agreements, regulations, and judicial actions by IAEA member nations.

SEC. 843. REPORTING REQUIREMENTS.

(a) REPORT REQUIRED.—The President shall, in the report required by section 601(a) of the Nuclear Non-Proliferation Act of 1978, describe:

(1) the steps he has taken to implement sections 811 and 842, and

(2) the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in sections 811 and 842.

(b) CONTENTS OF REPORT.—Each report under paragraph (1) shall describe:

(1) the bilateral and multilateral initiatives that the President has taken during the period since the enactment of this Act in pursuit of each of the objectives set forth in sections 811 and 842;

(2) any obstacles that have been encountered in the pursuit of those initiatives;

(3) any additional initiatives that have been proposed by other countries or international organizations to strengthen the implementation of IAEA safeguards;

(4) all activities of the Federal Government in support of the objectives set forth in sections 811 and 842;

(5) any recommendations of the President on additional measures to enhance the effectiveness of IAEA safeguards; and

(6) any initiatives that the President plans to take in support of each of the objectives set forth in sections 811 and 842.

SEC. 844. As used in this part—

(1) the term “highly enriched uranium” means uranium enriched to 20 percent or more in the isotope U-235;

(2) the term “IAEA” means the International Atomic Energy Agency;

(3) the term “material accountancy” means a method of accounting for the location, quantity, and disposition of special fissionable material at facilities that store or process such material, in which verification of peaceful use is continuously achieved by means of frequent physical inventories and the use of in-process instrumentation;

(4) the term “special fissionable material” has the meaning given that term by Article XX(l) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968; and

(5) the terms “IAEA safeguards”, “non-nuclear-weapons state”, “nuclear explosive device”, and “special nuclear material” have the meanings given those terms in section 830 of this Act.

PART D—TERMINATION

SEC. 851. TERMINATION UPON ENACTMENT OF NEXT FOREIGN RELATIONS AUTHORIZATION ACT.

(a) TERMINATION.—On the date of enactment of the first Foreign Relations Authorization Act that is enacted after the enactment of this Act, the provisions of parts A and B of this title shall cease to be effective, the amendments made by those parts shall be repealed, and any provisions of law repealed by those parts shall be reenacted.

TITLE IX—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

SEC. 901. SHORT TITLE.

This title may be cited as the “Protection and Reduction of Government Secrecy Act”.

The Congress makes the following findings:

(1) During the Cold War an extensive secrecy system developed which limited public access to information and reduced the ability of the public to participate with full knowledge in the process of governmental decision-making.

(2) On July 1, 1963, a total of 6,349,532 documents were classified and approximately three million persons held some form of security clearance.

(3) The burden of managing more than 6 million newly classified documents every year has led to tremendous administrative expense, reduced communication within the government and within the scientific community, reduced communication between the government and the people of the United States, and the selective and unauthorized public disclosure of classified information.

(4) It has been estimated that private businesses spend more than $14 billion each year implementing government mandated regulations for protecting classified information.

(5) If a smaller amount of truly sensitive information were classified the information could be held more securely.

(6) In 1970 a Task Force organized by the Defense Science Board and headed by Dr. John Seitz recommended that the term “near real time the ACT” be gained than lost if our Nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information.

(7) The procedures for granting security clearances have themselves become an expensive and inefficient part of the secrecy system and should be closely examined.
(b) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be established to offer comprehensive proposals for reform.

SEC. 903. PURPOSE.

It is the purpose of this title to establish for the purpose of carrying out the provisions of this title, a Commission on Protecting and Reducing Government Secrecy—
(1) to examine the implications of the extensive classification of information and to make recommendations to reduce the volume of information classified and thereby to strengthen the protection of legitimately classified information; and
(2) to examine and make recommendations concerning current procedures relating to the granting of security clearances.

SEC. 904. COMPOSITION OF COMMISSION.

(a) ESTABLISHMENT.—To carry out the purpose of this title, there is established a Commission on Protecting and Reducing Government Secrecy (in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President, of whom two shall be appointed from the executive branch of the Government and two from private life.

(2) Two members appointed by the Majority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(3) Two members appointed by the Minority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(4) Two members appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(5) Two members appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(c) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which such person was appointed.

(e) APPOINTMENT OF MEMBERS; INITIAL MEETING.—(1) It is the sense of the Congress that there shall be a Majority of the Commission on Protecting and Reducing Government Secrecy.

(2) Within 60 days of the date of appointment of the members of the Commission, the President shall appoint the Chairman of the Commission.

(3) In addition to the assistance set forth in paragraphs (1) and (2), departments and agencies of the United States are authorized to provide to the Commission such services as they may deem advisable and as may be authorized by law.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 907. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Chairman, in accordance with the provisions of the Commissions Act of 1970, shall appoint and fix the compensation of such staff members as the Commission may require, and such other personnel as the Commission may determine, including proposing new procedures, rules, regulations, or legislation.

(b) COMPENSE AND TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be entitled to travel expenses, subsistence, and per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 751(b) of title 5, United States Code.

SEC. 908. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appointment of executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances as they may need, without regard to existing procedures and requirements, except that no person shall be provided with a clearance in lieu of security clearance.

SEC. 910. FINAL REPORT OF COMMISSION; TERMINATION.

(a) FINAL REPORT.—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the Congress its final report, as described in section 905(2).

(b) TERMINATION.—(1) The Commission, and all the authorities of this title, shall terminate on the date on which is 60 days after the date on which a final report is required to be transmitted under subsection (a).

(2) If the Congress fails to transmit the final report within 60 days of the date referred to in paragraph (1) for the purpose of completing its activities, including providing testimony to committees of Congress, the final report shall be disbanded and the record of the Commission shall be transmitted to the Government Accountability Office.
April 25, 1994

sections 162-170K, 189, 201-22, 274-28, 700-31, 704-36, 744-46, 748-61, and 763, and modifications committed to conference:

LEROY H. HAMILTON, HOWARD L. BERMAN, ELI FALOMAAYABA, M.G. MARTINEZ, RICHARD E. ANDREWS, ROBERT MENENDEZ, TOM LANTOS, HARRY JOHNSTON, BEN GILMAN.

From the Committee on Foreign Affairs, for consideration of sections 188 and 190-93 of the House bill, and titles V, VI, IX-XII, and XIII, and modifications committed to conference:

LEROY H. HAMILTON, SAM GEJDENSON, TOM LANTOS, ROBERT TORBUCCELLI, HOWARD L. BERMAN, G.L. ACKERMAN, HARRY JOHNSTON, ELI FALOMAAYABA, BEN GILMAN, TOBY ROTH, DOUG BERRETER, HENRY F. ALEO.

PART A—AUTHORIZATION OF APPROPRIATIONS

The House bill (secs. 101-107, 201) authorizes a total of $7,266,514,000 for fiscal year 1994 and $7,569,829,000 for fiscal year 1995, for the Department of State, Foreign Operations, and Related Agencies.

The Senate amendment (secs. 101-106, 201, 816) authorizes a total of $8,051,935,000 for fiscal year 1994 and $6,363,657,000 for fiscal year 1995.

The conference substitute (secs. 101-106, 201, 816) authorizes a total of $7,903,385,000 for fiscal year 1994 and $6,363,657,000 for fiscal year 1995. In addition, the conference substitute authorizes $670,000,000 in fiscal year 1994 supplemental authorizations for assessed peacekeeping arrears and $253,139,000 over two years for the Peace Corps and Voluntary Peacekeeping Operations. The conference substitute incorporates the following sub-authorizations:

(1) $500,000,000 for each fiscal year for recruitment of Hispanic Americans for careers in the Foreign Service.

(2) $5 million for each fiscal year for language training.

(3) $11,500,000 for fiscal year 1994 and $13,900,000 for fiscal year 1995 for administrative expenses of the bureau charged with carrying out refugee programs.

(4) $85,944,000 and $114,825,000 for maintenance of buildings and facility rehabilitation.

(5) $700,000 for each fiscal year for the Commission on Protecting and Reducing Government Secrecy.

(6) $400,000 for each fiscal year for the Office of Cambodian Genocide Investigation.

(7) $540,000 for security costs associated with the Asian Pacific Cooperation Conference in Seattle, Washington.

(8) $1,000,000 for security costs associated with the Western Hemisphere summit to be held in Miami, Florida.

(9) $80 million for each fiscal year for refugee resettlement in Israel.

(10) $700,000 for each fiscal year for the American Studies Collections program.

(11) $1,000,000 for each fiscal year for the Environment and Sustainable Development Exchange Programs.

(12) $2 million for each fiscal year for the Vietnam Scholarship Program.

(13) $1.5 million for each fiscal year for Burmese refugees.

(14) $5,000,000 for each fiscal year for the Department of State the United States Information Agency, and related agencies, and for other purposes. submit the following joint statement to the House and the Senate in explanation of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference substitute authorizes a total of $225,658,000 for exchange programs. In general, the conference substitute as-
surnames the executive branch request, but has added the following specific authorizations for fiscal year 1995:

1. $540,000 above the request, to fully fund the Mansfield Fellowship Program at a total of $896,000.
2. $230,000 above the request, to fund the American Studies Collections program at a total of $412,000.
3. $500,000 above the request, to fully fund South Pacific Exchanges at a total of $1 million.
4. $150,000 above the request, to fully fund Timorese exchanges.
5. $500,000 above the request, to fully fund Cambodian exchanges.

The committee of conference notes that exchange authorizations have been provided with a minimum of earmarks and sub-authorizations, so as to provide maximum flexibility. The committee of conference expects that appropriations may be made, or that USIA may reprogram funds as necessary to continue funding for a number of worthwhile exchange programs not specifically included in the executive branch request.

The committee of conference notes that exchange authorizations have been provided with a minimum of earmarks and sub-authorizations, so as to provide maximum flexibility. The committee of conference expects that appropriations may be made, or that USIA may reprogram funds as necessary to continue funding for a number of worthwhile exchange programs not specifically included in the executive branch request.

The following chart compares the authorization levels in the House bill, the Senate amendment, and the conference substitute:

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<td>II. USAID/PE [1993 actual</td>
<td>489,879</td>
<td>477,488</td>
<td>563,362</td>
<td>474,854</td>
<td>480,362</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>43,750</td>
<td>42,287</td>
<td>43,396</td>
<td>43,396</td>
<td>43,396</td>
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<tr>
<td>Inspector general</td>
<td>35,000</td>
<td>36,600</td>
<td>31,600</td>
<td>31,600</td>
<td>31,600</td>
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<tr>
<td>Reprogram loans</td>
<td>26,000</td>
<td>26,000</td>
<td>23,621</td>
<td>23,621</td>
<td>23,621</td>
</tr>
<tr>
<td>OPE</td>
<td>134,300</td>
<td>130,538</td>
<td>140,743</td>
<td>141,043</td>
<td>126,312</td>
</tr>
<tr>
<td>Foreign buildings</td>
<td>107,879</td>
<td>96,962</td>
<td>113,131</td>
<td>103,879</td>
<td>97,546</td>
</tr>
<tr>
<td>Representation</td>
<td>0</td>
<td>34,500</td>
<td>34,500</td>
<td>34,500</td>
<td>34,500</td>
</tr>
<tr>
<td>Emergencies</td>
<td>525,464</td>
<td>541,675</td>
<td>717,790</td>
<td>569,700</td>
<td>609,740</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,390,276</td>
<td>1,343,411</td>
<td>1,531,495</td>
<td>1,380,307</td>
<td>1,419,965</td>
</tr>
<tr>
<td>III. AID [1993 actual</td>
<td>40,500</td>
<td>53,500</td>
<td>55,356</td>
<td>59,735</td>
<td>59,292</td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>6,311,578</td>
<td>5,976,313</td>
<td>6,580,845</td>
<td>6,147,132</td>
<td>6,146,636</td>
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<tr>
<td>State bill subtotal</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

\(^1\) Proposed conference agreement corresponds to 1994 appropriation levels.
\(^2\) Conference Committee agreed to supplemental authorization. Appropriations have yet to be made.

The committee of conference notes that 1996 marks the 50th anniversary of the Fulbright Academic exchange program and that this program has been one of the U.S. Government's most effective exchanges. The committee of conference encourages USIA and the Fulbright Board to plan appropriate events for the 50th Anniversary in recognition of the exchange's significant contribution to U.S. public diplomacy efforts.

The committee of conference notes that the authorization of $1.5 million each fiscal year for humanitarian assistance for persons displaced by civil conflict in Burma is directed at both those displaced within Burma and those persons now outside of Burma. Questions have been raised concerning the existence of authority to provide assistance to refugees of civil conflict within the territory of Burma as well as in neighboring states. The committee of conference believes that it is important for the United States Government to support ongoing humanitarian efforts aiding persons displaced by civil conflict on both sides of the border. It further believes that this language reflects the intention of earlier Congresses as well, and therefore, merely confirms existing authority. United States assistance has been provided across the border without incident in the past and with very positive results. The committee of conference feels that such assistance should be renewed.

While the committee of conference could not justify the allocation of scarce educational and cultural exchange resources exclusively to events ancillary to the World Cup soccer competition, they recognize that the competition can offer opportunities to advance the public diplomacy goals of the United States. The competition will bring 1.5 million visitors from 23 countries to the United States in the summer of 1994. Some of the ancillary programs to be conducted in conjunction with venue communities, such as the Corcoran Gallery Exhibition, may provide opportunities to foster mutual understanding. Accordingly, the committee of conference encourages USIA, to the extent that programs are within USIA's mandate and within available resources, to offer appropriate support.

The following chart compares the authorization levels in the House bill, the Senate amendment, and the conference substitute:
Withholding of contributions

The Senate amendment reduces the U.S. assessed contribution to international organizations by the amounts of $118,675,000 for each of fiscal years 1994 and 1995 unless the President certifies that no U.S. agency grants any official status, accreditation, or recognition to any organization which promotes pedophilia, or seeks the legalization of pedophilia.

The House bill contains no comparable provision.

The conference substitute (sec. 102) is identical to the Senate amendment.

PART B—AUTHORITIES

Authorized strength of the Foreign Service

The Senate amendment (sec. 111) imposes limits on the number of members of the Foreign Service authorized to be employed in fiscal years 1994 and 1995 as follows: for the Department of State not more than 9,100 in fiscal years 1994 and 1995, of whom not more than 820 in fiscal year 1994 and 770 in fiscal year 1995 shall be members of the Senior Foreign Service; and for the United States Information Agency (USIA) not more than 2,100 in fiscal years 1994 and 1995, of whom not more than 250 in fiscal year 1994 and 260 in fiscal year 1995 shall be members of the Senior Foreign Service.

The House bill (sec. 111) contains a similar provision. Limits on personnel limits for Agency for International Development (AID) to not more than 1,650 members of the Foreign Service in fiscal years 1994 and 1995, of whom not more than 250 in fiscal year 1994 and 260 in fiscal year 1995 shall be members of the Senior Foreign Service.

The conference substitute (sec. 121) is virtually identical to the Senate amendment, but adds the personnel limits for AID contained in the House bill. The committee of conference believes that the personnel limits for AID contained in S.Rept. 103-101, which was included pursuant to a recommendation of the Commission on the Foreign Service Personnel System (the "Thomas Commission"), the establishment of which was mandated by the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989. This provision was included in response to concerns of the committee of conference about the excessive growth of the Senior Foreign Service.

Expenses relating to certain international claims of agencies

The Senate amendment (sec. 114) provides for the procurement of services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity. The Senate amendment also establishes an international litigation fund in order to provide the Department with a dependable multi-year source of funding for expenses related to such proceeding and claims.

The House bill (sec. 113) is virtually identical but contains technical differences.

The conference substitute (sec. 123) is identical to the Senate amendment.

Requirement for authorization of appropriation for AID operating expenses

The House bill (sec. 121) amends the Foreign Assistance Act of 1961 to require the Secretary of State to report to Congress a summary of documents and other materials in the possession of the Department of State (as defined in section 658 which prohibits the obligation or expenditure of funds appropriated for the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 unless such funds are appropriated pursuant to an authorization.

The Senate amendment contains no comparable provision.

The conference substitute in the same as the Senate position.

The conference substitute (sec. 129) requires the Department of State to maintain procedures to ensure easy access to the Department and make available adequate parking space in order to facilitate attendance of meetings at the Department of State.

The committee of conference notes that under the conference amendment, the Department of State has institutional procedures to issue Department of State identification cards to Members and staff to allow them to functionally unimpeded access to the Department of State.

The conference substitute commends the Department for this action.

Budget justification for security costs

The Senate amendment (sec. 191) contains a provision to require the Secretary of State to submit, at the time of the annual submission of the budget of the United States, a detailed budget justification on the cost of providing security domestically and internationally for the Secretary of State.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Safety of U.S. personnel in Sarajevo

The Senate amendment (sec. 729) contains provisions to establish diplomatic and consular relations with the Government of Bosnia-Hercegovina and the need for an increased and more secure U.S. diplomatic presence in Sarajevo and surrounding areas. The committee of conference believes that the Secretary of State should immediately take steps to increase the presence of U.S. diplomatic personnel in Sarajevo, consistent with the objective of ensuring their physical safety. The Senate amendment also requires the Secretary of State to report to Congress within 30 days on steps taken to enhance the security and safety of U.S. personnel in Sarajevo.

The House bill contains no comparable provision.

The conference substitute (sec. 130) requires the Secretary of State to report to Congress within 30 days on steps taken to enhance the security and physical safety of U.S. diplomatic personnel in Sarajevo, Bosnia-Hercegovina.

The committee of conference notes that the lack of any secure permanent or semipermanent facilities for U.S. diplomatic personnel serving in Sarajevo, Bosnia-Hercegovina impedes their ability to carry out their diplomatic functions. This situation has forced the U.S. Ambassador to reside in, and carry out his duties from, another country. The committee of conference believes that this situation is a detriment to the conduct of diplomatic relations with the Government of Bosnia-Hercegovina and should be rectified. The committee of conference notes that the Department of State has notified the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate of its intention to open an embassy in Sarajevo.

Report of obsolete reporting requirements

The House bill (sec. 119) repeals an obsolete reporting requirement on American prisoners abroad.

The conference substitute (sec. 179) amends section 701 of the Foreign Assistance Act of 1961 to require the State Department, in consultation with the Department of State, to determine whether other provisions of law require the submission of reports by the Department of State and make available adequate parking permits to enable Members of Congress and staff of the relevant committees of jurisdiction to park near or within the Department of State building when attending meetings, and designates the committees of jurisdiction.

The House bill contains no comparable provision.
1994 and 1995. Fees collected under this authority shall be deposited as an offsetting receipt to the Department of State to acquire the costs of providing consular services and equipment upgrades above and beyond current base consular services and modernization. This new authority is not intended to permit any of the current consular base funding to be transferred to any other purpose.

Local guard contracts abroad

The House bill (sec. 123) amends section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to require the Secretary of State, with respect to contracts for local guard services abroad which exceed $250,000, to award such contracts through competitive bidding and, in evaluating and scoring proposals for such contracts, award not less than 60 percent of the total points on the basis of technical capacity.

The Senate amendment (sec. 121) is similar, but changes the reporting date to 90 days after enactment.

Passport security

The Senate amendment (sec. 707) expresses the sense of the Congress that the Department of State should ensure that new passport issuances are secure against counterfeiting, are easily verifiable with appropriate inspection, and contain only American-sourced material and technology. The Senate amendment also requires a report within 30 days on actions taken to achieve these goals.

The House bill contains no comparable provision.

The Senate amendment (sec. 131) is virtually identical to the Senate amendment but changes the reporting date to 90 days after enactment.

Record of place of birth

The Senate amendment (sec. 187) requires the Secretary of State to permit the place of birth of U.S. citizens born in Taiwan to be recorded as such for birth certificates or certificates of naturalization.

The House bill contains no comparable provision.

The conference substitute (sec. 132) is identical to the Senate amendment.

Conspicuous and diplomatic posts abroad

The House bill (sec. 125) deletes the requirement for reprogramming notifications for amounts made available to pay any expenses related to being of a diplomatic or consular post abroad.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position.

Terrorism rewards and reports

The House bill (sec. 126) requires that the annual Department of State report on terrorism pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, include information on the efforts by the United States to provide to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The Senate amendment also requires the Secretary of State to consult with the Attorney General and other appropriate law enforcement agencies in compiling the report.

The conference substitute (sec. 133) combines and modifies the House bill and Senate amendment. The conference substitute requires that: (1) the annual Department of State report on terrorism pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 include information on the efforts by the United States to eliminate international financial support provided to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The conference substitute also requires the Secretary of State to use up to $1 million in funds earmarked for narcotics control under section 36(g) of the State Department Basic Authorities Act of 1956 to pay terrorism rewards in the United States and to include specific information of such assets. The conference substitute also amends section 60(a) of the State Department Basic Authorities Act of 1956 to require that rewards be paid only for information on acts of international terrorism committed after February 1993.

The committee of conference notes that the change to the terrorism rewards program is intended to resolve a situation that arose under the previous version of the law, allowing for the payment of terrorism rewards in the United States.

The Senate amendment (sec. 133) is identical to the Senate amendment.

The conference substitute (sec. 134) requires the Secretary of State to pay terrorism rewards in the United States.

The conference substitute (sec. 189) also requires the Secretary of the Treasury, in compiling the annual report on terrorism pursuant to section 36(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to consult with the Attorney General and other appropriate law enforcement officials, and requires a detailed list and description of specific assets.

The Senate amendment (sec. 182 and 184) requires that the annual Department of State report on terrorism include information on the efforts by the United States to provide to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The Senate amendment also requires the Secretary of State to consult with the Attorney General and other appropriate law enforcement agencies in compiling the report.

The conference substitute (sec. 183) combines and modifies the House bill and Senate amendment. The conference substitute requires that: (1) the annual Department of State report on terrorism pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 include information on the efforts by the United States to eliminate international financial support provided to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The conference substitute also requires the Secretary of State to use up to $1 million in funds earmarked for narcotics control under section 36(g) of the State Department Basic Authorities Act of 1956 to pay terrorism rewards in the United States and to include specific information of such assets. The conference substitute also amends section 60(a) of the State Department Basic Authorities Act of 1956 to require that rewards be paid only for information on acts of international terrorism committed after February 1993.

