SENATE—*Monday, April 25, 1994*

(Legislative day of Monday, April 11, 1994)

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, Tricia Cox and Julie Eisenhower, their families, and all who most deeply experience this loss.

We thank Thee for the hope given by King David, Israel's greatest king: "The Lord is my shepherd * * * Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me * * * goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever."—Psalm 23.

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."—John 14:2, 3. Amen.

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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 1994.

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 in 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 will 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.

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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 anti-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 serve as a lasting legacy for this remarkable America.

"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 Germans? The Japanese? The Russians? The Chinese? 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 out of the Senate Banking Committee 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 1983, 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 * * * branching across State lines. Banks in California, Michigan, and Utah can open branches in Birmingham, England, but not in Birmingham, Alabama. These laws—mainly enacted in the 1920's and 1930's—are wholly out of touch with reality, and impose unnecessary costs on banks and consumers.

Most recently, Treasury Secretary Bentsen has stated:

We currently have a de facto system of 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 actively 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.

SUMMARY OF BILL

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,

interstate branching will be permitted to take place in a manner that preserves the interests of individual states.

This bill is not a radical innovation. Interstate banking is already a fact of life in most states. Thirty-four State have already adopted legislation permitting full interstate banking and fifteen of the remaining 16 States permit interstate banking within States in their regions. This bill will streamline the interstate banking process and remove laws that burden that process.

Passage of this bill will increase the safety and soundness of our banking industry and reduce risks to our bank deposit insurance fund and the American taxpayers who back that fund. It will permit banks to operate more efficiently and to serve their customers better. Let me explain why.

INTERSTATE BANKING

Interstate banking presently takes place in this country only where the States permit it. Congress, in the Bank Holding Company Act of 1956, specifically prohibited the Federal Reserve Board from approving an application of a bank holding company located in one State from acquiring a bank located in another state, unless the acquisition was specifically authorized by the laws of the State in which the acquired bank was located. During the 1980's, many states adopted banking laws permitting bank holding companies within regions to purchase banks across state lines—but these laws are not uniform and we do not yet have nationwide interstate banking.

Eliminating the remaining restrictions on interstate banking will permit banks to better diversify both their deposits and loans and consequently provide greater protection to the deposit insurance fund. Geographic restrictions now in place make such diversification difficult. This tends to leave banks more vulnerable to downturns in local economies where they do their business. According to acting FDIC Chairman Hove:

> The insurance funds have absorbed major losses in recent years in rescuing large banking organizations with assets concentrated in a few industries or a limited geographical area. During the 1980s, for example, slightly more than 80 percent of failed-bank assets were in just four states: Texas, Illinois, New York, and Oklahoma. Perhaps if they had been more geographically diversified, banks in these states might have been better able to weather the financial storms that beset local and regional energy, agricultural, and real estate markets.

Federal Reserve Governor La Ware testified:

> . . . elimination of geographic restraints would provide an important tool in diversifying individual bank risk, providing for stability of the banking system, and improving the flow of credit to local economies under duress.

Thus, reducing these restrictions will likely bolster the safety and soundness of the banking industry and thereby lessen the vulnerability of the bank insurance fund and risks to the American taxpayer. Phasing out remaining restrictions to interstate banking is not, as I noted above, a radical step.

INTERSTATE BRANCHING

Removing current restrictions on interstate branching will also help promote efficiency in the banking system and permit banks to serve consumers better. It will reduce administrative expenses for banks that presently operate interstate through separately chartered subsidiary banks of a bank holding company. The principle difference between interstate banking and interstate branching is that interstate banking requires banks acquired across state lines to remain as subsidiary banks of the main bank holding company. A subsidiary bank must have separate capital, a separate board of directors, and meet separate regulatory requirements. Converting subisidary banks to branches will eliminate such duplication, strengthen bank capital, and better protect the deposit insurance fund.

Permitting expanded bank branching will also increase customer convenience and reduce banking charges to consumers by increasing competition. Bank customers will also be better served if they can deal with branches of their home bank in different States. Many customers have complained about interstate restrictions that prevent them from depositing funds or cashing checks outside the state in which their account is established. Literally, millions of Americans cross State lines commuting to and from work, as well as in their business and personal travel. Secretary Bentsen gave the following example:

> The Washington area is a perfect case, and it isn't unique. Down the street from my office is the branch of a banking organization that hangs out its shingle in Maryland, Washington, Virginia and a few other states. People who use this branch but have their account at a branch in Maryland or Virginia, can walk up and cash a check. They can draw hundreds of dollars out of the ATM machine, or transfer thousands of dollars between accounts. But they can't make a deposit in that branch . . . not being able to make a deposit at my own bank just because that branch is in another state is like requiring that the space shuttle stay within the school zone speed limit. We are the only country in the industrialized world with this kind of artificial restriction.

Indeed, the restrictions on interstate branching are an American anomaly. The United States is the only industrial country that restricts bank branching. The globalization of the banking industry means that U.S. banks cannot afford to continue to base their success on a limited geographical area. They cannot match their competitors while burdened with costly subisidary structures and cannot be strong global competitors without larger deposit bases in this