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The Senate amendment (sec. 133) is identical to the Senate amendment.

The conference substitute (sec. 134) requires the Secretary of State to pay terrorism rewards in the United States.

The conference substitute (sec. 135) requires that terrorism rewards be paid only for information on acts of international terrorism committed after February 1993.

The conference substitute (sec. 189) also requires the Secretary of the Treasury, in compiling the annual report on terrorism pursuant to section 36(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to consult with the Attorney General and other appropriate law enforcement officials, and requires a detailed list and description of specific assets.

The Senate amendment (sec. 182 and 184) requires that the annual Department of State report on terrorism include information on the efforts by the United States to provide to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The Senate amendment also requires the Secretary of State to consult with the Attorney General and other appropriate law enforcement agencies in compiling the report.

The conference substitute (sec. 183) combines and modifies the House bill and Senate amendment. The conference substitute requires that: (1) the annual Department of State report on terrorism pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 include information on the efforts by the United States to eliminate international financial support provided to terrorist groups directly or in support of their activities and on the nature and extent of assets held in the United States with respect to persons on the list and groups involved in acts of terrorism in the preceding year. The conference substitute also requires the Secretary of State to use up to $1 million in funds earmarked for narcotics control under section 36(g) of the State Department Basic Authorities Act of 1956 to pay terrorism rewards in the United States and to include specific information of such assets. The conference substitute also amends section 60(a) of the State Department Basic Authorities Act of 1956 to require that rewards be paid only for information on acts of international terrorism committed after February 1993.

The committee of conference notes that the change to the terrorism rewards program is intended to resolve a situation that arose under the previous version of the law, allowing for the payment of terrorism rewards in the United States.

The Senate amendment (sec. 133) is identical to the Senate amendment.

The conference substitute (sec. 134) requires the Secretary of State to pay terrorism rewards in the United States.

The conference substitute (sec. 135) requires that terrorism rewards be paid only for information on acts of international terrorism committed after February 1993.

The conference substitute (sec. 189) also requires the Secretary of the Treasury, in compiling the annual report on terrorism pursuant to section 36(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to consult with the Attorney General and other appropriate law enforcement officials, and requires a detailed list and description of specific assets.
The committee of conference also notes that the authority should be used as a tool to acquire and maintain leading-edge information technology resources. This authority is not intended to be used for capital improvement projects ordinarily funded out of the appropriation for acquisition and maintenance of foreign buildings.

Technical amendment

The Senate amendment (sec. 128) corrects an error in section numbering in section 2 of the State Department Basic Authorities Act caused by an amendment made in 1992.

The House bill contains no comparable provision.

The conference substitute (sec. 126(k)(4)(i)) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The Senate amendment (sec. 741) allows the Secretary of State to charge fees for actual or estimated costs of commercial services at posts abroad where the Department of State does not perform commercial services for which it charges fees. The Senate amendment requires that such fees be established as an offsetting collection to any department of State appropriation to recover the costs of providing commercial services.

The House bill contains no comparable provision.

The conference substitute (sec. 136) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The Senate amendment (sec. 742) exempts, where necessary, contracts for personal services abroad from statutory contracting provisions applicable in the United States.

The House bill contains no comparable provision.

The conference substitute (sec. 136) is identical to the Senate amendment.

The conference substitute (sec. 136) is identical to the Senate amendment.

The House bill (sec. 131) contains congressional findings regarding the organization of the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference notes that the organization of the Department of State should reflect, to the maximum extent possible, the primary responsibilities of the President to conduct U.S. foreign relations. The committee of conference also notes that, unless compelling considerations so require, statutory authorities should be vested in the Secretary of State, rather than in officials subordinate to the Secretary.

Organization of the Department of State

The House bill (sec. 132(a)) amends section 1 of the State Department Basic Authorities Act of 1956 as follows:

New section 1(a) requires that the Department of State be administered in accordance with the State Department Basic Authorities Act and other provisions of law under the supervision of the Secretary of State. The Secretary shall be appointed by the President, with the advice and consent of the Senate.

New section 1(a) provides that the President shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State. The Secretary shall not have the au-
Congressional Record—House
April 25, 1994

authority of the Inspector General, the Chief Financial Officer, or any authority given expressly to diplomatic or consular officers. New秘书aries of State (a) and in the Department of State to promulgate such rules and regulations as may be necessary to carry out the functions of the Senate and the Department of State. The conference substitute, however, authorizes the Secretary to delegate authority, including the authority to redelega...
The conference substitute (sec. 162) amends section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 to delete references to the specific countries for which the Bureau of South Asia is responsible.

The conference substitute (sec. 162) amends section 5314 and 5315 of title 5 of the United States Code to reflect other amendments made by this act regarding the organization of the Department of State.

The Senate amendment (sec. 131(c)(3)) is similar.

The conference substitute (sec. 162) is virtually identical to the House bill but makes a technical and clarifying change and the number of Assistant Secretaries eligible to be appointed at executive level IV to 10.

The conference substitute (sec. 162) amends the Foreign Assistance Act of 1961 to delete reference to the Coordinator for Refugees and to reflect the Department's proposed reorganization plan.

The Senate amendment (sec. 132) requires the Secretary of State to make the Assistant Secretary for Democracy, Human Rights, and Labor, to be headed by an Assistant Secretary, be a member of the Senior Foreign Service, hold the rank and status of an Assistant Secretary. The Senate amendment also exempts the Director General of the Foreign Service from serving as a management official or confidential employee of a labor organization for up to five years after ceasing to be a management official or confidential employee of a labor organization.

The conference substitute (sec. 162) amends the Foreign Service Act of 1980 to make the Assistant Secretary for Consular Affairs a member of the Senior Foreign Service.

The Senate amendment (sec. 132(b)) is similar.

The conference substitute (sec. 162) is identical to the House bill.

The conference substitute (sec. 162) is identical to the House bill.

The conference substitute (sec. 162) is identical to the House bill.

The conference substitute (sec. 162) is identical to the Senate amendment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is identical to the House bill.

The conference substitute (sec. 162) is identical to the House bill.

The conference substitute (sec. 162) is identical to the Senate amendment.
Walter of limit for certain claims for personal property damage or loss

The Senate amendment (sec. 142) allows the Secretary of State to waive any limitation for payment of claims arising on or before October 31, 1988 for damage or loss by U.S. Government personnel in countries in which an emergency evacuation order is in effect.

The House bill (sec. 143) is virtually identical to the Senate amendment.

Salaries of chiefs of mission

The conference substitute (sec. 172) is virtually identical to the Senate amendment.

Salaries of chiefs of mission in effect.

The conference substitute (sec. 172) is virtually identical to the Senate amendment.

The conference substitute (sec. 172) is virtually identical to the Senate amendment.

The conference substitute (sec. 172) limits the aggregate pay of chiefs of mission so that personnel in such positions are subject to the same aggregate pay limitation as other members of the Senior Foreign Service and most other Federal employees.

The Senate amendment (sec. 143) is similar, but does not contain the aggregate pay limitation for chiefs of mission consistent with other Federal employees.

The conference substitute (sec. 172) does not include either provision. Rollover restrictions for Chiefs of Mission in current law remain in place. The committee of conference notes that the rollover provision included in the House bill. However, since the time of the adoption of this provision, several questions have been raised about the effectiveness of the provision. The committee of conference has decided to defer this issue until a more in-depth examination of the issue can be conducted.

Senior Foreign Service performance pay

The Senate amendment (sec. 144) prohibits the Secretary of State from making awards or paying performance pay during fiscal years 1994 and 1995, unless the Director of the Office of Personnel Management has authorized that such performance or rank awards be made to other Federal workers and prohibits the Secretary of State from rolling over such prohibited awards to a subsequent fiscal year. The Senate amendment also amends the Foreign Service Act of 1986 to make the award of performance pay for Senior Foreign Service members subject to the same limits and procedures as apply to members of the Senior Executive Service.

The House bill (sec. 145) contains a similar provision.

The conference substitute (sec. 173) prohibits the Secretary of State, the Director of the Office of Personnel Management, or any successor to the Office of Personnel Management from awarding or paying performance awards to members of the Senior Foreign Service in fiscal years 1994 and 1995 unless the Director of the Office of Personnel Management has authorized that such performance or rank awards be made to other Federal workers.

The conference substitute (sec. 173) is virtually identical to the Senate amendment.

Amendments to Title 5, U.S.C.

The Senate amendment (sec. 147) provides an allowance for dependents of Foreign Service employees who are elementary and secondary school students attending boarding school to travel to meet a relative or family friend or to join their parents at any location when travel to the post at which the parents serve is unreasonable. Such allowance includes costs between the dependent's school in the United States and the post where the parents are assigned. The Senate amendment also extends the same allowance as is currently provided to students at U.S. institutions to dependents studying for less than one year at a post-secondary institution abroad under a program approved by the school in the United States at which the dependent is enrolled and limits allowable travel costs to the cost of travel to and from the school in the United States.

The Senate amendment (sec. 147) is similar but does not contain the limitation on allowable travel expenses for dependents studying abroad.

The conference substitute (sec. 176) is identical to the Senate amendment.

Amendments to chapter 11 of the Foreign Service Act

The Senate amendment (sec. 149) places a one-year limit on the period of enjoyment of interim relief from the Foreign Service Grievance Board, unless the Board or the Department of State are responsible for the delay in resolution of the grievance. If the Board determines that the delay is due to the complexity of the case, the unavailability of witnesses, or to circumstances beyond the control of the Department, the Board, or the grievant, the Board may extend the one-year limit. The Senate amendment also requires filing of judicial review of Foreign Service Grievance Board decisions within 180 days of final action by the Board, or in the case of employees at posts abroad, within 180 days after the employee's return to the United States.

The Senate amendment (sec. 149) places a one-year limit on the period of enjoyment of interim relief from the Foreign Service Grievance Board, unless the Board or the Department of State are responsible for the delay in resolution of the grievance. If the Board determines that the delay is due to the complexity of the case, the unavailability of witnesses, or to circumstances beyond the control of the Department, the Board, or the grievant, the Board may extend the one-year limit. The Senate amendment also requires filing of judicial review of Foreign Service Grievance Board decisions within 180 days of final action by the Board, or in the case of employees at posts abroad, within 180 days after the employee's return to the United States.

The House bill (sec. 150) is similar but does not allow the Board to extend the one-year limit.

The conference substitute (sec. 178) is identical to the Senate amendment.

Inapplicability of rollover authority

The conference substitute is the House provision, which states that the conference committee agrees that this provision, along with section 144 of the House bill and section 143 of the Senate amendment, raise issues which the committee believes need to be reviewed more closely.

Women and minority placement

The Senate amendment (sec. 150) directs the Secretary of State to appoint, to the最大限度in the Foreign Service to women and minority applicants to the Foreign Service who are participating in previously established programs in the United States or are eligible for placement under a program approved by the Secretary of State.

The Senate amendment (sec. 150) is similar but does not contain the limitation on allowable travel expenses for dependents studying abroad.

The conference substitute (sec. 179) is identical to the Senate amendment.

Employment assistance referral system

The conference substitute (sec. 180) is virtually identical to the Senate amendment, but makes a technical clarification.

U.S. citizens hired abroad

The Senate amendment (sec. 146) requires that the Secretary of State direct the Department of State not to pay or in any way facilitate separation of members of the Foreign Service or other U.S. Government personnel in countries in which they are responsible for the active participation of the overseas American community, a review of U.S. laws and
regulations that may impede the ability of American citizens abroad to compete in world markets with citizens of other nations on a level playing field. The conference substitute (sec. 191) amends section 161(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, which established a Foreign Service promotion preference for language competence.

Section 152, regarding foreign language competence in the Foreign Service, reflects the committee’s view that a comprehensive approach is needed to the problem of enhancing the language proficiency of our Foreign Service Officers and that an effective way to do so is through language proficiency in the Foreign Service recruitment and assignment processes.

The conference substitute also requires the Secretary of State to provide for exceptions in the hiring of some members of each entering Foreign Service class.

The requirement that employees achieve full professional proficiency in one language as a condition for training in a third language responds in part to persistent recommendations from ambassadors, and represents a very limited number of language-designated positions to be filled.

The committee of conference believes that language proficiency preference should be a factor in the hiring of non-member employees entering Foreign Service class.

The conference substitute (sec. 191) is identical to the Senate amendment.

Language competition

The Senate amendment (sec. 152) amends section 229 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, to ensure that assignment of personnel to foreign language competence posts does not disrupt the work of other agencies or departments. The committee of conference believes exceptions in the assignment of personnel to non-designated posts seeking or requiring foreign language qualifications, with the exception of certain limited-use languages and priority needs of the Service at the discretion of the Director General, should be required.

The conference substitute (sec. 191) requires the Secretary of State to provide for exceptions in the assignment of personnel to non-designated posts seeking or requiring foreign language qualifications, with the exception of certain limited-use languages and priority needs of the Service at the discretion of the Director General, for a language-designated position who already has full or general professional proficiency in the appropriate language should be given an advantage. Under regulations putting the requirements of section 161 of Public Law 101-246 on a basis of regulation, officers who have demonstrated outstanding language proficiency should be given the advantage and, all matters being equal, to give preference in promotions to officers with demonstrated outstanding language proficiency.

The Senate amendment (sec. 152) requires that officers serving in some country desk positions in the Department of State should have familiarity with the appropriate language, as well as officers serving in positions requiring regular negotiations or contacts with speakers of a particular language. It should be expected that some officers serving on Arab country, Spanish-speaking Latin American, Francophone, Lusophone, Russian, Japanese, Chinese, and other desks speak the relevant language competently.
program as was recommended by the 1993 IG report. The Senate amendment authorizes the Secretary of State to levy a surcharge for providing other executive branch agencies with foreign language translation and interpretation services. The Senate amendment (sec. 193) contains comparable provisions regarding foreign language proficiency and requires the Secretary of State to direct the establishment and appointment of personnel at full professional proficiency in each of a majority of overseas missions as follows: for missions using world languages with more than nine Foreign Service Officer positions assigned by the Department of State, 8% of positions and not less than one position at the GS-5 level, and for missions using one or more world languages with more than nine Foreign Service Officer positions assigned by the Department of State, 1% of positions and not less than one position at the GS-3 level. The Senate amendment also requires the Secretary of State to report to Congress not later than September 30, 1994, describing progress made toward implementing this section. The conference substitute (sec. 231) is identical to the Senate amendment. "contract authority" The House bill (sec. 234) authorizes USIA to enter into contracts of no more than seven years in length for circuit capacity to distribute radio and television programs. This authority may be exercised only to such extent or in such amounts as are provided in advance in appropriations acts. The Senate amendment (sec. 213) is virtually identical. The conference substitute (sec. 232) is identical to the House bill. "Permanent authorizations" The House bill (sec. 236) repeals section 10(a) of the Mutual Educational and Cultural Exchange Act of 1961 which provides a permanent authorization of appropriations for U.S. educational and cultural exchange activities. The Senate amendment contains no comparable provision. The conference substitute (sec. 201) amends section 10(a) of the Mutual Educational and Cultural Exchange Act of 1961 to allow funds for U.S. educational and cultural exchange activities to be made available only in the year such funds were appropriated. Coordination of U.S. exchange programs The House bill (sec. 240) requires the President to ensure that exchange programs conducted by the U.S. Government, its departments and agencies, directly or through agreements with other parties, are coordinated through the Bureau of Educational and Cultural Affairs to ensure that such exchanges are consistent with U.S. foreign policy and to avoid duplication of effort. The President shall report annually on such coordination and include information in the report concerning what exchanges are supported, the number of exchange participants, the types of exchange activities conducted, and the total amount of Federal expenditures for such exchanges. The Senate amendment (sec. 220) is similar but requires all exchange programs to be reported to the Senate, and requires an additional report from the Director of USIA within 180 days of enactment outlining the range of exchange programs conducted by USIA in identifying areas of duplication or inefficiency, and recommending program consolidation and administrative restructure as warranted. The Senate amendment (sec. 229) combines the House and Senate provisions. Limitation concerning participation in international expositions The Senate amendment (sec. 217) prohibits USIA from obligating or expending funds for a U.S. Government-funded pavilion or other representation at any international exposition or world's fair in excess of amounts expressly authorized and appropriated for such purpose. The Senate bill (sec. 241) is similar. The conference substitute (sec. 230) is identical to the Senate amendment. Private sector opportunities The House bill (sec. 242) allows the President to provide for publicity and promotion, including representation abroad, of educational and cultural exchange programs which are not supported financially by the U.S. Government. The Senate amendment contains no comparable provisions. The conference substitute (sec. 231) is identical to the House bill. The committee of conference also does not intend to create a need for additional resources for publicizing exchange programs. It is intended that USIA personnel overseas will be able to fulfill this function without an undue increase in workload. The committee of conference also does not intend that additional staff will be necessary to carry out this section. Authority to respond to public inquiries The Senate amendment (sec. 219) clarifies that the prohibition on the use of funds by USIA to influence public opinion in the United States and on the domestic dissemination of program material prepared by USIA does not prohibit USIA from answering public inquiries about its operations, programs, or policies. The House bill (sec. 244) is virtually identical. The conference substitute (sec. 229) is identical to the Senate amendment. African participation in exchange programs The Senate amendment (sec. 223) contains congressional findings regarding the need for
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enhanced participation by Africans in exchange programs and requires USIA to expand exchange program allocations for Africa, particularly Fulbright Academic Exchanges, Information and Visitor Programs, and Citizens Exchanges, and encourage broader links between U.S. and African institutions.

The House bill contains no comparable provision.

The conference substitute (sec. 240) is similar to the Senate amendment, but does not include the congressional findings.

The committee on the conference notes that higher education is one of the cornerstones of economic and political development in Africa. The conferees believe that USIA's educational and cultural programs are for persons of Tibetan heritage, within the most current thinking about how to best support Academic scholars to teach, pursue research, or offer training in the United States and to encourage Tibetans in Nepal and India. This highly successful program should be expanded in size and in scope to include Tibetans in other countries. USIA should also establish a presence in Dharamsala to expand such programs and to consult with the Tibetan leadership there on the design of programs in Tibet.

The committee of conference notes that the Tibetan people in Tibet suffer a lack of access to educational and cultural exchanges. There is, therefore, a need for a specific program for the Tibetan people in Tibet (Tibetan Autonomous Region and all Tibetan autonomous prefectures incorporated in Sichuan, Yunnan, Gansu and Qinghai provinces), with particular emphasis on training programs, educational exchanges, and scientific research. In designing such a program, the USIA should consult with U.S. non-governmental organizations such as the Tibet Fund and the International Campaign for Tibet, to ensure that such programs are appropriate, and should verify that the programs are for persons of Tibetan heritage and for Chinese immigrants or temporary Chinese workers in Tibet.

USIA office in Dhuas, Tibet

The Senate amendment (sec. 221) is identical to the House bill. The people of Tibet intended to be the beneficiaries of such programs are to remain available until the funds are appropriated.

The program is designed to promote a deeper understanding of U.S. institutions and values among persons with whom we will soon be conducting diplomacy, trade negotiations, and private business. The program builds on the very successful activities of USIA's Division for the Study of the United States in working with the Organization of American Historians (OAH) to promote such studies abroad, particularly in the new democracies. The requirement in this section that USIA work closely with the OAH and other organizations is intended to ensure that the program has available to it the most current thinking about how to best support Academic scholars. The conference notes that the OAH has already formed committees of each of the principal disciplines to identify the most important work in the field, and the conferences expect USIA to consult closely with those committees.

South Pacific exchange programs

The House bill (sec. 239) creates a program: (1) to support the fellowship and travel of qualified students from the South Pacific region to pursue undergraduate and postgraduate studies in the United States; (2) to make grants to United States scholars and experts to teach, pursue research, or offer training in the South Pacific. The conferees expect USIA to make grants for youth exchanges. Grants described in (2) are limited to 10% of the total program.

The Senate amendment contains no similar provision.

The conference substitute (sec. 241) is identical to the Senate amendment. Appropriations authorities

The House bill (sec. 235) amends section 201(7) of the United States Information Agency, the United States Information Agency may not enter into any contract that expends funds appropriated to USIA for an amount in excess of the small purchase order threshold with a foreign person that complies with the Arab League boycott of Israel or with any foreign or United States person that discriminates in the award of contracts on the basis of religion.

The House bill contains no similar provision.

The conference substitute (sec. 223) amends the House bill to limit the terms of this provision for the life of the bill.

Prohibition on discriminatory contracts

The Senate amendment (sec. 214) provides that the Office of Policy and Planning authority provided to the Director of the United States Information Agency, the United States Information Agency may not enter into any contract that expends funds appropriated to USIA for an amount in excess of the small purchase order threshold with a foreign person that complies with the Arab League boycott of Israel or with any foreign or United States person that discriminates in the award of contracts on the basis of religion.

The House bill contains no similar provision.

The conference substitute (sec. 222) amends the House bill to limit the terms of this provision for the life of the bill.

The Senate amendment (sec. 215) prohibits the use of any funds authorized to be appropriated for the construction of the United States radio transmitter in Kuwait.

The House bill contains no similar provision.

The conference substitute (sec. 226) modifies the Senate amendment to prohibit the use of funds for the construction of a short wave United States radio transmitter in Kuwait.

Appropriations authorities

The House bill (sec. 239) amends section 701 of the United States Information and Edu-
SCHOLARSHIPS FOR EAST TIMORESE

The Senate amendment authorizes the Bureau of Educational and Cultural Affairs of the United States Information Agency to make available for fiscal years 1994 and 1995 scholarships for East Timorese students qualified to study at a United States college or university level in the United States.

The House bill contains no similar provision.

The conference substitute (sec. 237) is identical to the Senate amendment.

Cambodian scholarship and exchange program

The Senate amendment (sec. 222) authorizes the Director of the United States Information Agency to establish a fellowship program to enable Cambodian college students to study in the United States. The Director shall also include qualified Cambodian citizens in other USIA funded exchange programs.

The House bill contains no similar provision.

The conference substitute (sec. 238) is identical to the Senate amendment.

Environment and sustainable development exchange

The Senate amendment (sec. 224) authorizes the Director of the United States Information Agency to provide scholarships for study at United States institutions of higher education in field centers which have completed undergraduate education and to postsecondary educators for the purpose of training in the fields of environment and development, with particular emphasis on sustainable development.

The House bill contains no similar provision.

The conference substitute (sec. 240) is identical to the Senate amendment.

The purpose of this program is to promote education in fields related to sustainable development. The program is not intended to be a vocational training program, but rather a program to take advantage of the outstanding academic research being done at institutions of higher learning in the United States.

The Senate amendment (sec. 224) authorizes the Director of the United States Information Agency to provide fellowships for study at United States institutions of higher education in field centers which have completed undergraduate education and to postsecondary educators for the purpose of training in the fields of environment and development, with particular emphasis on sustainable development.

The House bill contains no similar provision.

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The House bill contains no similar provision.

The conference substitute (sec. 240) is identical to the Senate amendment.

International Exchange Program involving disability-related matters

The Senate amendment (sec. 230) amends section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 to add to the authorization granted to the President under this Act to provide the promotion of educational, medical, and scientific meetings, training, research, visits, exchanges, and other activities, with respect to disability-related matters, including participation by individuals with disabilities in such activities, through non-profit organizations having a demonstrated capability to coordinate exchange programs involving disability-related matters.

The House bill contains no similar provision.

The conference substitute (sec. 242) requires that in carrying out the authorities of Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 USC 2456b(b)), the Director of the Agency shall promote the inclusion of persons with disabilities, as well as persons involved in disability-related matters.

PART IV—MIKE MANSFIELD FELLOWSHIPS

Establishment of fellowship program

The House bill (sec. 252) establishes the Mike Mansfield Fellowship Program. The Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each or for a shorter period of time as the Center may determine. Fellowships shall include one year in which each fellow will study the Japanese language and then another year in which each fellow will conduct original research in the field of political economy. Mansfield Fellows not complying with the requirements of this section shall reimburse the Director for funds expended, together with interest. The Center shall select Fellows based solely on merit and make every possible effort to recruit candidates reflecting the cultural, ethnic, and racial diversity of the United States. The Center shall assist all Fellows in finding employment in the Federal Government if the Fellow is not able to be reemployed in the agency which he or she separated to become a Fellow. No Fellow may engage in intelligence-related activities on behalf of the United States Government. The accounts of the Center shall be audited annually and the Center shall provide a report of the audit to the Board no later than six months following the close of the fiscal year for which the audit was made.

The Senate amendment (sec. 233) is identical to the House provision. The House bill requires that each Fellow, in addition to maintaining satisfactory progress in language training, must maintain a strong career interest in political economy. The Senate amendment does not list appropriate behavior as a program requirement. The Senate amendment does not require the acceptance of the Center to be adequate.
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WHEREAS the House bill requires an annual audit of the Board's activities,

The conference substitute (sec. 235) establishes that the Senate amendment (sec. 236) establishes that the Senate amendment (sec. 231) states that it is in the interest of the United States to promote the free flow of information; that open communication of information and ideas contribute to peace and international stability; that United States support for VOA, Radio Free Europe and Radio Liberty has contributed to the success of these broadcasts in creating a free environment; and that the reorganization and consolidation of broadcast services will achieve important economies and enhance U.S. policy in a changing international environment.

The conference substitute (sec. 231) contains the following congressional findings: that it is the policy of the United States to promote the free flow of information; that open communication of information and ideas contributes to peace and international stability; and that it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this Act, that the continuation of current U.S. international broadcasting and the creation of a new service for the People's Republic of China and other countries of Asia which lack free information will advance U.S. foreign policy, and that the reorganization and consolidation of broadcast services will achieve important economies and enhance U.S. policy in a changing international environment.

The conference substitute (sec. 230) contains the following congressional findings: that it is the policy of the United States to promote the free flow of information; that open communication of information and ideas contribute to peace and international stability; and that it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this Act, that the continuation of current U.S. international broadcasting and the creation of a new service for the People's Republic of China and other countries of Asia which lack free information will advance U.S. foreign policy, and that the reorganization and consolidation of broadcast services will achieve important economies and enhance U.S. policy in a changing international environment.

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The Senate amendment contains no comparable provision.

The conference substitute (sec. 304) establishes within USIA a Broadcasting Board of Governors. The Board shall consist of 9 members appointed by the President, with the advice and consent of the Senate. The Director of USIA, as the Chairman, shall designate one member, other than the Director of USIA, as the Chairman. Exclusive of the Director of USIA, not more than four members of the Board shall be of the same political party. Each member of the Board shall serve for three years, except the Director of USIA who shall remain a member for his or her term of service. The conference substitute requires the Acting Director of the Agency to serve as a member of the Board when there is no Director of the Board until a new Director is appointed. Of the other 8 voting members, the conference substitute establishes initial terms of office for 2 members of the Board for 1 year and the initial terms of office for 3 members for 2 years. Decisions of the Board shall be by a majority vote with a quorum present. A quorum shall consist of 5 members of the Board. Members appointed to the Board shall be citizens of the United States who are not currently regular full-time employees of the United States Government. Members of the Board, while attending meetings or engaged in activities of the Board, shall be compensated at level IV of the Executive Schedule. The Director of USIA shall not be entitled to such compensation except for travel expenses.

**Authorities of the Board**

The conference substitute (sec. 304) authorizes the Board to provide guidance to, and oversight of, the International Broadcasting Bureau to review and evaluate the mission and operation of, and make grants to, RFE/RL, to review engineering activities; to undertake efficiency studies, to determine the addition or deletion of languages services; to assure that all United States broadcasting is conducted in accordance with the standards and principles contained in this Act; to recommend the Director of USIA to the President for the nomination of USIA, and to the Senate for its appointment as the Director of USIA; to make available for its own use official reception and representation expenses; to recommend the Director of USIA to the President for the nomination of the Director of the International Broadcasting Bureau from the Board. The Board shall submit proposed budgets to the Board and the Bureau shall be entitled to submit proposed budgets to the Board. The Board shall recommend to the President recommendations to the Director, USIA, as part of the Agency's submission to OMB.

**International Broadcasting Bureau**

The Senate amendment (sec. 305) establishes an International Broadcasting Bureau within USIA. The functions of the Bureau shall be to: establish policies; to approve and disapprove expenditures; to make grants to Radio Free Europe, Radio Liberty, Radio Free Asia, and administer the Office of Cuba Broadcasting, other surrogate services that may be established, and to provide for the use of professional integrity of the International Broadcasting Bureau and its broadcasting services.
Board shall allocate funds among the separate elements of the International Broadcasting Bureau, subject to limitations established by the Act. The House bill contains no similar provision.

The conference substitute (sec. 307) establishes an International Broadcasting Bureau within USIA to carry out all non-military international broadcasting activities supported by the United States government other than the grantees described in sections 308 and 309. The Director of the Bureau shall be appointed by the Chairman of the Board in consultation with the President and with the concurrence of a majority of the members of the Board. Section 5315 of title 5, United States Code, is amended to include the position of the Director of the International Broadcasting Bureau, USIA. It is the expectation of the committee on conference that funding for all broadcasting activities pursuant to this Act will be made out of a single, separately identified, appropriations account.

The committee of conference declines to support the amendment (sec. 316) that will require the Board to submit to Congress a plan for relocating all senior staff in the metropolitan area of Washington, D.C.; for the purpose of operating RFE/RL, including making detailed plans to relocate all senior staff and to locate the headquarters of its corporation in the metropolitan area of Washington, D.C.; to influence the defeat or passage of any laws of the United States or the foreign relations laws of the United States; and that these limitations shall not be imposed prior to October 1, 1995; to influence or defeat the passage of legislation in Congress; to enter into a contract or obligation to pay severance payment for personnel classification and rates of salaries used by RFE/RL. Before relocating the activities of RFE/RL, the Board for International Broadcasting or the Board, if established, shall submit a report to the Senate Committee on Appropriations on personnel classifications and salaries. Not later than 3 months after enactment of this Act, the Office of Personnel Management shall submit a report to Congress on the personnel classification and rates of salaries used by RFE/RL.

The House bill contains no similar provision.

The conference substitute (sec. 309) provides that grants made to RFE/RL and Radio Free Asia may not exceed $22,000,000 in any fiscal year. The total amount of one-time capital costs for Radio Free Asia may not exceed $5,000,000. RFE/RL is authorized to reallocate resources between funds made available for RFE/RL and Radio Free Asia. The Board may determine at any time to award the grant to an entity other than RFE/RL if it determines that RFE/RL is not fulfilling its authorities as outlined in this Act.

The Senate amendment (sec. 309) provides that grants authorized under this section shall only be used for purposes that will not carry out the same functions as were carried out by RFE/RL before the date of enactment of this Act. None of the amounts to RFE/RL shall be made subject to an agreement between the Board and RFE/RL, which requires that grants funds will only be used for purposes that are consistent with the requirements of this section. Failure to comply with the requirements of this section shall permit the grant to be terminated without fiscal obligation to the United States. The grant agreement shall impose conditions as the Board determines necessary to ensure that the grant is used for purposes that are consistent with the requirements of this provision. Failure to comply with the requirements of this provision. Failure to comply with the requirements of this provision shall permit the grant to be terminated unless the Board or the Director gives its approval. No grant funds may be used to pay any salary or compensation in excess of rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States and that these limitations shall not be imposed prior to October 1, 1995; to influence or defeat the passage of legislation in Congress; to enter into a contract or obligation to pay severance payment for personnel classification and rates of salaries used by RFE/RL. Before relocating the activities of RFE/RL, the Board for International Broadcasting or the Board, if established, shall submit a report to Congress on personnel classification and rates of salaries used by RFE/RL. The House bill contains no similar provision.

The conference substitute provides that grants made to RFE/RL shall be available for the purpose of carrying out similar functions by RFE/RL after the date of enactment of the Act. Grants to RFE/RL shall be made subject to an agreement between the Board and RFE/RL; the agreement shall require that grant funds be used only for purposes that the Board determines consistent with the requirements of this provision. Failure to comply with the requirements of this provision shall permit the grant to be terminated unless the Board or the Director gives its approval. The conference substitute provides that grants made to RFE/RL shall be available for the purpose of carrying out similar functions by RFE/RL after the date of enactment of the Act. Grants to RFE/RL shall be made subject to an agreement between the Board and RFE/RL; the agreement shall require that grant funds be used only for purposes that the Board determines consistent with the requirements of this provision. Failure to comply with the requirements of this provision shall permit the grant to be terminated unless the Board or the Director gives its approval. The conference substitute provides that grants made to RFE/RL shall be available for the purpose of carrying out similar functions by RFE/RL after the date of enactment of the Act. Grants to RFE/RL shall be made subject to an agreement between the Board and RFE/RL; the agreement shall require that grant funds be used only for purposes that the Board determines consistent with the requirements of this provision. Failure to comply with the requirements of this provision shall permit the grant to be terminated unless the Board or the Director gives its approval.
be available for relocating the activities of RFERL, unless specifically provided for in an appropriation Act or pursuant to a reappropriation Act. In such cases, the relocation shall be subject to the approval of the Office of Personnel Management and the Board. Relocation costs of radio broadcasting personnel shall be transferred to the new location.

Radio Free Asia

The Senate amendment (sec. 308) provides for making annual grants to Radio Free Asia for the purpose of carrying out radio broadcasting to the People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam. Radio Free Asia shall provide accurate and timely information, news, and commentary about events in Asia and elsewhere for the purpose of influencing the actions of the governments of China, Burma, and Vietnam.

The conferees recognize that the relocation of Radio Free Asia would be an important step in the United States' efforts to influence the actions of the governments of China, Burma, and Vietnam. However, the conferees are concerned that if the relocation of Radio Free Asia is not implemented properly, it could face significant technical problems and delays. For this reason, the conferees recommend that the United States government take steps to ensure that the relocation of Radio Free Asia is successful.

The conferees expect that Radio Free Asia will be able to operate in the new location and that the relocation will be completed within the budget constraints set forth in this Act. The conferees also expect that the United States government will take steps to ensure that Radio Free Asia has the necessary technical and personnel resources to operate effectively.

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The conferees recognize that the relocation of Radio Free Asia will be an important step in the United States' efforts to influence the actions of the governments of China, Burma, and Vietnam. However, the conferees are concerned that if the relocation of Radio Free Asia is not implemented properly, it could face significant technical problems and delays. For this reason, the conferees recommend that the United States government take steps to ensure that the relocation of Radio Free Asia is successful.

The conferees expect that Radio Free Asia will be able to operate in the new location and that the relocation will be completed within the budget constraints set forth in this Act. The conferees also expect that the United States government will take steps to ensure that Radio Free Asia has the necessary technical and personnel resources to operate effectively.

The conferees expect that the United States government will take steps to ensure that the relocation of Radio Free Asia is implemented properly and that the United States government will take steps to ensure that Radio Free Asia has the necessary technical and personnel resources to operate effectively.
funds authorized to the salaries and expenses accounts of the United States Information Agency (USIA). The confer-
ence substitute deletes any reference to “report” and replaces it with “plan” and de-
letes language requiring the plan to demon-
strate that no funds authorized by the legislation consequent with the transition are to be derived with funds specifically authorized to USIA’s sala-
ries and expenses account. The conference sub-
stitute now requires the Director of USIA and the Chairman of BIB to submit a transit-
ion plan describing how the transition will be accomplished. Expenses previously ap-
propriated under the non-military international broadcasting section of this title.

The Senate amendment contains no simi-
lar provision.

The conference substitute (sec. 313) is ident-
tical to the House bill, with a temporary change to reflect changes made to other pro-
visions of this title.

The conference substitute (sec. 313) is iden-
tical to the House amendment.

Privatization of Radio Free Europe and Radio Lib-
erty

The Senate amendment (sec. 312) contains con-
gressional findings that funding for Radio Free Eu-

re and Radio Liberty should be as-

sumed by the private sector not later than December 31, 1999 and that funding for Radio Free Eu-

re and Radio Liberty Research Insti-
tute should be assumed by the private sec-

or at the earliest possible time. The Presi-
dent shall submit with his annual budget an
analysis and recommendations for achieving
these objectives. Not later than 120 days after enactment of the Act, the Board for
International Broadcasting, or the Board, if
established, shall submit to the appropriate committees in both Houses of Congress a pro-
nodic report thereon, on steps being taken to
transfer the RFE/RL Research Institute to the
private sector.

The conference substitute (sec. 312) is iden-
tical to the Senate amendment.

The conference substitute provides authority for BIB

to provide grants to newly privatized RFE/
RL Inc. services until September 30, 1995.

The conference substitute (sec. 312) is identical to the Senate amendment. The confere-
ence substitute authorizes BIB to provide grants to newly privatized RFE/RL Inc. services
until September 30, 1995. It is anticipated that the BIB or, if con-

firmed, the board will make grants to these 

entities.

Requirement for authorization of appropriation

The House bill (sec. 218) prohibits the obli-
gation of any funds appropriated for non-
military international broadcasting activi-
ties unless such funds are appropriated pur-
suant to an authorization of appropriations.

The Senate amendment contains no com-
parable provision.

The conference substitute (sec. 315) repeals section 315(c) of the Foreign Relations Au-

thorization Act, Fiscal Years 1990 and 1991, 

terminating the joint BIB/VOA transmitter project in Israel, repeals section 305 of PL
80-42, United States Information and Edu-
cational Exchange Act of 1948, and repeals the “VOA Charter” which is now incor-
porated in a section of the conference sub-
stitute.

TITLE IV—INTERNATIONAL ORGANIZATIONS AND UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS

The Senate amendment (section 169) re-
quires that ten percent of funds authorized to the G.I.s findings; that the United Na-

tions and its specialized agencies be withheld for fiscal year 1994, and twenty percent
withheld for fiscal year 1995 and each year thereafter, until the President certifies to the Con-

ference that the United Nations has established an indepen-
dent unit for the protection of U.N. of-

cers and the United Nations staff and their families, and other United Na-

tions, that the Secretary-General has ap-

pointed an I.G., with the consent of the Gen-

eral Assembly, solely on the basis of the in-

terested in that individual and his or her dem-

onstrated ability in relevant fields of exper-
tise; that the I.G. is authorized to make in-

vestigations and reports on the United Na-
tions and its specialized agencies, have ac-

cess to all records and documents, and have
direct and prompt access to any official of
the United Nations and its specialized agen-
cies; that the I.G. is keeping UN officials, members of the Security Council, and mem-

bers of the General Assembly fully informed of the I.G.’s findings; that the United Na-

tions has established measures to protect the identity, and prevent reprisals against, any
staff member providing information to the I.G.; that the United Nations has estab-
lished procedures to ensure compliance with the I.G.’s recommendations.

The Senate amendment further requires (section 179D), for each fiscal year beginning with fiscal year 1995, that 20 percent of U.S. assessed contributions for U.N. peacekeeping be withheld until the certification described above is made.

The House bill (section 194) contains sense of Congress language urging the establish-
ment of an independent I.G. at the United Na-
tions.

The conference substitute (sec. 401) is simi-
lar to the Senate amendment. The substitu-

tion authorizes 10 percent from fiscal year 1994 U.S. contributions to the U.N. regular budget, and 20 percent from fiscal year 1995 U.S. cont-

ributions to the U.N. regular budget, and 50 percent of the $670 million authorized for supplemental peacekeeping funds for fiscal years 1994 and 1995, subject to a Presidential certificate.

The Senate amendment contains no similar pro-

vision. The conference substitute (sec. 316) is the same as the Senate amendment except that

it deletes section 307(b)(3) of the Senate amend-
ment that specifies RFE/RL’s certifi-
cate of incorporation to include reference to
Radio Free Asia.

Israel relay station

The House bill (sec. 217) repeals section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, terminating the joint BIB/VOA transmitter project in Is-

rael.
records and documents, and have direct and prompt access to any U.N. official; (4) the U.N. has procedures in place designed to protect the identity of and reprisals against, U.N. staff who cooperate with the I.G.; (5) the U.N. has procedures in place designed to ensure compliance with I.G. recommendations and not to withhold funds authorized, appropriated or otherwise available to the General Assembly in order to achieve such access; (6) the United Nations retains numerous findings on the costs of peacekeeping and in the office of any independent Inspector General which may be established at the United Nations.

The committee of conference notes that "equitable representation" means representation proportionate to the contribution the United States makes to the U.N. regular budget.

**Sense of the Senate on Department of Defense funding for United Nations peacekeeping operations**

The Senate amendment (section 170D) states the sense of the Senate that, as of October 1, 1994, the United States shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable increase in the United States rate of participation in U.N. peacekeeping activities, only to the extent that Congress has authorized, appropriated or otherwise approved funds for such purposes.

The House bill (section 167) contains sense of Congress language which states that all U.S. military aid, logistical support and in-kind contributions for U.N. peacekeeping should be counted toward the U.S. peacekeeping assessment or should be fully reimbursed.

**The conference substitute (sec. 400)** states that the Congress enacts a statute specifically authorizing the United States to a rate higher than 25% for fiscal years 1994 and 1995. The conference substitute includes reporting requirements in section 407(b) similar to those contained in the Senate amendment.

**United States personnel taken prisoner while serving in peacekeeping forces**

The Senate amendment (section 170E) contains Congressional findings on the failure of U.S. military personnel to receive protection under international law as prisoners of war when captured while serving in a peacekeeping operation. The Senate amendment states the sense of the Congress that, to assure that U.S. military personnel serving in peacetime operations who are captured are accorded the protection accorded prisoners of war under international law, the U.S. shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable increase in the United States rate of participation in U.N. peacekeeping activities, only to the extent that Congress has authorized, appropriated or otherwise approved funds for such purposes.

The conference substitute (sec. 400) states the Senate's sense of the Congress that, to assure that U.S. military personnel serving in peacekeeping operations who are captured are accorded the protection accorded prisoners of war under international law, the U.S. shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable increase in the United States rate of participation in U.N. peacekeeping activities, only to the extent that Congress has authorized, appropriated or otherwise approved funds for such purposes.

The House bill (section 167) contains sense of Congress language which states that all U.S. military aid, logistical support and in-kind contributions for U.N. peacekeeping should be counted toward the U.S. peacekeeping assessment or should be fully reimbursed.

The conference substitute (sec. 400) states the Senate's sense of the Congress that, to assure that U.S. military personnel serving in peacekeeping operations who are captured are accorded the protection accorded prisoners of war under international law, the U.S. shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable increase in the United States rate of participation in U.N. peacekeeping activities, only to the extent that Congress has authorized, appropriated or otherwise approved funds for such purposes.

The conference substitute (sec. 400) states the Senate's sense of the Congress that, to assure that U.S. military personnel serving in peacekeeping operations who are captured are accorded the protection accorded prisoners of war under international law, the U.S. shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable increase in the United States rate of participation in U.N. peacekeeping activities, only to the extent that Congress has authorized, appropriated or otherwise approved funds for such purposes.

**Transmittals of United Nations documents**

The Senate amendment (section 170B) amends section 4 of the United Nations Participation Act by adding to that Act a requirement that the United States Permanent Representative to the United Nations Accounts committee prepare detailed report on the status of peacekeeping activities as well as any supporting documents. If such resolution would involve the use of United States Armed Forces or the expenditure of United States funds, such resolutions would require certification to the Congress the text of any resolution adopted by the United Nations Security Council relating to United Nations peacekeeping activities as well as any supporting documents. If such resolution would involve the use of United States Armed Forces or the expenditure of United States funds, such resolutions would require certification to the Congress.
COUNCIL AND THE CONGRESS WHEN FORCES PARTICIPATE IN SUCH OPERATIONS.

2. TERRITORY MUST BE TRANSMITTED FROM 72 HOURS TO THREE WORKING DAYS. THE COMMITTEE OF CONFERENCE DOES NOT WISH TO INCORPORATE IN THE RECORD-HOUSE BILL AND THE SENATE AMENDMENT. THE CONFERENCE SUBSTITUTE (SEC. 407) MODIFIES AND CONSOLIDATES REPORTING AND NOTIFICATION REQUIREMENTS CONTAINED THROUGHOUT THE BILL AND THE SENATE AMENDMENT IN A TIMELIER MANNER.

THE SENATE AMENDMENT CONTAINS SEVERAL NOTABLE PROVISIONS.

THE SENATE AMENDMENT (SECTION 191) REQUIRES THAT AT LEAST FIFTEEN DAYS BEFORE (1) ANY TRANSITION OF CONFLICTS BASED ON INTERNATIONAL PEACEKEEPING OPERATIONS, OR (2) ANY VOTE BY THE SECURITY COUNCIL TO TAKE ACTION UNDER ARTICLE 43 OF THE U.N. CHARTER, THE PRESIDENT MUST SUBMIT TO CONGRESS A REPORT CONTAINING A COST ASSESSMENT OF THE PARTICIPATION OF U.S. ARMY FORCES IN THOSE OPERATIONS. SECTION 1910 ALSO PROVIDES A WAIVER OF THE 15 DAY REPORTING REQUIREMENT IF THE PRESIDENT DETERMINES THAT AN EMERGENCY EXISTS WHICH PREVENTS SUBMISSION OF THE REPORT IN A TIMELIER MANNER.

THE SENATE AMENDMENT (SECTION 1902) REQUIRES THAT AT LEAST FIFTEEN DAYS BEFORE THE END OF THE FISCAL YEAR, THE PRESIDENT MUST SUBMIT TO CONGRESS A REPORT CONTAINING THE FOLLOWING INFORMATION:


THE SENATE AMENDMENT ALSO CONTAINS REPORTING REQUIREMENTS ON DISCRETIONARY WITHHOLDING OF U.S. ASSESSMENTS (SECTION 165), U.N. PEACEKEEPING FUNDING ISSUES (SECTION 170), TREATMENT OF PERSONNEL THAT ARE PRISONER WHILE SERVING IN PEACEKEEPING OPERATIONS (SECTION 1706), HUMAN RIGHTS OBSERVANCE IN U.N. PEACEKEEPING ACTIVITIES (SECTION 1707), AND REPORTING REQUIREMENTS ON U.N. PEACEKEEPING CONTRACTS (SECTION 190).

THE HOUSE BILL CONTAINS NO COMPARABLE PROVISIONS.


SECTION 407(A)(5) ESTABLISHES PRIOR NOTIFICATION REQUIREMENTS FOR U.S. ASSISTANCE TO THE UNITED NATIONS TO SUPPORT PEACEKEEPING OPERATIONS, WHEN THAT ASSISTANCE EXCEEDS $3 MILLION IN NON-FROM THE PRESIDENT TO THE UNITED STATES CONGRESS. THE CONFERENCE SUBSTITUTE ESTABLISHES A NEW REPORTING REQUIREMENT ON DISCRETIONARY WITHHOLDING OF U.S. ASSESSMENTS TO THE UNITED NATIONS BASED ON THE EFFECTIVENESS OF U.S. PARTICIPATION IN THEM. THE PRESIDENT WILL BE Required TO SUBMIT TO CONGRESS A REPORT CONTAINING THE FOLLOWING INFORMATION:

1. A PROJECTION OF THE TOTAL PEACEKEEPING OPERATIONS ANNUAL COST OF ALL PEACEKEEPING OPERATIONS FOR THE CURRENT FISCAL YEAR, AND AN ESTIMATE OF THE TOTAL COST TO THE UNITED NATIONS OF THE OPERATION, AND AN ESTIMATE OF THE AMOUNT OF THAT COST THAT WILL BE ASSESSED TO THE UNITED STATES, FOR EACH SUCH OPERATION FOR THE PERIOD COVERED BY THE RESOLUTION; AND, ANY ANTICIPATED SIGNIFICANT CHANGES AND THE ESTIMATED COSTS TO THE UNITED STATES OF SUCH CHANGES.
contracts awarded by the U.N. to U.S. contractors under various peacekeeping agreements.

The substitute also requires annual reporting on the status of efforts to establish and implement an independent international organization for peacekeeping, including a discussion of whether that official is keeping the Secretary General and the members of the General Assembly informed of the status of efforts to reduce the U.S. peacekeeping assessment rate; and the status of other options, including financial management reform at the United Nations.

The substitute requires annual reporting on the status under international law of members of multinational forces, including any recommendations for legislative action.

Finally, the substitute requires a description of the efforts by the United Nations peacekeeping forces to promote and protect internationally recognized human rights standards, including the status of investigations in any case of alleged human rights violations during the preceding year by personnel participating in United Nations peacekeeping forces, as well as any action taken in such cases.

Transfers of excess defense articles for international peacekeeping operations

The conference substitute (section 408) amends the Foreign Assistance Act of 1961, as amended, to add a new section 520 which grants the President the authority to transfer defense articles (EDA) to international or regional organizations when a decision is made to withhold any U.S. military personnel captured during the preceding year by personnel participating in United Nations peacekeeping operations, as well as any action taken in such cases.

The conference substitute establishes a procedure under which the Department of Defense and the Army are required to present a report to the House of Representatives and the Senate on the use of funds appropriated for peacekeeping operations and other activities.

The conference substitute also establishes a procedure under which both the Department of State and the Defense Department may require the U.S. assessment contributions to be credited against U.S. assessment contributions to peacekeeping operations.

The conference substitute establishes a procedure to be used by the Department of State to implement the recommendations of the conference substitute for international peacekeeping activities, as well as the establishment of a military personnel in the United Nations peacekeeping forces, as well as any action taken in such cases.

Reform in the budget decisionmaking procedures of the United Nations and its specialized agencies

The Senate amendment (sec. 163) authorizes the use of 20% of the funds appropriated for international peacekeeping operations, as well as any action taken in such cases.

The conference substitute establishes limitations on EDA transfers under this section comparable to those applicable to other authorities which permit the transfer of grant EDA, including a requirement that the President establish procedures comparable to those under section 520 of the Foreign Assistance Act of 1961, as amended, which ensure that those articles will be used only for purposes that have been agreed to by the United Nations.

The conference substitute requires that EDA transfers under this section be notified to designated congressional committees not less than 30 days before they occur, unless the President determines that an unforeseen emergency requires the immediate transfer or retransfer of EDA under this section. In that case, the President shall promptly notify the designated congressional committees of such waiver and transfer. The term "designated congressional committees" is defined, as used in this subsection, as the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Senate on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

The conference substitute also provides authorities relating to transportation and related costs of EDA as well as a waiver of the requirements for reimbursement of DOD expenses pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended.

In crafting this section, the committee of conference has attempted to establish a procedure for crediting U.S. peacekeeping assessments which meets both the spirit and the letter of the administration's concept of shared responsibility between the Departments of State and Defense for international peacekeeping matters.

The conference substitute emphasizes the obligation to use U.S. assessment contributions to be credited against U.S. assessment contributions to international peacekeeping organizations without first securing a written agreement which specifies not only the amount of the credit, but also the conditions under which such transfers may be made.

The conference substitute includes provisions which are comparable to those under section 506 of the Foreign Assistance Act of 1961, as amended (regarding requisite end-use, retransfer and security agreements) and other such procedures and requirements that the President believes necessary to ensure that the excess defense articles are being used only for the purposes agreed to by the United States.

The conference substitute further intends that the use of the term "value" (as defined in section 94(m)(x)) throughout this section is to be interpreted to include the "counterpart" of the value, which means "counterpart" as currently used in congressional notifications required under sections 516 through 519 of the Foreign Assistance Act of 1961, as amended.

Reform in the budget decisionmaking procedures of the United Nations and its specialized agencies

The Senate amendment (sec. 163) authorizes the use of 20% of the funds appropriated for international peacekeeping operations, as well as any action taken in such cases.

The conference substitute establishes limitations on EDA transfers under this section comparable to those applicable to other authorities which permit the transfer of grant EDA, including a requirement that the President establish procedures comparable to those under section 520 of the Foreign Assistance Act of 1961, as amended, which ensure that those articles will be used only for purposes that have been agreed to by the United Nations.

The conference substitute requires that EDA transfers under this section be notified to designated congressional committees not less than 30 days before they occur, unless the President determines that an unforeseen emergency requires the immediate transfer or retransfer of EDA under this section. In that case, the President shall promptly notify the designated congressional committees of such waiver and transfer. The term "designated congressional committees" is defined, as used in this subsection, as the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Senate on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

The conference substitute also provides authorities relating to transportation and related costs of EDA as well as a waiver of the requirements for reimbursement of DOD expenses pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended.

In crafting this section, the committee of conference has attempted to establish a procedure for crediting U.S. peacekeeping assessments which meets both the spirit and the letter of the administration's concept of shared responsibility between the Departments of State and Defense for international peacekeeping matters.

The conference substitute emphasizes the obligation to use U.S. assessment contributions to be credited against U.S. assessment contributions to international peacekeeping organizations without first securing a written agreement which specifies not only the amount of the credit, but also the conditions under which such transfers may be made.

The conference substitute includes provisions which are comparable to those under section 506 of the Foreign Assistance Act of 1961, as amended (regarding requisite end-use, retransfer and security agreements) and other such procedures and requirements that the President believes necessary to ensure that the excess defense articles are being used only for the purposes agreed to by the United States.

The conference substitute further intends that the use of the term "value" (as defined in section 94(m)(x)) throughout this section is to be interpreted to include the "counterpart" of the value, which means "counterpart" as currently used in congressional notifications required under sections 516 through 519 of the Foreign Assistance Act of 1961, as amended.

Reform in the budget decisionmaking procedures of the United Nations and its specialized agencies

The conference substitute establishes limitations on EDA transfers under this section comparable to those applicable to other authorities which permit the transfer of grant EDA, including a requirement that the President establish procedures comparable to those under section 520 of the Foreign Assistance Act of 1961, as amended, which ensure that those articles will be used only for purposes that have been agreed to by the United Nations.

The conference substitute requires that EDA transfers under this section be notified to designated congressional committees not less than 30 days before they occur, unless the President determines that an unforeseen emergency requires the immediate transfer or retransfer of EDA under this section. In that case, the President shall promptly notify the designated congressional committees of such waiver and transfer. The term "designated congressional committees" is defined, as used in this subsection, as the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Senate on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

The conference substitute also provides authorities relating to transportation and related costs of EDA as well as a waiver of the requirements for reimbursement of DOD expenses pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended.

In crafting this section, the committee of conference has attempted to establish a procedure for crediting U.S. peacekeeping assessments which meets both the spirit and the letter of the administration's concept of shared responsibility between the Departments of State and Defense for international peacekeeping matters.

The conference substitute emphasizes the obligation to use U.S. assessment contributions to be credited against U.S. assessment contributions to international peacekeeping organizations without first securing a written agreement which specifies not only the amount of the credit, but also the conditions under which such transfers may be made.

The conference substitute includes provisions which are comparable to those under section 506 of the Foreign Assistance Act of 1961, as amended (regarding requisite end-use, retransfer and security agreements) and other such procedures and requirements that the President believes necessary to ensure that the excess defense articles are being used only for the purposes agreed to by the United States.

The conference substitute further intends that the use of the term "value" (as defined in section 94(m)(x)) throughout this section is to be interpreted to include the "counterpart" of the value, which means "counterpart" as currently used in congressional notifications required under sections 516 through 519 of the Foreign Assistance Act of 1961, as amended.
ministrative structure, reform of the FAO Council, limitations on the term of the Direc-
tor General, and restructuring of the Technical Cooperation Program.
The Senate amendment contains no comparable provision.

The conference substitute (sec. 413) is similar to the House bill, but deletes the ref-
erences to sections and includes a statement of policy that the United States should, to the extent practicable, utilize existing
personnel programs, such as the Department of Agriculture's Associate Professional
Officer program, to place U.S. personnel with unique skills in the FAO.

Adherence to the United Nations Charter

The House bill (sec. 198) expresses the sense of the Congress that the President should seek an assurance from the Secretary General of the United Nations that the United Nations Charter, Article 100 of the U.N. Charter, that neither the United States nor its staff shall seek or receive instructions from any government or from any other authority external to the United Nations, and that the President should report to Congress when he receives such assurance from the Secretary General. The Senate amendment contains no comparable provision.

The conference substitute (sec. 414) is identical to the House bill.

Designated congressional committees

The Senate amendment in numerous sections defined "appropriate committees" to be notified or various United Nations and intergovernmental organizations.

The House bill contains no comparable provisions.

The conference substitute (sec. 415) states that, for purposes of this part, the term "designated congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

PART B—GENERAL PROVISIONS AND OTHER INTERNATIONAL ORGANIZATIONS

Agreement on State and local taxation

The Senate amendment (sec. 760) authorizes the President to bring into force the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations which entered into force on July 1, 1993. The Senate amendment also contains additional provisions to ensure that the United States is treated equally as a member of international organizations located in the United States from payment of state and local income taxes.

The House bill (sec. 162) is similar. The conference substitute (sec. 421) is identical to the Senate amendment.

It is the intention of the committee of conference that a state that has not previously imposed its income tax on non U.S. citizen employees of international organizations may not impose such tax on such employees in the future. It is also the intention of the committee that any state that has previously imposed its income tax on such employees may not impose such tax on such employees for any tax year beginning after December 31, 1993. It is also the intention of the committee that no state that has previously imposed its income tax on such employees shall be required to refund to such employees any such taxes collected with respect to tax years ending on or before December 31, 1993.

Conference on Security and Cooperation in Europe

The Senate amendment (sec. 739) authorizes the President to implement Annex I of the Conference on Security and Cooperation in Europe's Council of Ministers Decision No. 1 of 1993 concerning Legal Capacities and Privileges and Immunities.

The House bill contains no comparable provision.

The conference substitute (sec. 422) is identical to the Senate amendment.

International Boundary and Water Commission

The House bill (sec. 194) authorizes the President to bring into force the International Boundary and Water Commission to receive payments of money from public or private sources in the United States or Mexico made for the purpose of sharing in the cost of replacement of the Bridge of the Americas. Such payments will be credited to the appropriation currently available to the Commission. This authority may be exercised only to the extent or in such amounts as are provided in advance in appropriations acts. The pollution problems which may provide for the purpose of sharing in the cost of replacement of the Bridge of the Americas.

Adherence to the International Standards

The conference substitute (sec. 427) is identical to the Senate amendment.

International Union for the Conservation of Nature and Natural Resources

The Senate amendment (sec. 173) designates the International Union for the Conservation of Nature and Natural Resources (IUCN) as an international organization for purposes of the International Organizations Immunities Act.

The House bill contains no comparable provision.

The conference substitute (sec. 428) is identical to the Senate amendment.

The conference substitute (sec. 428) designates the International Coffee Organization as an organization of international organizations.

The Senate amendment (sec. 175) prohibits the use of funds authorized by this act or any other act to pay any contribution to the International Coffee Organization.

The House bill contains no comparable provision.

The conference substitute (sec. 429) prohibits the use of funds authorized by this act to pay any U.S. contribution to the International Coffee Organization.
has already withdrawn from the International Coffee Organization.

International Jute Organization

The Senate amendment (sec. 175) prohibits the use of funds authorized by this or any other Act for a contribution to the International Jute Organization.

The House bill contains no comparable provision.

The conference substitute (sec. 429) prohibits the use of funds authorized by this Act to pay any U.S. contribution to the International Jute Organization.

Migration and refugee amendments

The House bill (sec. 183) amends the Migration and Refugee Assistance Act of 1962 to reflect the current name of the International Organization for Migration. The amendment indicates that the President is authorized to continue membership in the International Organization for Migration, and to raise the ceiling on the emergency refugee and migration assistance fund from $50 million to $100 million.

The Senate amendment (sec. 181) is virtually identical.

The conference substitute (sec. 430) is identical to the House bill.

Withholding of United States contribution for certain international organizations

The House bill (sec. 102(e)(3)) authorizes to be appropriated for the United Nations Development Program (UNDP) $301,229,000 of U.S. contributions to UNDP for each of the fiscal years 1994 and 1995. The House bill also restricts funds made available for UNDP in fiscal years 1994 and 1995 from being available for programs and activities in Burma. In addition, of the funds authorized for each of 1994 and 1995, the bill makes $9,000,000 available only if the President certifies that UNDP’s programs and activities in Burma promote the enjoyment of internationally guaranteed human rights by the members of all the ethnic groups in Burma and do not benefit the State Law and Order Restoration Council (SLORC) military regime.

The Senate amendment contained no comparable provision.

The conference substitute (sec. 431) amends section 307 of the Foreign Assistance Act of 1961, withholding the voluntary United States proportionate share for certain programs of international organizations. Under the bill, the voluntary United States contribution to an international organization must be reduced by the proportionate United States share of such organization’s activities carried out in specified countries. The purpose of the provision is to insure that no United States funds are used to conduct activities in cooperation with those states.

The conference substitute strikes reference to the South-West Africa People's Organization and inserts Burma, Iraq, North Korea, and Syria in the list of countries in section 307. The conference substitute excepts contributions to the International Atomic Energy Agency and UNICEF from the limitation on funds. This provision embodies concerns about the uses, not only in Burma but also in Iraq, North Korea and Syria, of funds contributed to international organizations and emphasizes the concerns of the committees of conference regarding the brutal nature of these states.

The committee of conference expresses particular concern that, while international organizations must deal with state parties, their activities in particular countries tend to support the legitimacy of repressive regimes which are not supported by a majority of the population. Resources for international organizations are in critically short supply and they should, therefore, be concentrated on programs developed in cooperation with governments which enjoy the support of the population and which are responsive to the genuine needs of the people.

The conference substitute (sec. 431) also retains the provision that funds available for the UNDP and UNDP-administered funds for fiscal years 1994 and 1995 may not be available for programs and activities in Burma. In the conference substitute, it also provides that of the funds available for fiscal year 1994, $11,000,000 is available only if the President certifies that the UNDP programs and activities in Burma promote the enjoyment of internationally guaranteed human rights by all persons in Burma and do not benefit the SLORC military regime. Finally, the conference substitute provides that of the funds available for fiscal year 1995, $27,500,000 is available only if the President certifies that the UNDP programs and activities in Burma promote the enjoyment of internationally guaranteed human rights by all persons in Burma and do not benefit the SLORC military regime. The conference substitute also provides that of the funds available for fiscal year 1995, $11,000,000 is available only if the President certifies that the UNDP programs and activities in Burma promote the enjoyment of internationally guaranteed human rights by all persons in Burma and do not benefit the SLORC military regime.

The conference substitute (sec. 431(a)(1)) of the conference substitute affect programs and activities financed by the funds made available for fiscal years 1994 and 1995 while sections 431(b) (2) and (3) of the conference substitute affect programs also financed by funds made available for prior years, if such programs do not meet the certification requirements.

As applied to Burma, both section 431(a) and section 431(b) of the conference substitute affect programs and activities provided to the Congress under section 431(b)(1) of the conference substitute. If the conference substitute affects programs and activities in Burma, the committee of conference has grave concerns that under the SLORC the UNDP can design and implement programs which avoid these problems. The committee of conference strongly encourages all international organizations to cooperate with the internationally recognized winners of the 1988 elections in Burma, and to raise the ceiling on the emergency refugee and migration assistance fund from $50 million to $100 million.

U.S. policy concerning overseas assistance to refugees and displaced persons

The House bill (sec. 187) establishes comprehensive standards for addressing the needs of women and children refugees and calls for the Department of State to pursue full implementation of the 1991 United Nations High Commissioner for Refugees (UNHCR) Guidelines on the Protection of Refugee Women. The House bill also requires the Secretary of State to adopt specific procedures to ensure that all organizations that receive U.S. refugee assistance funds implement these standards.

The Senate amendment (sec. 182) is similar.

The conference substitute (sec. 501) is similar to the House bill, but makes some technical and clarifying changes.

Interparliamentary exchange by the United States

The House bill (sec. 195) reduces the two-year authorization for the U.S.-Canada Interparliamentary Exchange by $20,000 and the two-year authorization for the U.S.-Mexico Interparliamentary Exchange by $20,000. The House bill also allows funds appropriated for interparliamentary exchanges to be deposited in interest bearing accounts and directed that interest earned on those funds be periodically deposited in the U.S. Treasury.

The Senate amendment (sec. 183) is virtually identical.

The conference substitute (sec. 502) is identical to the House bill.

Food as a human right

The House bill (sec. 196) requires the United States, in accordance with its international obligations, to promote increased respect internationally for the rights to food and medical care and to increase the assistance of the U.S. Agency for International Development. The conferees on the House bill also express the sense of Congress that the United States should make all assistance available only if the President certifies that a recipient government is fully consistent with internationally recognized human rights.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 503) is similar to the House bill, but uses the United States to promote increased respect internationally for the rights to food and medical care, and deletes references to an internationally recognized right.
services should be made, and no license issued for the export of such articles or services, and no agreement to furnish such articles or services in any way, should be made to any nation which does not fully furnish all pertinent information to the U.S. on the national of the victim or alleged offender.

The House bill contains no comparable provision.

The conference substitute (sec. 504) is identical to the Senate amendment.

Inspector General Act

The Senate amendment (sec. 180) expresses the sense of the Senate that the issue of amending the Inspector General Act to establish term limits for Inspectors General should be examined and considered as soon as possible by the appropriate committees of jurisdiction.

The House bill contains no comparable provision.

The conference substitute (sec. 505) is identical to the Senate amendment.

Implementing legislation for Torture Convention

The Senate amendment (sec. 785) amends title 18 of the United States Code to establish criminal penalties for persons committing or attempting to commit torture outside the United States. United States jurisdiction over this prohibited activity shall apply if the alleged offender is a national of the United States or if the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

The House bill contains no comparable provision.

The conference substitute (sec. 506) is identical to the Senate amendment.

International claims settlement

The Senate amendment (sec. 711) amends the International Claims Settlement Act of 1948 to authorize the President to allow the release of funds on deposit in U.S. banks that have been blocked under the International Emergency Economic Powers Act in accounts of foreign banks that issued confirmed letters of credit for the benefit of U.S. nationals, to pay such letters of credit if the U.S. beneficiaries lawfully shipped goods or otherwise performed contractual obligations based on such letters of credit before the declaration of a national emergency pursuant to the Iraqi embargo.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The committee of conference notes that the House will be considering the Iraq Claims Settlement Act (H.R. 3589) in the following section. That legislation addresses the system by which claims against frozen Iraqi assets will be paid.

U.S. policy toward Iraq

The Senate amendment (sec. 708) contains congressional findings and expresses the sense of the Congress that the President should seek to restart the Perm-5 talks on guidelines for conventional arms sales to the developing world.

The House bill (sec. 192) contains congressional findings regarding the Perm-5 talks on guidelines for conventional arms sales to the developing world. The conference substitute expresses the sense of Congress that the President should seek to restart the Perm-5 talks.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position. The conference substitute (sec. 192) is identical to the House position.

The conference substitute (sec. 509) is virtually identical to the Senate amendment, which states that the authorities of the Secretary of Defense are to be carried out in concurrence with the Secretary of State.

Fair trade in auto parts

The Senate amendment (sec. 731) extends the Auto Parts Advisory Commission created by the Omnibus Trade and Competitiveness Act of 1988 for an additional five years, until June 30, 1994.

The House bill contains no comparable provision.

The conference substitute (sec. 510) is identical to the Senate amendment.

Report on use of foreign frozen or blocked assets

The Senate amendment (sec. 735) requires the President to submit a report to the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate not later than 60 days after the date of enactment containing a detailed accounting analysis and justification for all expenditures made from frozen or blocked assets that have been blocked or frozen by the United States Government, particularly Bahrain, Iran, and Iraq frozen or blocked assets.

The House bill contains no comparable provision.

The conference substitute (sec. 511) is identical to the Senate amendment.

Extension of certain adjudication procedures

The Senate amendment (sec. 746) extends through 1996 certain adjudication provisions previously enacted in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990. The Senate amendment extends a special allocation of refugee admission spaces to China, at 50,000, to nations or residents of an independent state of the former Soviet Union or Estonia, Latvia, Lithuania, or who were nationals of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania, Vietnam, Laos, or Cambodia and were granted parole in the United States after August 14, 1988, to that of
The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The Senate amendment (sec. 751) contains the Senate findings and requires the Department of State within 60 days of enactment to brief the Committees on the Judiciary of the House of Representatives and the Senate on the steps being taken by the United States to assure that all appropriate efforts are being made expeditiously to identify and assist Seminarian individuals and families who are requesting third country resettlement and who are eligible to seek refugee status in the United States and who are seeking asylum.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The Senate amendment (sec. 758) prohibits the Attorney General from deporting nationals of the People's Republic of China (PRC) who demonstrate a reasonable likelihood that upon their return to the PRC they will be forced to abort a pregnancy or will be subjected to forced sterilization under Chinese Communist Party directives. Additionally, the Senate amendment requires the Attorney General to promulgate regulations to carry out the purposes of this section and limits the number of persons receiving the benefit of this section to 2,000 in any one fiscal year. The Senate amendment would apply for a period of three years from the date of enactment of this act.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The conference substitute is the same as the House position.

Asylum/refugee

The Senate amendment (sec. 727) contains congressional findings regarding the asylum process in the United States and expresses the sense of Congress that U.S. immigration, asylum, and refugee laws should be reformed to provide a procedure for the expeditious exclusion of asylum applicants who arrive at a port of entry with fraudulent documents or no discernible claim of asylum and to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

The conference substitute (sec. 514) is identical to the Senate amendment.

Asylum reform

The conference substitute (sec. 515) is identical to the Senate amendment.

The Senate amendment (sec. 756) requires the President to submit a report every six months, beginning six months after the date of enactment of the implementing legislation of the “Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Pact organization, but permitting the Sovereign States for full membership in the North Atlantic Treaty Organization.

The House bill contains no comparable provision.

The conference substitute (sec. 514) is similar to the Senate amendment but requires the first report 90 days after enactment and subsequent reports annually thereafter. The conference substitute includes an authorization of status of forces agreements with any country eligible to participate in the Partnership for Peace.

European nations participation in NATO

The Senate amendment (sec. 724) expresses the sense of the Senate that the United States should urge prompt admission to NATO for those European nations which demonstrate both the capability and willingness to support collective defense requirements and established democratic practices.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Thailand's relations with Burma and Cambodia

The Senate amendment (sec. 763) expresses the sense of Congress regarding Thailand's policies towards Burma and Cambodia. It conveys concern that the Government of Thailand, or elements thereof, should end any and all support for the Khmer Rouge in Cambodia, permit democratic leaders of Burma to continue to operate in Thailand, and prosecute those responsible for the trafficking and abuse of women in Thailand, particularly Burmese women. The provision also urges the President to enact a clear policy towards Burma.

The House bill contains no comparable provision.

The conference substitute (sec. 515) is similar to the Senate bill, but contains a statement praising the return of democracy to Thailand, stressing the importance of U.S.-Thai relations, and urging the Government of Thailand to adopt a responsible policy concerning displaced persons from neighboring countries, particularly persons from Burmese and the Hmong from Laos.

The conference substitute (sec. 516) is identical to the Senate amendment.

Immigration and Nationality Act amendments

The Senate amendment (title XII) amends section 245 of the Immigration and Nationality Act to allow aliens physically present in the United States without inspection or are within one of the classes enumerated in section 245(c) to apply for adjustment of status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such application only if the alien remits all back taxes due under United States tax laws, and then only if the Attorney General finds that there is a reasonable likelihood that the alien will not be removed. The conference substitute (sec. 514) is identical to the Senate amendment.

The conference substitute (sec. 515) is similar to the Senate bill, but contains a statement praising the return of democracy to Thailand, stressing the importance of U.S.-Thai relations, and urging the Government of Thailand to adopt a responsible policy concerning displaced persons from neighboring countries, particularly persons from Burmese and the Hmong from Laos.
eminent of Thailand in early April 1994 to re-
package, reconstitute, reengage, and hearten.

dren, and elderly into an area of Cambodian
controlled by the Khmer Rouge. The com-
mittee of conference notes that this action
was prompted by the Republic of Thai-
United Nations High Commissioner for Refug-
and is contrary to the spirit of the October
Resolution of the United Nations. The com-
ditions do not contribute to close cooperative
relations between the United States and
Thailand.

The committee of conference is also con-
cerned about the apparent continued support
extended by elements of the Royal Thai mil-
itary to the Khmer Rouge in their recent
offensive against a Cambodian Government
forces along the border.

Women's human rights protection

The House bill (sec. 181) expresses the sense of Congress that the State Department
should designate a special assistant to the Assistant
Secretary to promote international women's
human rights within the overall human
rights policy of the United States Government.
The conference substitute (sec. 142) enumerates the
responsibilities such an advocate should have. The House bill
also requires the Secretary of State to notify the
Congress within a year on steps taken to
create such a position. Finally, the House bill
requires that if the U.N. Convention on the
Protection of All Persons from Racial Discri-
mination Against Women (CEDAW) has not been
submitted to the Senate within 90 days of en-
counterment of this act, the Secretary of State
shall notify the Congress of the executive branch's position on the ratification of
CEDAW and the timetable for submission of
CEDAW to congressional consideration and
approval.

The Senate amendment (sec. 127) contains a
similar provision.

The conference substitute (sec. 112) ex-
presses the sense of Congress that the De-
partment of State should designate a senior
advisor to the appropriate Undersecretary to
assure that women's human rights issues are
considered in the overall development of
international human rights policy. The conf-
ference substitute also requires the Secre-
trary of State to notify Congress within 180
days of enactment of the steps taken to ful-
fill the obligations of the United States
human rights issues into U.S. foreign
policy.

Policy toward the establishment of an inter-
national criminal court

The Senate amendment (sec. 169) contains congressional findings regarding the estab-
lishment of an international criminal court
and expresses the sense of Congress that the
establishment of such a court would greatly
strength the international rule of law and
would thereby serve the interests of the
United States and the world community, and
that the U.S. delegation to the United Na-
tions should make every effort to advance
such a proposal. The Senate amendment also
requires the President to submit a report not
later than February 1, 1994 on developments
relating to, and U.S. efforts in support of the
establishment of an international crimina-

The House bill contains no comparable pro-
vision.

The conference substitute (sec. 517) is virt-
ually identical to the Senate amendment,
but changes the sense of Senate statement to
a sense of the Congress.

International Criminal Court participation

The Senate amendment (sec. 169) states that the United States Senate will not con-
sent to the ratification of a treaty providing
for participation in an international crimina-

The House bill contains no comparable provision.

The conference substitute (sec. 518) is iden-
tical to the Senate amendment.

Protection of first and fourth amendment rights

The Senate amendment (sec. 170) states that the United States Senate will not con-
sent to the ratification of a treaty providing
for participation in an international crimina-

The House bill contains no comparable prov-
ience.

The conference substitute (sec. 519) is iden-
tical to the Senate amendment.

Termination of U.S. arms embargo

The Senate amendment (sec. 725) expresses the sense of the Senate that the President
should terminate the U.N.-imposed arms em-

The Senate amendment also stipulates that the President should provide
appropriate military assistance to the gov-
ernment of Bosnia-Hercegovina.

The House bill contains no comparable prov-
ience.

The conference substitute (sec. 520) is virt-
ually identical to the Senate amendment,
but changes the Senate's to the Senate of the
Congress.

Normalization of relations with Vietnam

The Senate amendment (sec. 718) expresses the sense of the Senate that, in view of
progress in resolving the fate of American servicemen unaccounted for in the Vietnam
conflict, the President should lift the United
States embargo against Vietnam expedit-
ously, and the two countries should move
towards the normalization of relations.

The House bill contains no comparable pro-
vision.

The conference substitute (sec. 521) is iden-
tical to the Senate provision. The committee
of conference notes that the inclusion of this
provision does not constitute an endorse-
ment by the Congress of the Free Trade In
Ideas Act, as interpreted by the Congress.

The House bill contains no comparable pro-
vision.

Report on sanctions on Vietnam

The Senate amendment (sec. 761) requires that 30 days after the modification of the House of
Representatives of the President's decision to
lift the embargo against Vietnam. As the
House has not addressed this issue, the com-
mmittee of conference included only the origin-
inal sense of the Senate provision on this
issue.

The Senate amendment (sec. 765) expresses the sense of the Congress that the President
should not restrict informational, edu-
cational, religious, or humanitarian ex-
changes, or exchanges for public perform-
ances or exhibitions, or travel for any such
exchanges, activities, performances or exhib-
itons, between the United States and any
other country.

The House bill contains no comparable pro-
vision.

The Senate amendment (sec. 755) amends the
Free trade in ideas

The Senate amendment (sec. 755) expresses the sense of the Congress that the President
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changes, or exchanges for public perform-
ances or exhibitions, or travel for any such
exchanges, activities, performances or exhib-
itons, between the United States and any
other country.

The House bill contains no comparable pro-
vision.

The conference substitute (sec. 522) amends
the Senate language.

The House bill had in its original form in-
cluded a Part entitled Facilitation of Pri-
ivate Sector Initiatives (the "Free Trade in
Ideas Act") to deal with these issues. This
provision was withdrawn in committee
at the request of the Secretary of State.

"Free trade in ideas" as an underlying objec-
tives of the Free Trade in Ideas Act, asked
for the opportunity to implement those objectives by means of regulation, and
suggested that statutory and regulatory
changes might be useful in the future.
The committee of conference believes that if a foreign government has attempted to submit an outstanding expropriation claim to the International Center for Settlement of Investment Disputes out of its own accord, it has refused, that the conditions in (a)(2) of this section shall be considered as met and U.S. foreign assistance, therefore, should not be suspended.

The committee of conference recognizes the unique problems facing many of the new nations of the former Soviet Union in the East and Central Europe and has added a provision designed to provide nations emerging from totalitarian or authoritarian rule sufficient time to settle outstanding expropriation claims before the termination of assistance is considered. The President is provided broad authority to waive this entire section if he determines and reports to Congress that it is in the national interest to do so.

This section is not meant to affect in any way a foreign government’s legitimate right to seize the property of anyone who has violated the law of that nation, consistent with international law. No Russian or Soviet denial assistance to the poorest of the poor through Basic Human Needs loans from the multilateral development banks. The committee of conference recognizes that Basic Human Needs loans should be only those which provide basic education, basic sanitation, basic shelter, primary health care, clean drinking water and sanitation, and sufficient food and nutrition for a healthy and productive life.

The conference substitute also requires the Secretary of State to report not later than 90 days after enactment of this Act and annually thereafter to Congress on the status of outstanding expropriation claims worldwide.

Report on Russian military operations in the Independent States of the former Soviet Union

The Senate amendment (sec. 750) requires the President to submit a report to Congress not later than July 1, 1994 on the operations and activities of the armed forces of the Russian Federation, including elements operating outside the chain of command of the armed forces of the Russian Federation, outside national law, the Russian Federation has denied and, specifically, in the other independent states that were a part of the former Soviet Union and the Baltic States the amendment also specifies the dates of those reports.

The House bill has no comparable provision.

The conference substitute (sect. 529) is similar to the Senate amendment but changes the date of submission of the report to not later than five months after enactment.

Report on the dismantlement of nuclear weapons of the former Soviet Union

The Senate amendment (sec. 790) requires that the report required by section 1207 of Title XII (Cooperative Threat Reduction Act with States of the Former Soviet Union) of Public Law 103-189 (National Defense Authorization Act for Fiscal Year 1994) and due no later than June 30, 1994, to be submitted by the President, shall include information on the anticipated timetable for dismantlement of former Soviet Union nuclear and chemical weapons and the operational and support capabilities responsible, obstacles hindering the effective use of funds and how they might be overcome, the impact of United States funds on the dismantlement process, and a joint appendix detailing actual reductions in weapons and capabilities.

The House bill contains no comparable provision.
The conference substitute (sec. 530) is similar to the Senate amendment, but allows the President to waive the application of the prohibition on U.S. assistance to a non-nuclear state if the President determines that such waiver would serve the national interest of the United States. The Senate amendment (sec. 717) expresses the sense of Congress that North Korea must return to and fully comply with the Non-Proliferation of Nuclear Weapons (NPT) and provides definitions for the purposes of this section. The Senate amendment (sec. 726) expresses the sense of Congress that the U.S. should work closely with allies to ensure that the region defender in the region and act to defend U.S. national security interests. The Senate amendment (sec. 749) regarding the crisis on the Korean Peninsula. The conference substitute stresses that the Senate amendment (sec. 706) contains the following Congressional statements, in view of the self-defense needs of Taiwan.

The Senate amendment (sec. 706) contains an amendment to the Taiwan Relations Act (PL 96-8) to the effect that Sec. 3(a) and (b) of that Act shall supersede the relevant provisions of the communique concluded between the United States and the People's Republic of China on August 17, 1982, and regulations, directives, and policies based thereon.

The Senate amendment (sec. 719) contains an amendment to the Taiwan Relations Act to provide that, notwithstanding any other provision of law, no license, instruction, rule, regulation or order issued under section 5(b) of the Arms Export Control Act of 1976, any other Act, or any executive order or any other Act, the President may waive the application of the arms sales to Taiwan.

The Senate amendment (sec. 749) regarding the crisis on the Korean Peninsula. The conference substitute stresses that the Senate amendment (sec. 706) contains the following Congressional statements, in view of the self-defense needs of Taiwan.

The Senate amendment (sec. 706) contains an amendment to the Taiwan Relations Act (PL 96-8) to the effect that Sec. 3(a) and (b) of that Act shall supersede the relevant provisions of the communique concluded between the United States and the People's Republic of China on August 17, 1982, and regulations, directives, and policies based thereon.

The Senate amendment (sec. 719) contains an amendment to the Taiwan Relations Act to provide that, notwithstanding any other provision of law, no license, instruction, rule, regulation or order issued under section 5(b) of the Arms Export Control Act of 1976, any other Act, or any executive order or any other Act, the President may waive the application of the arms sales to Taiwan.
amendment (sec. 754) also requires the commission to undertake a review of the feasibility and desirability of mandating non-U.S. Government funding for democracy programs.

The House bill contains no comparable provision.

The conference substitute (sec. 531) is similar to the Senate amendment. Instead of a presidential commission, the President is required to submit a report on a streamlined, cooperative organization of democracy support activities funded by the U.S. Government including a review of all activities funded by the National Endowment for Democracy, the USIA and AID to the appropriate congressional committees not later than 180 days following enactment. There are minor changes to the issues to be reviewed and addressed in the report. The substitute deletes section 754 and merges the matching grant requirement into the body of the conference substitute.

The conference substitute finds: the National Endowment for Democracy will fund democracy programs overseas in fiscal year 1994; agencies of the U.S. Government including AID, USIA and the State Department also fund direct and concessional obligations for democracy and democratization programs supported by States Government funds; with the end of the Cold War, the United States will no longer be responsible for the appropriate role of each of the agencies involved in democracy programs to ensure that each is drawing to the fullest extent on its comparative advantage; and U.S. Government democracy support programs have overlapped in the same country. The committee on conference notes that the executive branch has recently conducted an inter-agency review of democracy—PRD 25—and that this may prove a useful baseline for analyzing NED and other U.S. Government democracy programs. The committee of conference further notes that the GOA is currently engaged in producing a report similar to the one required in this section and encourages the executive branch to review the work already undertaken by the GOA.

The conference substitute (sec. 793) amends Title V of the Arms Export Control Act of 1976 to establish a policy that the President may waive this prohibition on a country-to-country basis for a period of not more than one year if the Secretary determines to do so in the national interest of the United States and will promote the objective of this section, or such waiver is in the national security interest of the United States; and negotiating comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter.

The House bill contains no comparable provisions.

The conference substitute is the same as the House position.

The conference substitute (sec. 551-566) is identical to the Senate amendment.

The Senate amendment (sec. 901) provides a short title of the Anti-Economic Discrimination Act of this title.

The House bill contains no comparable provision.

The conference substitute (sec. 561) is identical to the Senate amendment.

The conference substitute (sec. 562) is identical to the Senate amendment.

The conference substitute (sec. 563) is identical to the Senate amendment.

Policy on Middle East arms sales

The Senate amendment (sec. 703) amends section 322 of the Foreign Relations Authorization Act for 1994, as reported to the Committee on Appropriations, to the extent that it prohibits the delivery of weapons to any country that discriminates against arms sales to Israel under the Arms Export Control Act. The Senate amendment also requires a report within 180 days of enactment on steps taken to achieve the goals of section 322.

The House bill (sec. 188) is similar.

The conference substitute (sec. 563) is identical to the Senate amendment.

Policy on Israeli, Palestinian, and Arab peace initiatives

The Senate amendment (sec. 902) prohibits the sale or lease of any defense articles or services by the United States to any country or international organization that has engaged in, supports, or authorizes any activity contrary to the 1978 Peace Treaty between Israel and Egypt. The Senate amendment also prohibits the delivery of weapons to any country that discriminates against arms sales to Israel under the Arms Export Control Act.

The Senate amendment (sec. 903) prohibits the sale or lease of any defense articles or services by the United States to any country or international organization that has engaged in, supports, or authorizes any activity contrary to the 1978 Peace Treaty between Israel and Egypt. The Senate amendment also prohibits the delivery of weapons to any country that discriminates against arms sales to Israel under the Arms Export Control Act.

The Senate amendment (sec. 904) prohibits the sale or lease of any defense articles or services by the United States to any country or international organization that has engaged in, supports, or authorizes any activity contrary to the 1978 Peace Treaty between Israel and Egypt. The Senate amendment also prohibits the delivery of weapons to any country that discriminates against arms sales to Israel under the Arms Export Control Act.
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The House bill (sec. 116) contains a virtually identical provision prohibiting discriminatory contracts by the Department of State.

The conference substitute (sec. 565) is virtually identical to the Senate amendment, but it consolidates in a single section the provisions that apply to the Department of State and to the USIA contracts.

Congressional findings regarding Arab League boycott

The Senate amendment (sec. 902) contains congressional findings regarding the Arab League boycott of Israel.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The committee of conference notes that although certain countries have noted their intention to lift the secondary and tertiary boycott of Israel, recent statistics from the Department of Commerce's Office of Antiboycott Compliance show that the secondary and tertiary boycott continues in effect by some of those countries.

PART VI—PEACE CORPS

The Senate amendment (title VI) authorizes the appropriation of $219.745 million in fiscal year 1994 and $234.745 million in fiscal year 1995 for the Peace Corps.

The House bill contains no comparable provision.


The conference substitute contains no comparable provision.

The House bill contains no comparable provision.


The conference substitute contains no comparable provision.

The House bill contains no comparable provision.


The conference substitute contains no comparable provision.

The House bill contains no comparable provision.


The conference substitute contains no comparable provision.

The House bill contains no comparable provision.

The House bill contains no comparable provision.

The conference substitute (sec. 703) is identical to the Senate amendment.

Repeals

The Senate amendment (sec. 804) repeals several provisions of the ACDA Act relating to the General Advisory Committee, arms control inspection and analysis, the Standing Consultative Commission, and the report on Soviet compliance with arms control commitments.

The house bill contains no comparable provision.

The conference substitute (sec. 704) contains the same repeal as the Senate amendment, except with respect to the General Ad­ visory Committee, which is amended instead of repealed by the conference substitute (sec. 707). The conference substitute (sec. 707) permits the President to create a new Science and Policy Advisory Committee with a chairman appointed by the President with the consent of the Senate, and 14 other members selected by the President. Not less than eight of the members of this Committee shall be scientists, and the Committee shall terminate two years after the date of enactment.

Director

The Senate amendment (sec. 805) amends section 22 of the ACDA Act concerning the duties of the Director to include serving as the principal adviser to the Secretary of State, the National Security Adviser, and the United States Special Representative to the United Nations on matters relating to arms control, nonproliferation, and disarmament.

The House bill contains no comparable provision.

The conference substitute (sec. 706) is identical to the Senate amendment.

Bureaus, offices, and divisions

The Senate amendment (sec. 806) amends the ACDA Act to permit the Director, acting under the direction of the Secretary of State, to establish such bureaus, offices and divisions as he deems necessary, including a bureau of intelligence and information support and an office to perform legal services.

The House bill contains no comparable provision.

The conference substitute (sec. 706) is similar to the Senate amendment but deletes "under the direction of the Secretary of State."

Presidential special representatives

The Senate amendment (sec. 807) amends the ACDA Act to permit the President, in consultation with the President of the Senate, Special Representatives of the President for Arms Control, Nonproliferation, and Disarmament who would hold the personal rank of Ambassador.

The House bill is similar, but does not include a Special Representative of the President for nonproliferation and does not give the Special Representatives the personal rank of Ambassador.

The conference substitute (sec. 708) is similar to the Senate amendment, but does not give Special Representatives the personal rank of Ambassador.

Policy formulation

The Senate amendment (sec. 808) amends section 33 of the ACDA Act concerning policy formulation by adding nonproliferation to areas in which the Director is to prepare recommendations and advice.

The House bill contains no comparable provision.

The conference substitute (sec. 709) is identical to the Senate amendment.

Negotiation management

The Senate amendment (sec. 809) amends the ACDA Act and adds to the Director's responsibilities for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the fields of arms control and disarmament, and adds the field of nonproliferation to that approved by the President. The Senate amendment stipulates that the Special Representatives for Nonproliferation shall, as directed by the President, represent United States interests in international organizations, conferences, and activities relating to nonproliferation, such as the preparations for, and conduct of the review of the Treaty on the Non-Proliferation of Nuclear Weapons. The Senate amendment also authorizes the Director to formulate plans and make preparations for the establishment, operation, and funding of inspections and control systems, which may become part of the United States arms control, nonproliferation, and disarmament activities.

The House bill (sec. 303) amends the ACDA Act to give the Director, acting under the direction of the Secretary of State, primary responsibility for the preparation and management of United States participation in all international negotiations and implementation fora in the fields of arms control and disarmament.

The conference substitute (sec. 710) is similar to the Senate amendment, but adds authorization for the Director to consult and communicate with, or to direct the consultation and communication with, representatives of other nations or of international organizations, and to communicate in the name of the Secretary of State with diplomatic representatives of the United States.

Report on measures to coordinate research and development

The Senate amendment (sec. 810) requires a Presidential report not later than December 31, 1994 prepared by the Director in coordination with the Secretary of State, Secretary of Defense, Secretary of Energy, Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence regarding the procedures established for the effective coordination of research and development on arms control, nonproliferation, and disarmament in the executive branch.

The House bill contains no comparable provision.

The conference substitute (sec. 711) is identical to the Senate amendment.

Negotiating records

The Senate amendment (sec. 811) amends the ACDA Act and directs the Director to establish and maintain records for each arms control, nonproliferation, and disarmament fora in the fields of arms control and disarmament.

The conference substitute (sec. 712) is identical to the Senate amendment.

Verification of compliance

The Senate amendment (sec. 812) amends the ACDA Act and requires the Director to report to Congress, on a timely basis, on the status of U.S. policy and actions with respect to arms control, nonproliferation, disarmament, and compliance by other nations with respect to arms control, nonproliferation and disarmament agreements.

The House bill contains no comparable provision.

The conference substitute (sec. 713) is identical to the Senate amendment.

Verification of compliance

The Senate amendment (sec. 812) amends the ACDA Act and requires the Director to report to Congress, on a timely basis, or upon request by an appropriate committee, the direction of the Secretary of State, private sector negotiation or in force on or after January 1, 1990, and to report to Congress by January 31, 1990 on his actions to implement this section.

The House bill contains no comparable provision.

The conference substitute (sec. 713) is identical to the Senate amendment.

Verification of compliance

The Senate amendment (sec. 812) amends the ACDA Act and requires the Director to report to Congress, on a timely basis, or upon request by an appropriate committee, the direction of the Secretary of State, private sector negotiation or in force on or after January 1, 1990, and to report to Congress by January 31, 1990 on his actions to implement this section.

The House bill contains no comparable provision.

The conference substitute (sec. 717) is identical to the Senate amendment.

Verification of compliance

The Senate amendment (sec. 812) amends the ACDA Act and requires the Director to report to Congress, on a timely basis, or upon request by an appropriate committee, the direction of the Secretary of State, private sector negotiation or in force on or after January 1, 1990, and to report to Congress by January 31, 1990 on his actions to implement this section.

The House bill contains no comparable provision.

The conference substitute (sec. 717) is identical to the Senate amendment.

Verification of compliance

The Senate amendment (sec. 812) amends the ACDA Act and requires the Director to report to Congress, on a timely basis, or upon request by an appropriate committee, the direction of the Secretary of State, private sector negotiation or in force on or after January 1, 1990, and to report to Congress by January 31, 1990 on his actions to implement this section.

The House bill contains no comparable provision.

The conference substitute (sec. 717) is similar to the Senate amendment, includes the House provision on the Director's assessment of the extent to which a sale under the AECA aids in the development of weapons of mass destruction, and makes technical corrections.

Appointment and compensation of personnel

The Senate amendment (sec. 814) amends the ACDA Act to permit appointment in the Excepted Service and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 of the US Code, if the Director ensures that any employee appointed under this exception is not paid at a rate in excess of the maximum rate payable for grade 15 of the General Schedule; and the number of employees appointed under this exception shall not exceed 10 percent of the Agency's full-time-equivalent ceiling.

The House bill (sec. 307) contains a similar provision.

The conference substitute (sec. 715) is virtually identical to the Senate amendment but makes technical corrections.

Security requirements

The Senate amendment (sec. 815) amends the ACDA Act to permit ACDA to hire or to receive on detail other executive branch employees who have received appropriate security clearances.

The House bill contains no comparable provision.

The conference substitute (sec. 715) is identical to the Senate amendment.

Reports

The Senate amendment (sec. 816) amends the ACDA Act to require a more comprehensive annual report of ACDA activities and on the status of U.S. policy and actions with respect to arms control, nonproliferation, disarmament, and compliance by other nations with respect to arms control, nonproliferation and disarmament agreements.

The House bill contains no comparable provision.

The conference substitute (sec. 717) is similar to the Senate amendment but adds that the annual report on world military expenditures and arms transfers be published by the President no later than April 30 of each year, and mandates a report by December 31, 1995 to Congress on the actions taken to realize the Arms Control and Disarmament Agency.
The Senate amendment (sec. 816) authorizes to be appropriated $37.5 million for fiscal year 1994 and $50.375 million for fiscal year 1995 as may be necessary for each year for increases in salary, pay, retirement, other employee benefits authorized by law, and other nonincidental costs, and to offset adverse fluctuations in foreign currency exchange rates. The Senate amendment authorizes the transfer of funds among accounts under this section to any Appropriation Act, to any other Appropriation Act made available for defense purposes for the same fiscal year, or to any Appropriation Act made available for such purposes for a subsequent fiscal year. The Senate amendment also authorizes the transfer of funds between any such Appropriation Act and any Continuation Act for the same fiscal year. The Senate amendment also authorizes the transfer of funds between any such Appropriation Act and any Continuation Act for a subsequent fiscal year. The Senate amendment also authorizes the transfer of funds between any such Appropriation Act and any Continuation Act for a subsequent fiscal year.

The conference substitute (sec. 718) authorizes the appropriation of funds identical to the Senate amendment, and retains the House provision requiring an authorization for any appropriation of funding.

The Senate amendment (sec. 306) amends the Arms Export Control Act to require 15 day advance notification to the committee on Foreign Relations of the House of Representatives of the Senate of proposed reprogramming of funds appropriated that would create or eliminate a program, project, or activity; or would increase or decrease personnel by any means for any program, project, or activity for which funds have been denied or restricted by Congress; or would relocate an office or employees, or would reorganize offices, programs, projects, or activities; or would involve contracting out functions which had been performed by Federal employees; or would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is less) would augment existing programs, projects, or activities; or would reduce by 10 percent or more the funding for any existing program, project, activity or personnel approved by the Congress, or result from any general savings from a reorganization that would result in a change in existing programs, activities, or personnel approved by the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 718) is identical to the House bill.

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The conference substitute (sec. 306) amends the Arms Export Control Act to require 15 day advance notification to the committee on Foreign Relations of the Senate of proposed reprogramming of funds appropriated that would create or eliminate a program, project, or activity; or would increase or decrease personnel by any means for any program, project, or activity for which funds have been denied or restricted by Congress; or would relocate an office or employees, or would reorganize offices, programs, projects, or activities; or would involve contracting out functions which had been performed by Federal employees; or would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is less) would augment existing programs, projects, or activities; or would reduce by 10 percent or more the funding for any existing program, project, activity or personnel approved by the Congress, or result from any general savings from a reorganization that would result in a change in existing programs, activities, or personnel approved by the Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 306) amends the Arms Export Control Act to require 15 day advance notification to the committee on Foreign Relations of the Senate of proposed reprogramming of funds appropriated that would create or eliminate a program, project, or activity; or would increase or decrease personnel by any means for any program, project, or activity for which funds have been denied or restricted by Congress; or would relocate an office or employees, or would reorganize offices, programs, projects, or activities; or would involve contracting out functions which had been performed by Federal employees; or would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is less) would augment existing programs, projects, or activities; or would reduce by 10 percent or more the funding for any existing program, project, activity or personnel approved by the Congress, or result from any general savings from a reorganization that would result in a change in existing programs, activities, or personnel approved by the Congress.

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The Senate amendment contains no comparable provision.
with the information provided to Congress pursuant to section 36(b) and 36(c) of that Act when the specific sale or commercial export of goods or services is proposed.

The House bill contains no comparable provision.

The conference substitute (sec. 732) is similar to the Senate amendment, but deletes the requirement with respect to the quarterly reports filed pursuant to section 39a of the Arms Export Control Act. The conference substitute modifies the Senate amendment to clarify that the numbered certifications provided to Congress pursuant to section 36(b) of the Arms Export Control Act shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such sale or license, rather than a description of any such offset agreement. The conference substitute further provides that a description of any such offset agreement shall be provided to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate upon the request of either such committee. The conference substitute requires the Department of State to obtain such offset descriptions from the contractors expected to sell the defense article, defense service, or design and construction service in a government-to-government sale or from the applicant for a commercial export.

The conference substitute further clarifies that such information shall only be required to the extent known at the time of the transmission of such request or at the time of a response to a request made by the respective committees.

Prohibition on incentive payments

The Senate amendment (sec. 715) amends section 39 of the Arms Export Control Act by creating a new section 39A which prohibits the approval of any sale of defense articles and defense services in which third-party incentive payments are offered to any United States company or person to induce that company or individual to purchase foreign articles, services or equipment for the purposes of satisfying in whole or in part, any offset agreement that is entered into in connection with the sale or delivery of such defense articles or defense services.

The House bill contains no comparable provision.

The conference substitute (sec. 733) is similar to the Senate amendment. The conference substitute prohibits the use of incentive payments in the form of direct monetary compensation made by a United States supplier of defense articles and services to any other United States person to induce or persuade that person to purchase or acquire goods and services from the foreign purchaser of such defense articles and defense services in order for the specified United States supplier to secure an offset credit against a previously agreed to offset agreement. In prohibiting such activities, the conference substitute authorizes the imposition of civil penalties for financial institutions and officials in violation of similar provisions of the Export Administration Act of 1979. The civil penalty for each violation of this section will be $500,000 or five times the amount of the prohibited incentive payment, whichever amount is greater. In establishing these penalties, the conference substitute notes its intent to make the violation more costly to the defense contractor than any benefit that could ensue to the defense contractor through the offering of such incentive payments.

Missile technology export to certain Middle Eastern and Asian countries

The Senate amendment (sec. 757) amends the Arms Export Control Act to establish a rebuttable presumption that the export of any item on the Missile Technology Control Regime (MTCR) or the Non-Proliferation Export Control List will be considered to be destined for use in a Category I missile system. U.S. or foreign persons involved in any such transfers would be subject to sanctions. Because this section establishes such a presumption it means that the U.S. and foreign companies involved must demonstrate the innocence of the transaction in order to avoid sanctions by the U.S. government.

The House bill contains no comparable provision.

The conference substitute (sec. 753) is similar to the Senate amendment but changes the obligatory nature of the presumption to one of advice from the Congress that this should be the presumption.

Notification involving the MTCR

The Senate amendment requires the Department of State to notify Congress of exports of equipment on the Annex to the Missile Technology Control Regime (MTCR) or the Non-Proliferation Export Control List (NPTEL) for the purpose of enhancing the capability of Iran to space launch vehicle programs 30 days in advance of the export of such items. The Senate amendment also requires the Department of State to notify Congress 30 days in advance of admitting a new member into the MTCR.

The House bill contains no comparable provision.

The conference substitute (sec. 736) is similar to the Senate amendment, but requires that, with respect to licenses for items or services valued at $14 million or more, the Department of State provide to the Office of the Arms Export Control Act include a rationale for approving such export, including the consistency of such export with U.S. missile nonproliferation policy. With respect to licenses for exports of goods or services valued at less than $14 million, the conference substitute requires the Department of State to submit a similar report within 15 days following the issuance of the license. With respect to the admission of new members into the MTCR, the conference substitute requires the Department of State to submit a report within 15 days following the admission of a new member into the MTCR describing the rationale for admitting that new member together with an assessment of that country's nonproliferation policies, practices, and commitments.

The language of the conference substitute did not include the requirement that this report be submitted in advance of the admission of the new member or the suspension of the executive branch to consult with the Senate Foreign Affairs Committee on the admission of the new member or the suspension of the executive branch to consult with the Senate Foreign Affairs Committee on the admission of the new member into the MTCR.

Iran-Iraq arms nonproliferation amendments of 1994

The Senate amendment (Title XI) imposes additional mandatory and discretionary sanctions against those foreign countries and persons that transfer destabilizing numbers and types of advanced conventional weapons, or goods and technology that assist in enhancing the capabilities of Iran and Iraq to manufacture and deliver such weapons. The Senate amendment includes mandatory sanctions on U.S. government procurement from any person that has transferred or retransferred goods or technology to the efforts by Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons, and discretionary sanctions prohibiting the export to such countries of any items on the Missile Technology Control Regime (MTCR) or the Non-Proliferation Export Control List (NPTEL) for the purpose of enhancing the capability of Iran or Iraq to space launch vehicle programs. The Senate amendment also requires the Department of State to notify Congress 30 days in advance of admitting a new member into the MTCR.

The language of the conference substitute is the same as the Senate position.
from the United States of nuclear dual-use goods, components of nuclear facilities, and authorizations for the export of specific nuclear technology and services. The section also requires the reporting on the imposition of sanctions.

The House bill contains no comparable provision.

The conference substitute (sec. 811) contains a provision similar to the Senate language.

PART B—SANCTIONS FOR NUCLEAR PROLIFERATION

Sanctions against persons

The Senate amendment (sec. 1321) broadens presidential authority to impose sanctions against foreign and domestic persons that the President determines have contributed to the global proliferation of nuclear weapons. Specifically, the sanctions seek to deter illicit exports from the United States or a foreign nation of goods or technology that would assist any individual, group, or non-nuclear-weapon state to acquire a nuclear explosive device or unsafeguarded special nuclear material.

The amendment establishes explicit presidential authority to prohibit U.S. government procurement from foreign or domestic sources of “materially and with requisite knowledge” contributed to the proliferation of nuclear explosive devices or access to unsafeguarded bomb materials. The term “with requisite knowledge” is defined from the term “knowing,” as defined in the Foreign Corrupt Practices Act of 1977.

The Senate amendment further provides a description of persons against whom the sanction is to be imposed, a period for government consultations with respect to the sanction, a report to Congress, exemptions to the sanction, circumstances for termination of the sanction, waiver authority, and definitions.

The House bill contains no comparable provision.

The conference substitute (sec. 822) amends the Senate provision in subsection (a) by clarifying that the sanction would apply to activities of U.S. or foreign persons involving the export from the United States or from any other country of any goods or technology (as defined in section 830(1) of the conference substitute).

Assistance under the Arms Export Control Act

The Senate amendment (sec. 1322(a)) prohibits sales and leases under the Arms Export Control Act to any country that the President determines is in material breach of its binding commitments to the United States under international treaties or agreements concerning the nonproliferation of nuclear explosive devices and unsafeguarded special nuclear material.

The House bill contains no comparable provision.

The conference substitute (sec. 822(a)) is virtually identical to the Senate amendment concerning political objectives.

Certain waiver authorities under the Foreign Assistance Act

The Senate amendment (sec. 1322(b)) limits the scope of the Presidential Determination No. 1995-01, which provides for an indefinite waiver of sanctions under sec. 670(a)(2) of the Foreign Assistance Act with respect to the provision of financial assistance in Pakistan. The Senate bill proposes to limit that waiver authority to cover Pakistani activities prior to the date of enactment of this Act. The Senate amendment also limits presidential waiver authority with respect to uranium enrichment activities in Pakistan.

The House bill contains no comparable provision.

The conference substitute (sec. 822(b)) is virtually identical to the Senate amendment, but makes small technical changes.

Role of international financial institutions

The Senate amendment (sec. 1323) requires the Secretary of the Treasury to instruct the United States executive director to designated international financial institutions to use the voice and vote of the United States to oppose any direct or indirect use of the institution’s resources to fund any activities relating to the proliferation of nuclear explosive devices. The amendment further requires these directors to consider, in carrying out their duties, certain factors relating to nuclear nonproliferation.

The House bill contains no comparable provision.

The conference substitute (sec. 823) is similar to the Senate amendment, but deletes the term “direct or indirect.”

Prohibition on assisting nuclear proliferation through the provision of financial services

The Senate amendment (sec. 1324) amends the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for sanctions against financial institutions that have knowingly authorized financial services that substantially contribute to the proliferation of nuclear explosive devices through the provision of financing or other services. The terms for these sanctions are substantially identical to those approved by House and Senate conferences in sec. 324 of the “Omnibus Export Amendments Act of 1992” (H.R. 3489, House Report 102-1023), which was never enacted.

The House bill contains no comparable provision.

The conference substitute (sec. 824) contains the basic sanctions provisions of the Senate amendment, rewrites the provision as a freestanding prohibition, clarifies both prohibited activities and enforcement procedures, adds a provision for judicial review and injunctive relief, and removes references to affiliates and successor entities.

The committee of conference notes that the definition of “knowingly” in the conference substitute is substantially identical to that approved by House and Senate conferences in the “Omnibus Export Amendments Act of 1992” (H.R. 3489, House Report 102-1023), which was never enacted.

The House bill contains no comparable provision.

Amendment to the Export-Import Bank Act

The Senate amendment (sec. 1325) amends the Export-Import Bank Act to ensure that credits and guarantees provided to the U.S. nuclear nonproliferation objectives.

The House bill contains no comparable provision.

The conference substitute (sec. 825) is identical to the Senate amendment.

Nuclear nonproliferation controls

The Senate amendment (sec. 1326) moves sections 669 and 670 of the Foreign Assistance Act, with certain amendments, into the Arms Export Control Act. These sections, collectively known as the “Gleason- Symington Amendment,” made determinations under both Acts for activities related to the unsafeguarded transfer of uranium enrichment technology, any transfer of nuclear reprocessing technologies, attempts to procure bomb-related items in the United States, and transfers and detonations of nuclear explosive devices. The Senate amendment also adds additional sanctions against transfers or detonations of nuclear explosive devices and creates new sanctions (and waiver authority) against the transfer of designs or components of such devices to non-nuclear-warfare states.

The House bill contains no comparable provision.

The conference substitute (sec. 826) is similar to the Senate amendment but clarifies that the determinations under this section are to be made by the President; changes (in accordance with the Supreme Court’s ruling) the requirement in the waiver provisions from a concurrent resolution to a joint resolution; deletes the House expedited procedures; in the House, and refines the language on sanctions with respect to transfers or detonations of nuclear explosive devices (or transfers of designs or components thereof) to ensure that such sanctions are prospective.

Recall

The Senate amendment (sec. 1327) expands the authority of the Secretary of State to pay rewards for information concerning activities substantially contributing to the acquisition of unsafeguarded special nuclear material or any nuclear explosive device.

The House bill contains no comparable provision.

The conference substitute (sec. 827) is identical to the Senate amendment.

Reporting requirements

The Senate amendment (sec. 1328) expands the reporting requirements in the annual report to Congress of the Arms Control and Disarmament Agency to include information relating to any material noncompliance with binding nonproliferation commitments. The amendment also includes a sense of the Congress that the Department of State should include, in fulfillment of its reporting responsibilities under sec. 623(c) of the Nuclear Non-Proliferation Act, a summary of the noncompliance that the United States has issued or received with respect to nuclear nonproliferation issues.

The House bill contains no comparable provision.

The conference substitute (sec. 828) is identical to the Senate amendment.

Technical correction

The Senate amendment (sec. 1329) amends section 1336(b) of the Atomic Energy Act of 1954, striking “20 kilograms” and inserting “5 kilograms.” The Senate amendment brings current law up to date with existing U.S. nuclear regulatory standards for ensuring the physical protection of highly enriched uranium (HEU). Under international guidelines, HEU is defined as HEU with more than 20 kilograms of uranium-235 enrichment (INFREC/225 and the Convention on Physical Protection of Nuclear Material) the control standard for HEU is 5 kilograms.

The House bill contains no comparable provision.

The conference substitute (sec. 829) is identical to the Senate amendment.

Defenses

The Senate amendment (sec. 1330) contains several definitions of terms, including “nuclear explosive device,” which is defined explicitly for the first time in U.S. law. The definition incorporates terms used during the Eisenhower Administration to distinguish a nuclear from a non-nuclear explosion. The term “goods or technology” are defined with reference to the use of such term in the NPAA, and includes dual-use items and all technical assistance authorized under the Arms Export Control Act.

The House bill contains no comparable provision.
The conference substitute (sec. 902) is similar to the Senate amendment. The conference substitute (sec. 903) is virtually identical to the Senate amendment.

The Senate amendment (sec. 904) is similar to the Senate amendment but clarifies that the Commission will also examine and make recommendations concerning security clearances.

The Senate amendment (sec. 905) contains a series of congressional findings regarding classification issues.

The conference substitute (sec. 906) is similar to the Senate amendment.

The conference substitute (sec. 907) defines a number of terms in Part C.

The conference substitute (sec. 908) is identical to the Senate amendment.

The Senate amendment (sec. 909) is similar to the Senate amendment, but clarifies that the Commission will submit its report to Congress, make recommendations regarding security clearances, and may recommend changes in any procedure, rule or regulation as well as proposing legislation.

The Senate amendment (sec. 910) establishes a quorum. Such quorum shall be composed of four members appointed by the President, two from the executive branch and two from private life, and four members appointed by the President of the Senate, two who shall be Members of the Senate and two from private life, and four members appointed by the Speaker of the House of Representatives, two who shall be Members of the House and two from private life. The four Members of Congress shall be equally divided between the two major political parties. The Senate amendment also provides that the Commission shall consist of a quorum. The Senate amendment also fixes compensation rates for members of the Commission who are not full-time officers or employees of the United States or Members of Congress and provides for travel expenses for the Commission where necessary in the performance of services for the Commission.

The Senate amendment (sec. 901) provides a short title of the Protection and Reduction of Government Secrecy Act for purposes of this title.

The Senate amendment (sec. 902) states that the purpose of this title is to establish for a two-year period a commission for protecting and reducing government secrecy which will make recommendations of the extensive classification of information and make recommendations to reduce the volume of information classified.

The Senate amendment (sec. 903) states that the purpose of this title is to establish for a two-year period a commission for protecting and reducing government secrecy which will make recommendations of the extensive classification of information and make recommendations to reduce the volume of information classified.

The Senate amendment (sec. 904) states that the purpose of this title is to establish for a two-year period a commission for protecting and reducing government secrecy which will make recommendations of the extensive classification of information and make recommendations to reduce the volume of information classified.

The conference substitute (sec. 901) is identical to the Senate amendment.

The conference substitute (sec. 902) states that the purpose of this title is to establish for a two-year period a commission for protecting and reducing government secrecy which will make recommendations of the extensive classification of information and make recommendations to reduce the volume of information classified.

The conference substitute (sec. 903) is identical to the Senate amendment.

The conference substitute (sec. 904) states that the purpose of this title is to establish for a two-year period a commission for protecting and reducing government secrecy which will make recommendations of the extensive classification of information and make recommendations to reduce the volume of information classified.

The conference substitute (sec. 905) contains a series of congressional findings regarding classification issues.

The conference substitute (sec. 906) is similar to the Senate amendment. The conference substitute (sec. 907) defines a number of terms in Part C.

The conference substitute (sec. 908) is identical to the Senate amendment.

The conference substitute (sec. 909) is similar to the Senate amendment, but clarifies that the Commission will submit its report to Congress, make recommendations regarding security clearances, and may recommend changes in any procedure, rule or regulation as well as proposing legislation.

The conference substitute (sec. 910) establishes a quorum. Such quorum shall be composed of four members appointed by the President, two from the executive branch and two from private life, and four members appointed by the President of the Senate, two who shall be Members of the Senate and two from private life, and four members appointed by the Speaker of the House of Representatives, two who shall be Members of the House and two from private life. The four Members of Congress shall be equally divided between the two major political parties. The Senate amendment also provides that the Commission shall consist of a quorum. The Senate amendment also fixes compensation rates for members of the Commission who are not full-time officers or employees of the United States or Members of Congress and provides for travel expenses for the Commission where necessary in the performance of services for the Commission.
CONGRESSIONAL RECORD—HOUSE

title two years after the first meeting of the Commission, except that the Commission may continue to function for 60 days after it submits its final report in order to conclude its affairs, provide testimony, and disseminate its report.

The committee of conference notes that the Commission established by this title is intended to provide all aspects of classifying and protecting information and granting security clearances. The Commission has the special mission support of the committee of conference which is concerned that excessive government secrecy not only reduces the ability of the public to participate in formulating foreign policy but also makes it more difficult to protect truly sensitive information. In addition, the committee of conference is concerned that the process of granting security clearances has by itself become an inefficient and expensive aspect of the secrecy system.

The committee of conference welcomes the agreement of the Department of State to cooperate with the Commission by providing appropriate office space, equipment and a limited amount of staff to the Commission. While the committee of conference recognizes that the Department of State creates a relatively small percentage of all classified documents, it believes that the Department will be a major beneficiary of improvements in the secrecy system and increased public participation in foreign policy debates. The committee of conference urges the Department as well as other executive departments and agencies to fully cooperate with the Commission to provide every appropriate assistance to its efforts.

In particular, it will be important that the appropriate executive agencies and departments work expeditiously to provide to the Commission members and staff appropriate security clearances.

From the Committee on Foreign Affairs, for consideration of sections 163 and 190-90 of the House bill, and sections 163-170E, 189, 190-90 of the Senate amendment, and modifications committed to conference:

L. BERNER, HOWARD L. BERNER, G. L. ACKERMAN, HARRY JOHNSTON, ENI FALEOMAVAEGA, BEN GILMAN, TOBY ROTH, DOUG BERRUTER.

From the Committee on Foreign Affairs, for consideration of sections 163-170E, 189, 190-90 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON, SAM GUDJONSON, TOM LANTOS, ROBERT TORRICEIL, HOWARD L. BERNER, G. L. ACKERMAN, HARRY JOHNSTON, ENI FALEOMAVAEGA, BEN GILMAN, TOBY ROTH, DOUG BERRUTER.

As additional conferees from the Committee on Armed Services, for consideration of sections 170B, 170C, 171A, 171B(b) of the House bill, and sections 765, 794, 816, and 1326 of the Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS, NORMAN SISIKY, JOHN M. SPRATT, Jr., BARNEY FRANK, STEPHEN NEAL, JIM LANGE, DOUG BERRUTER.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 759, 1003, 1104, and 1323-35 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ, BARNEY FRANK, STEPHEN NEAL, JIM LANGE, DOUG BERRUTER.

As additional conferees from the Committee on Government Operations, for consideration of sections 169 and 721 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, MIKE SYNAR, GARY A. CONDT.

As additional conferees from the Committee on the Judiciary, for consideration of section 133(n) of the House bill, and sections 136, 136, 704, 705, 723, 727, 749, 758, 1230, and 1326 of the Senate amendment, and modifications committed to conference:

JACK BROOKS, R. L. MAZO, BILL MCCOLLUM, LAMAR SMITH, GARY A. CONDT.

As additional conferees from the Committee on Natural Resources, for consideration of section 164(c) of the House bill, and section 171(c) of the Senate amendment, and modifications committed to conference:

GEORGE MILLER, BRUCE F. VENTO, FRED DIFEADO.

As additional conferees from the Committee on Post Office and Civil Service for consideration of sections 132(a), 133(e), 141-50, 254, 302(b), and 307 of the House bill, and sections 131, 141-53, 155, 220, 234, 300(b), 405(e), 407, 734, 747, and 814 of the Senate amendment, and modifications committed to conference:

BILLY CLAY, FRANK MCLUCKEY, ELEANOR H. NORTON, JOHN T. MYERS, CONNIE MORELLA.

As additional conferees from the Committee on Public Works and Transportation for consideration of sections 764, 1104-65, and 1402(g) of the Senate amendment, and modifications committed to conference:

NORMAN MINETA, JIM OBERSTAR, DOUGLAS APPLEGATK, RUD SHUSTER, BILL CLINGER.

As additional conferees from the Committee on Rules, for consideration of sections 714, 1003, and 1326 of the Senate amendment, and modifications committed to conference:

JOHN JOSEPH MOAKLEY, JULIE DERRICK, G. SOLOMON.

Managers on the part of the House.

JOHN F. KERRY, CLAIBORNE PELL, JOHN BOROS, PAUL SABANES, CHRISTOPHER J. DODD, PAUL SIMON, D. P. MOYNIHAN, JESSIE HELMS, RICHARD G. LUGAR, NANCY LAYDON, KAREH LEMAN, LARRY PRESSLER, FRANK H. MURKOWSKI, HANK BROWN.

Managers on the part of the Senate.

COMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, April 25, 1994.

HON. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 3 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, April 22, 1994, at 1:26 p.m.: the Senate agreed to the Conference Report on H.R. 2884. With great respect, I am

Sincerely yours,

DONALD K. ANDERSON,
Clerk, House of Representatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at the request of Mr. EMERSON) to revise and extend his remarks and include extraneous material:

Mr. KINGELBREN, for 5 minutes, on April 26.

The following Member (at the request of Mr. MONTGOMERY) to revise and extend his remarks and include extraneous material:
Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Member (at the request of Mr. EMERSON) and to include extraneous matter:)
Mr. WALSH.
(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)
Mr. MONTGOMERY.
Mr. MANTON.
Mr. KREISLER.

ADJOURNMENT

Mr. MONTGOMERY. Madam Speaker, pursuant to House Resolution 411, I move that the House do now adjourn in memory of the late Honorable Richard M. Nixon, 37th President of the United States.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes p.m.) pursuant to House Resolution 411, the House adjourned until tomorrow, Tuesday, April 26, 1994, at 10:30 a.m., in memory of the late Honorable Richard M. Nixon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3037. A communication from the President of the United States, transmitting amendments to the fiscal year 1985 appropriations requests for the Departments of Health and Human Services and Justice, and the Federal Communications Commission, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-245); to the Committee on Appropriations and ordered to be printed.


3040. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LAAO) to Australia for defense articles (Transmittal No. 94-20), pursuant to 2270(b); to the Committee on Foreign Affairs.

3041. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a); to the Committee on Foreign Affairs.

3042. A letter from the Acting Archivist, National Archives and Records Administration, transmitting a report on records disposals, pursuant to 44 U.S.C. 3303a(f); to the Committee on Government Operations.

3043. A letter from the Director of Legislative and Public Affairs, National Science Foundation, transmitting a report on activities under the Freedom of Information Act for the fiscal year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3044. A letter from the Deputy Associate Director for Finance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 13 U.S.C. 1391(b); to the Committee on Natural Resources.

3045. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to designate a segment of the Rio Grande River in the State of California as a component of the Wild and Scenic Rivers System; to the Committee on Natural Resources.

3046. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Small Business.

3047. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act; to the Committee on Small Business.

3048. A letter from the Chairman, U.S. International Trade Commission, transmitting the 77th quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title 17 countries during 1993, pursuant to 19 U.S.C. 2410; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAMILTON: Committee of Conference. Conference report on H.R. 2233. A bill to authorize appropriations for the Department of State, the U.S. Information Agency, and related agencies, to authorize appropriations for foreign assistance programs, and for other purposes (Rept. 103-182). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted April 22, 1994]

H.R. 2442. Referral to the Committee on Banking, Finance and Urban Affairs extended for a period ending not later than April 26, 1994.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and several were referred as follows:

By Mr. SCHUMER (for himself, Mr. RENNOLDS, Mr. SYNR, Mr. ARN-ER, CHUCK, Mr. ANDREWS of Maine, Mr. BECERA, Mr. BEINSEL, Mr. BER-
FAIR TREATMENT FOR NURSE ANESTHETISTS

HON. MIKE KREIDLER
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 25, 1994

Mr. KREIDLER. Mr. Speaker, high quality health care for older Americans is the goal of the Medicare Program. Medicare is designed to pay for needed and appropriate care, by professionals qualified to provide that care. Among those qualified professionals are the certified registered nurse anesthetists who administer anesthesia during surgery and other procedures.

All States license these highly trained professionals, and in many areas they are the only professionals who perform anesthesia services. Whether practicing independently or employed in hospitals and other facilities, nurse anesthetists administer two-thirds of the 25 million anesthetics given to patients each year in this country. They are the sole anesthesia provider in 85 percent of rural hospitals.

Licensed as nurses, CRNA's perform the same functions as physicians who administer anesthesia, while working in collaboration with a wide range of other health professionals. Their education includes college, at least a year's experience in acute care nursing, a 2-year postgraduate nurse anesthesia program, including extensive didactic and clinical training, passing a national certification examination, and a continuing education program with mandatory recertification every 2 years.

Despite these qualifications and State laws enabling them to practice, nurse anesthetists face barriers to practice because of Medicare regulations that were intended to serve other purposes. I have introduced H.R. 4291, to revise those Medicare rules so that CRNA's can practice their profession to the full extent of their skills and training. The bill would resolve three major problems facing nurse anesthetists who serve Medicare patients:

First, conditions of payment. Before 1982, some anesthesiologists billed Medicare for services that were performed mainly by nurse anesthetists, with little or no actual involvement by the anesthesiologist. In 1982, Congress required the Health Care Financing Administration to define more precisely how physicians are to be involved in directing the work of nurse anesthetists, in order to receive payment from Medicare.

HCFA's regulations require that the physician participate in certain components of the anesthetic process, many of which could be appropriately handled by the nurse anesthetist without the physician's presence. Unfortunately, many hospitals have treated these regulations as quality of care standards, instead of conditions of payment for physicians. The results have been to restrict unnecessarily the scope of many nurse anesthetists' practice to less than State laws allow, and to cause duplication of effort and periodic delays in treatment.

H.R. 4291 would require HCFA to revise its regulations so as not to restrict nurses from performing all State-authorized services, while maintaining the original objective of preventing fraud and abuse. Additionally, the bill would eliminate these medical direction conditions of payment in 1998, when Medicare will pay the same for medically directed and nonmedically directed anesthesia services.

Second, physician supervision of nurse anesthetists.

Medicare regulations now require physician supervision of nurse anesthetists, as a condition for hospitals or ambulatory surgical centers to receive Medicare payment, despite State laws allowing nurse anesthetists to practice without such supervision. H.R. 4291 would prohibit HCFA from requiring physician supervision of anesthetists unless such supervision is required by State law.

The bill would also eliminate current limits on the ratio of anesthesiologists to nurse anesthetists in a medically directed setting, when Medicare pays for medically directed and solo anesthesia services reach the same level in 1998. Removing these limits will allow health professionals in different localities to determine appropriate anesthesia delivery patterns, rather than having them determined indirectly by Medicare.

Third, party of payment when two professionals provide a service. Often an anesthesiologist and a nurse anesthetist work together on a procedure. Unless the Medicare carrier determines that the services of both professionals were medically necessary, Medicare typically pays the physician the whole fee and the anesthetist nothing. When the anesthetist is a hospital employee, the hospital takes the loss.

H.R. 4291 would provide, in cases where two professionals performed a service jointly, that the fees otherwise payable to the physician be divided equally between the physician and the nurse anesthetist—or his or her employer. While Medicare should not have to pay for more service than was needed, there is no good reason to penalize the nurse anesthetist alone.

Mr. Speaker, this legislation would add no cost to the Medicare Program, and could reduce costs by encouraging more use of cost-effective nurse anesthetist services. I urge my colleagues to support it.

The Text of H.R. 4291 follows:

H.R. 4291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,—

SECTION 1. REVISION OF CONDITIONS OF PAYMENT RELATING TO ANESTHESIA SERVICES Furnished by CERTIFIED REGISTERED NURSE ANESTHETISTS.

(a) PROMULGATION OF REVISED REGULATIONS.—The Secretary of Health and Human Services shall revise any regulations describing the conditions under which payment may be made for anesthesia services under the Medicare program so that—

(1) payment may be made for anesthesia services furnished in a hospital or an ambulatory surgical center by a certified registered nurse anesthetist who is permitted to administer anesthesia under the law of the State in which the service is furnished; and

(2) the conditions under which payment may be made for a physician service consisting of the medical direction or medical supervision of a certified registered nurse anesthetist meet the requirements of subsection (b)(1).

(b) REQUIREMENTS FOR MEDICAL DIRECTION DESCRIBED.—

SECTION 2. ENSURING PAYMENT FOR PHYSICIAN AND NURSE FOR JOINTLY Furnished ANESTHESIA SERVICES.

(a) PAYMENT FOR JOINTLY Furnished SINGLE CASE.—

(1) PAYMENT TO PHYSICIAN.—Section 1840(a)(4) of the Social Security Act (42 U.S.C. 1395w(a)(4)), as added by section 1351(a) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66, referred to as "OBRA-1993"), is amended by adding at the end the following new subparagraph:

"(4) Payment for single case.—Notwithstanding section 1840(a)(4)(A), with respect to physicians' services consisting of the furnishing of anesthesia services for a single case that are furnished jointly with a cer-
tified registered nurse anesthetist. If the car­rier determines that the use of both the physi­cian and the nurse anesthetist to furnish the anesthesia service was not medically necessary, the fee schedule amount to be ap­plied shall be equal to 50 percent of the fee schedule amount otherwise applicable under this section if the anesthesia service were personally performed by the physician alone.”

(2) PAYMENT TO CENA.—Section 1933(i)(4)(B) of such Act (42 U.S.C. 1395w-4(i)(4)(B)), as added by section 13516(b) of OBRA-1993, is amended by adding at the end the following new clause:—

“(iv) Notwithstanding section 1862(a)(1)(A), in the case of services of a certified reg­istered nurse anesthetist consisting of the furnishing of anesthesia services for a single case that are furnished jointly with a physi­cian, if the carrier determines that the use of both the physician and the nurse anesthetist to furnish the anesthesia service was not medically necessary, the fee schedule amount shall be equal to 50 percent of the fee schedule amount otherwise applicable under this section if the anesthesia service were personally performed by the physician alone.”

(b) UNIFORM TREATMENT OF ALL MULTIPLE CONDITION CASES.—Section 19416(a)(4) of such Act (42 U.S.C. 1395w-4(a)(4)) and section 19416(b)(13) of such Act (42 U.S.C. 1395w-4b(13)), as amended by section 13516(a) of OBRA-1993, are each amended—

“(1) by striking “two, three, or four” each place it appears and inserting “two or more” and

“(2) by inserting “or medical supervision” after “medical direction” each place it ap­pears.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall apply to services furnished on or after January 1, 1995.

TRIBUTE TO HUNTINGTON FAMILY CENTERS IN SYRACUSE

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1994

Mr. WALSH. Mr. Speaker, for 75 years, Huntington Family Centers in Syracuse, NY, has devoted time and energy to making our community whole. The talented, dedicated staff and civic-leader volunteer directors help individuals and families in need.

Many of our work to strengthen the economy and impact family life in a positive way through legislation and bricks-and-mortar community development, Huntington coun­sellors deal every day with the specific prob­lems of people who can’t take another step on the road to recovery. Huntington helps people—in a caring, dignified way.

As we in central New York celebrate the 75th anniversary of Huntington Family Cen­ters, I ask my colleagues to pay tribute as well. Founded in 1919, Huntington is a multi­purpose, not-for-profit human service agency dedicated to innovative programming which brings about personal growth.

Child care, sexual abuse counseling, field trips for neighborhood kids, drug and alcohol abuse classes—for adults and kids into their teen years—are only part of the approach. Crisis intervention, during which food, clothing, and shelter are often provided on a moment’s no­tice; and elderly services including outreach for poor, frail, or developmentally disabled seniors, are two additional areas of concentra­tion.

The list of programs and facilities goes on and on. It is impossible for me to describe in a short time how rich and diverse the services of Huntington are. Suffice to say, the people at Huntington not only react, they anticipate. They provide positive experiences for family members of all ages, from field trips to the farmers’ market to exercise and craft time for seniors. They not only work well in emer­gencies, they employ far-sighted planning to meet their goals.

They deserve our great thanks and respect. They have made life meaningful for many oth­ers. We who believe that public service is a noble endeavor admire this substantial and re­silient organization. Thank you.

DISABLED AMERICAN VETERANS PRESENTS LEGISLATIVE PRIORITIES

HON. G. (SONNY) MONTGOMERY
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1994

Mr. MONTGOMERY. Mr. Speaker, on March 2, Mr. Richard E. Marbes of Green Bay, WI, national commander of the Disabled American Veterans, appeared before the joint House and Senate Veterans’ Affairs Commit­tees to present DAV’s legislative priorities for the 2d session of the 103d Congress. I would like to share with my colleagues excepts from his very eloquent statement.

STATEMENT OF RICHARD E. MARBES, NATIONAL COMMANDER OF THE DISABLED AMERICAN VETERANS

Messrs. Chairmen, members and members of the Vet­erans Affairs Committees; On behalf of American Veterans and its Women’s Auxil­iary, it is indeed an honor and privilege to appear before you today to discuss the major concerns of our nation’s service-connected disabled veterans and their fam­i­lies.

DAV, at the beginning of this hearing, I wish to thank you and your Committees for the sup­port you have given to veterans, their fam­i­lies, and to the veterans’ programs that have enhanced their lives during the first session of the 103rd Congress.

Messrs. Chairmen, DAV was founded in 1920 and chartered by Congress in 1932 as the pri­mary advocate for America’s service-con­nected disabled veterans, their dependents and survivors. Major policy positions of the DAV and the framework of our national leg­is­lative program are derived from a number of resolutions adopted by the delegates to our annual national conventions. Our 1994 chairmen, Wayne McMillan, a broad spectrum of VA programs, have been made available to your Committees and to individual members of your staffs.

With your permission Messrs. Chairmen, I would like to digress for just a few moments to talk about a couple of subjects of great importance to the members of the DAV.

As the Committees are well aware, last year one of our very own, Jesse Brown, was tapped by President Clinton to serve as his Secretary for Veterans Affairs. A combat­disabled Marine and true advocate for veter­ans, Secretary Brown has dedicated his entire adult life to serving America’s veterans and their families.

Quite naturally, we in the DAV are extremely proud of Jesse Brown. We wish him “God speed” as he fulfills VA’s mission, which, as so eloquently stated by President Abraham Lincoln, is that “who shall have borne the battle and for his widow and his orphan.”

Although we miss Jesse, our management staft at our National Headquarters, and our Service and Legislative Headquarters are lean and efficient; they are experienced and dedicated, and they direct an organization whose financial viability makes it possible for us to continue our commitment to pro­viding direct services to disabled veterans and their families through our corps of 256 National Service Officers located at 69 of­fices throughout the country.

We pledge to you a redoubling of that commit­ment to service.

Messrs. Chairmen, in a few short months our nation will celebrate the 50th anniver­sary of D-Day. It gives me great pride to note that a number of men who helped carry out one of America’s most brilliant military operations are seated in this very room today as a nation of veterans and all vet­erans—a great debt of gratitude.

These D-Day warriors—like the millions who served in our wars and the millions who served in our military after them—gave their all, no questions asked, when our country needed them in its darkest hour.

In return for sacrificing their limbs and sometimes their lives, all that these veter­ans ever asked in return was that our nation honor its commitment to help them and their families in their darkest hours. This sacred covenant between our nation and its uniformed defenders has been both implied and implicit since our nation was founded.

Regrettably, Messrs. Chairmen, there are those in positions of immense political power who wish to break or severely weaken this sacred covenant between our nation and its defenders of democracy. These power bro­kers—these barons of the budget—have little regard for the time-honored commitments of the past.

And in their zeal to win a few extra votes and grab a few extra headlines, these barons of the budget have mistakenly chosen to place dollars over decency when it comes to funding veterans’ programs.

DAV members are justifiably concerned about the tax exempt status of their comp­ensation benefits and we applaud the fact that bills have been introduced in the Congress by Veterans Affairs Committee Chairmen Rockefeller and Montgomery to clarify the tax exempt status of VA benefi­tes.

The issue of the concurrent receipt of VA disability compensation payments and mili­tary retirement is of great concern and we urge you to seek a resolution to this injustice.

Messrs. Chairmen, despite our most impas­sioned pleas to the President, the trade em­bargo against Vietnam was recently lifted. This issue is vitally important to our mem­bers. These members of our Armed Forces have always taken into combat with them an unwritten, unspoken, but unbreakable con­tract of the battlefield. A contract from our country and Congress. We will leave no one, dead or alive, in the hands of the enemy.

In our view, the U.S. government—dating back to the end of World War II—has failed...
misernably in meeting the terms of this contract. It is a great national travesty that we still have not fully honored our obligations as American patriots since the end of World War II.

I assure you that every DAV member has a shared obligation to press our national leaders to develop policies consistent with this unspoken, unspoken, but unbreakable commitment. We must ensure that American fighting forces are never again used as political pawns.

Messrs. Chairmen, recent revelations that our nation's secret biological warfare testing on some of its unsuspecting citizens and soldiers is appalling to most Americans. The DAV is outraged that a former VA Chief Medical Director classified the existence of VA's atomic medicine division as confidential. His actions taken, were, we're told, supposedly out of the concern for the problem the VA might have with potential service-connected disability compensation claims resulting from radiation tests performed on patients in VA hospitals.

We applaud the Administration's efforts to shed light on this dark era of American history and call upon your Committees to continue to investigate and to compensate those individuals fairly.

The DAV is also deeply concerned about the situation our Persian Gulf veterans, especially those veterans who still suffer from the mysterious ailments common in the Persian Gulf War.

We also remain deeply committed to providing assistance to our nation's homeless veterans. DAV chapters and departments all across the country have developed local programs to deal with this pressing problem, while the DAV Charitable Trust has allocated nearly $400,000 to assist homeless veterans since 1990.

As a continuation of our deep concern about the unique problems facing women veterans, the VA will soon be host a women veterans health care forum here in Washington. The forum, which is being designed by a special DAV Women Veterans Advisory Committee, will bring top executive and legislative branch officials face-to-face with women veterans to address problems in VA's delivery of health care to this growing segment of the veteran population.

Speaking of health care, Messrs. Chairmen, our nation is now engaged in a great debate about how to modernize our health care delivery and financing systems. Clearly the VA—as the nation's single health care system—has a vested interest in such a debate.

And just as clearly, America's veterans—especially America's disabled veterans who are the single largest consumer group using the VA health care system—also have a vested interest in the outcome of this great debate. Consequently, the DAV has embraced the role identified for VA in President Clinton's National Health Care Reform Plan.

In our analysis, the President's vision for VA health care delivery is laudable in large part, DAV's plan for VA health care laid out in the "American Veterans Health Care Reform Act of 1992." This legislation was introduced during the 102nd Congress as S. 2168 and H.R. 4278.

The VA health care system is at a critical juncture today. It is an absolutely, absolute, vital need for VA to move swiftly down the road of reform regardless of what happens to national health care reform. We urge your Committees to move swifly in order to ensure that VA health care will be improved upon the necessary legislation that will give the authority and flexibility needed to successfully navigate the road of reform.

Messrs. Chairmen, perhaps the most challenging issue facing our nation today is finding a way to put our nation's disabled in order. Certainly none of us wish to unfairly saddle our children and grandchildren with our debts.

Regrettably, in order to reduce federal expenditures, the barons of the budget—often over the strong objections of your Committees—have in recent years taken hard-earned entitlement payments to veterans rated less than 10 percent service-connected disabled. In 1990, the VA was required to identify more than $6 billion in savings. Still unable to reduce the spiraling federal deficit, in 1990, the barons of the budget once again cut veterans and veterans' programs squarely in the cross-hairs of their deficit-reduction rifle. The shot that was fired became known as the Omnibus Budget Reconciliation Act (OBRA) of 1990. When OBRA was signed into law, VA benefits and services were required to be cut by some $3.6 billion through Fiscal Year 1992. Last year, veterans were wounded yet again by the deficit-reduction rifle when OBRA of 1993 was passed. This measure required VA to reduce veterans' benefits in cuts through 1996 and extends many of the ORBA 1990 cuts. Among other things, this law eliminated the Montgomery GI Bill COLA for Fiscal Year 1994 and reduces it by onehalf for Fiscal Year 1995. It also freezes discretionary spending over the next five years at the 1992 level.

We are now faced with the reality that the discretionary spending freeze, coupled with deep cuts mandated by the Fiscal Year 1995 budget, will cripple VA's ability to provide quality health care and benefit determinations to America's veterans in a timely fashion.

Quite frankly, Messrs. Chairmen, enough is enough. It is time that the barons of the budget recognize that freedom is not free. It is time that the barons of the budget understand that caring for America's veterans is a legitimate, continuing cost of war.

They must stop taking benefits away from veterans. They must stop the ever increasing delays veterans must endure to receive their earned compensation benefits. In some cases, we no longer measure claims delays in terms of months but in terms of years. This is an outrage!

The barons of the budget must stop cutting employees from our VA health care facilities—especially at a time when we are asking VA to compete in a new era of national health care reform.

The barons of the budget must recognize that veterans are not the cause of our nation's fiscal crisis. VA entitlements are not out of control and, in fact, are decreasing as a percentage of total federal outlays for social welfare programs.

Even in view of the fact that VA benefits and services made up only 0.5 percent of our federal deficit, some continue to call for cuts in veterans' entitlement spending. I recently read a report prepared by the Concord Coalition which called for eliminating disability compensation payments to veterans rated less than 30 percent service-connected disabled.

That's not what the Concord Coalition would come from a group who takes its name from the famous Revolutionary War battle in which many men died and were wounded so that our nation's future could be free of tyranny.

The Concord Coalition report goes on to say, and I quote, "entitlement program costs are rising rapidly. When the nation promised these benefits and services, it underestimated how much they would cost. Now, we must face the unpleasant truth that we can no longer afford to keep these promises fully."

I submit that we cannot afford to forget the sacrifices of those men and women who gave of their body, mind and spirit in defense of this country. As a nation, we must honor our commitment to our heroes by acknowledging the sacrifices of our service-connected disabled veterans.

Our expanded commitment to cutting and eliminating veterans' benefits and services as an unwillingness on the part of disabled veterans to help with our nation's fiscal crisis.

Actually, just the opposite is true when you realize that thousands of veterans across the country give so freely of their time and energy so that the VA may provide some semblance of service to America's veterans.

For example, from March 1991 to April 1992 more than 12,000 DAV and Auxiliary volunteers across the country donated more than 2.3 million hours of voluntary service to the VA. This also includes the additional 1,200 full-time employees with an estimated value of $28 million dollars. Mone­

y donations during the same period total over $85 million dollars. VA also explores 170 Hospital Service Coordinators at 171 VA facilities. With more than 4,000 volunteer drivers, VA's National Transportation Network will log nearly 18 million miles and transport more than $16.5 million dollars.

Through the combined efforts of DAV National Service Officers and Hospital Service Coordinators, over 500 thousand veterans received information and assistance in filing VA benefit claims.

During our past 12 month reporting period, efforts of DAV National Service Officers resulted in more than 244,000 total awards to our nation's heroines and heroes.

It's obvious that the members of the DAV are pitching in and giving more than their fair share because we know firsthand of the sacrifices made by veterans and the problems they face upon becoming disabled.

Messrs. Chairmen, this morning I have attempted to outline to the Committee DAV observations regarding the state of veterans' affairs in America. I have noted some criticisms of the way veterans have been treated by the federal government and I have expressed our deep concern and our determination to protect the hard-earned benefits that our heroes have earned and for which they have sacrificed.

I have expressed the thoughts of the many veterans and their families and I have expressed the deep concern and our determination to protect the hard-earned benefits that our nation's heroes have earned and for which they have sacrificed.
EXTENSIONS OF REMARKS

April 25, 1994

Mr. Speaker, this week we celebrate "National Library Week 1994." Our libraries serve as the caretakers of our history, preserving the memories of our cities and communities. By taking advantage of the countless resources and services that libraries have to offer, we can continue to challenge our minds and imagination.

Our public libraries, however, are struggling to survive, as financial assistance decreases. I would like to share an article from the April 1994, edition of W. Eben Ercenbarger’s Digest, entitled “How Stupid Can We Get?” by William Ercenbarger. This article discusses the financial constraints libraries are facing with even though there has been a 30-percent increase in the number of users since 1980, as the article states.

The article talks about the Queens Borough Public Library in my district, the second busiest library in the country, and how vitally important it is to the 2,000-4,000 visitors it has each day. These visitors range from children who attend storybook hour, to immigrants who will attend English class, to young adults who attend amateur drama groups. For generations, Queens Public Library has served as a link to a future for so many people especially immigrants and students. We must keep our libraries fully funded so as not to lose the valuable resources that our libraries offer.

The article follows:

HOW STUPID CAN WE GET?
(William Ercenbarger)

At the Sunflower County Public Library in rural northwestern Mississippi, a grade school boy opens a book entitled Tomorrow-the Moon. The introduction reads: “Eventually man may be able to land on the moon and really explore it.” The book was published in 1936.

For the past few years, the Owsley County Library in the Appalachian Mountains of Kentucky has run out of money before the end of the fiscal year. Each time, librarian Joyce Moom has had to wait several months until the start of the new fiscal year before her salary can be paid.

Many of the nation’s more than 15,000 libraries are suffering from financial distress. Long lines at checkouts and computer terminals. And sometimes, even shuttered libraries.

Last year 25 public libraries closed in California, and in Massachusetts 27 library branches have closed in the past four years. The trend is worldwide and affects all sorts of neighborhoods-rich and poor, rural, urban, suburban.

What in the name of Benjamin Franklin is going on? Let me assure you that the public library—an American tradition almost as old as the flag, one of the greatest democratic institutions ever created and the envy of other nations—is struggling to survive. This, just when job-seekers, those who have been pushed in the job market find employment, may be forced to turn to public libraries for job-related information.

Hardly anyone is against libraries. The problem is often lack of information on the part of public officials responsible for providing library funds. About three of every four library dollars come from local taxes. The rest is from state, federal and private sources. This local control enables each community to determine what kind of library it wants, but it also puts libraries in competition for tax dollars with such municipal services as police and fire protection.

As a result, the public library—an American tradition almost as old as the flag, one of the greatest democratic institutions ever created and the envy of other nations—is struggling to survive. This, just when job-seekers, those who have been pushed in the job market find employment, may be forced to turn to public libraries for job-related information.

Many of the nation’s more than 100,000 public libraries are in danger of losing that

NO ENGLISH, NO WORK.

To enable its children to compete in a complex world, America desperately needs improved education. Yet, here we are removing some of the most basic tools. "Our has been a country where no child, regardless of economic circumstance, need grow up without books, but today we are in danger of losing that tradition," contends Harry F. Franklin, president of the American Library Association.

The Queens Borough Public Library in New York City, with 62 branches, is the second busiest system in the United States after the Los Angeles County Public Library. Between 2000 and 4000 people—men in business suits, Indian women in bright saris, jean-clad adolescents—hit its main branch every day. In addition to the usual activities, there’s a story-book hour for three- to five-year-olds, classes in sign language, an amateur drama group, literary events and concerts.

Historically, few groups have benefited more from the American free public library than immigrants. It has been their bootstrap, a bridge to assimilation. And today, the Queens Library provides an introduction to the language and culture of America.

When Elise Obado came to Queens from the African nation of Benin five years ago, English was incomprehensible to her. So when a new English class was announced by the library, she got in line at noon and waited until 6 p.m. to enroll. "This is very important for me," she says, "because in America, No English, no work." Last year the library taught English to nearly 3000 students, representing 88 nationalities and 51 languages. There are hundreds of others who desperately want to enroll but can’t. They’re not enough money to hire teachers and train staff.

Other signs of financial trouble in Queens abound. There are gaps in the public library’s catalog, gaps from unprocessed materials. Most branches are closed on Sundays, and there are long waits on Saturdays to check out books. When a teacher assigns reading, many children may have to ask for the same book. But there are only a few copies, and the book budget has run dry.

GRATEFUL "UNCLE ANDY"

Public libraries are an American invention, Benjamin Franklin organized a subscription library that pooled the books of Philadelphia residents in 1731. This was the forerunner of today’s libraries. But even during the American Revolution, the idea of allowing ordinary citizens to take books home blossomed.

The first free public library supported by taxation was established at Peterborough, N.H., in 1833, and by the time of the national census, there were nearly 6000 public libraries in the country. In 1897 Minerva Sanders, a librarian in Pawtucket, R.I., welcomed boys and girls under age 14, who were not allowed in libraries at the time, to the first children’s reading room.

James Anderson of Allegheny, Pa., made his 400-volume library available to boys who worked in the town, one of whom was a telegraph messenger named Andrew Carnegie. After he became a steel baron, a grateful Carnegie donated some $5 million for public-library construction. Requests from "Uncle Andy" helped to sprinkle more than 2500 libraries around the world.

Today libraries are everywhere. There’s one in a Cleveland-area shopping mall, a commuter train station in Atlanta and a supermarket in Wichita, Kan. And wherever there are, their mission is the same—to make information accessible and affordable. Too many libraries, however, spend more time balancing the books than lending them.

"Our big problem is that there aren’t enough books, and many are outdated," says Mississippi’s Sunflower County library director Anice Powell. She estimates that of the 100,000 books in the Sunflower collection, one-third should be discarded either because they are raged with missing pages or are obsolete. Current libraries include "Getting to Know the Two Chinas (1950) and Life Saving and Water Safety (1957)." And we have so few science books that we can’t lend them out at all," she says.

Between 1977 and 1992, the average price of an adult hardcover book more than doubled, from about $10 to $25 and the average yearly subscription price of magazines. Powell’s annual book-buying budget is $800; she has $4000 for magazine subscriptions. "I’m always squeezing more money from the account to the other," she says. Last year she had to cancel subscriptions to five major publications, and she can’t get any children’s magazines.

"I’m distressed about this," she adds. "Reading during the early years determines whether a child will grow up to be a literate adult." Nearly half of all adults in her county are illiterate, and fewer than half the children finish high school.

The financial crunch has caused larger libraries to buy fewer copies of books, too. At the Pasadena, Calif., Public Library, for example, recently they were forced on the waiting list for John Grisham’s Pelican Brief.

NO DOUBLE SYSTEM

In addition to books and magazines, computers are a powerful ally for the information seeker. New technologies in data storage and retrieval have enabled public libraries to perform research services unimaginable a generation ago. Inforbase and other on-line research databases are faster and more up-to-date than the standard book reference.

Some critics suggest that expensive on-line databases have no place in a public li-
brary. Yet for libraries to ignore the research capability of the computer is to create in America a double system of information access—one of awesome power for the privileged and another for the not-so-privileged.

Daniel Cleary, manager of the business, science and technology section of the Queens Borough Public Library, says he has been forced to cancel indexes in the fields of biology, chemistry and math. "We're hurting our students," he warns. "The public library is the only place where everyone has access to this kind of information.

All the more so because many U.S. public schools no longer have libraries—and if they do, their collections often are substandard. How important are school libraries? Students from schools with strong libraries score higher on tests, according to a 1983 study by the Colorado Department of Education. Yet in California, the number of school libraries has decreased by half since 1986.

EVRY VOICE COUNTS

How can we reverse our libraries' decline? "The most important thing is for patrons to go to their elected officials and demand something be done," says Anice Powell, The American Library Association agrees. "Politicians do respond when citizens speak out— it's just that sometimes you have to speak very loudly," says Hardy Franklin.

One such effort to deter library cuts occurred this year in Philadelphia when Mayor Edward G. Rendell proposed to save $2 million by halving hours at ten branches of the Free Library of Philadelphia. A massive letter-writing, petition and phonecall campaign descended on the mayor and city council. Library supporters rallied in front of the central library. In the end, half the funds were restored, and some of the service cuts never materialized.

Similarly, an outraged citizenry in Chicago was able to get nearly $3 million in cuts in library funding restored. In Brooklyn, N.Y., incensed library patrons lobbied city government for funding to open 46 of 56 branches five days a week that had been cut to 14 to 16 hours a week.

A secure source of funding independent of politicians, such as tax revenues and bond issues is linked specifically to libraries, is also important. Ohio has a portion of its state income tax set aside for libraries, and libraries there are doing well.

Indeed, the evidence is strong that the public will support spending for libraries. Last year in Pasadena, Calif., voters approved by a 4-to-1 margin a five-year library-tax levy of $20 per year on each single-family residence, $13 on each apartment unit and $147 for each business parcel.

Today libraries are more important than ever because reading is still the most basic survival skill in our information-driven society. For children from homes where the only book is the telephone book, says he has been their one great hope.

Author James Michener says, "Libraries represent an individual's right to acquire knowledge. Without libraries, I would be a pauper, intellectually and spiritually."

Do we want to make future generations such paupers? How stupid can we get?

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—and on related matters the purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 26, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

9:30 a.m.

Governmental Affairs
To resume hearings to examine the impact of unfunded federal mandates on how State and local governments provide programs, services, and activities, and on related measures including S. 563, S. 649, S. 953, and S. 1604.

Labor and Human Resources
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism on methods for preventing youth violence.

Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Government focusing on Subcommittee A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development, focusing on strategic programs.

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency, the Board for International Broadcasting, and the Federal Communications Commission.

10:10 a.m.

Finance
To hold hearings to examine the tax treatment of organizations providing health care services, and excuse taxes on tobacco products, guns, and ammunition.

Judiciary
Business meeting, to consider pending calendar business.

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To resume hearings on S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act of 1965.

2:00 p.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.

Armed Services
Military Readiness and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense, and the future years defense program, focusing on the Defense Business Operations Fund and the military construction program.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1549, to revise the act establishing Golden Gate National Recreation Area to provide for the management of the Presidio by the Secretary of the Interior, and S. 1859, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.

Judiciary
To hold hearings on pending nominations.

Indian Affairs
To hold oversight hearings on water and sanitation issues in rural Alaska.

2:30 p.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs, and the Office of Construction Management, both of the Department of the Interior, and the National Indian Gaming Commission.

Select on Intelligence
To hold closed hearings on intelligence matters.

APRIL 29

10:00 a.m.

Finance
Health for Families and the Uninsured Subcommittee
To hold hearings to examine health care reform issues, focusing on consumer protection and quality assurance.
EXTENSIONS OF REMARKS

April 25, 1994

2:30 p.m.

Armed Services
Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Department of Energy’s weapons and materials support and other defense programs.

MAY 4

9:30 a.m.

Armed Services
Military Readiness and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on Reserve component manpower, personnel, and compensation issues.

SD-106

Energy and Natural Resources
To hold hearings on Boron-Neutron Cancer Therapy.

SD-366

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.

SD-138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.

SD-192

Armed Services
Regional Defense and Contingency Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Navy investment strategy.

SR-222

Commerce, Science, and Transportation
To hold hearings on the nominations of Rear Adm. Robert E. Kramek, USCG, to be Commandant, and Rear Adm. Arthur E. Henn, USCG, to be Vice Commandant, both of the United States Coast Guard.

SR-253

Finance
To resume hearings to examine health care reform issues, focusing on the classification of workers as employees or independent contractors, and the self-employment tax treatment of partners and S Corporation shareholders.

SD-235

10:30 a.m.

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the United States Coast Guard.

SR-233

10:30 a.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 471, to establish a new area study process for proposed ad-

ditions to the National Parks System, and S. 538, to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

SD-366

Veterans' Affairs
To hold hearings on proposed legislation to finance veterans health care programs.

SR-419

10:30 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.

SD-138

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.

SD-366

MAY 10

10:00 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S-128, Capitol

MAY 12

3:30 a.m.

Energy and Natural Resources
To hold hearings on the Environmental Protection Agency's proposed renewable energy programs.

SD-366

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.

SR-301

10:00 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

MAY 13

3:30 a.m.

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Labor, Health and Human Services, and Education.

SD-192
### Office of Technology Assessment

**MAY 15**

9:00 a.m.  
Office of Technology Assessment  
Board meeting, to consider pending business.  

**MAY 17**

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.  

**MAY 19**

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.  

**MAY 20**

9:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veterans Affairs and independent agencies.  

### Appropriations

**MAY 25**

10:00 a.m.  
Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.  

**JUNE 8**

10:00 a.m.  
Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.  

**JULY 19**

10:00 a.m.  
Appropriations  
Defense Subcommittee  
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.  

### EXTENSIONS OF REMARKS

**Housing and Urban Development, and independent agencies.**  
SD-138  

**CANCELLATIONS**

**MAY 3**

2:30 p.m.  
Energy and Natural Resources  
Water and Power Subcommittee  
To hold hearings to review the implementation of the Central Valley Project Improvement Act (Title 34 of P.L. 102-575) and the coordination of the program with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.  

**POSTPONEMENTS**

**APRIL 27**

9:30 a.m.  
Judiciary  
Technology and the Law Subcommittee  
To hold hearings to examine privacy and competitiveness issues in the telecommunications industry, focusing on the Administration’s “clipper chip” key escrow encryption program.  

1:30 p.m.  
Labor and Human Resources  
Children, Family, Drugs and Alcoholism Subcommittee  
To hold hearings on emerging issues regarding child abuse.  

2:00 p.m.  
Commerce, Science, and Transportation  
To resume hearings on S. 1350, to provide for an expanded Federal program of hazards mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.  

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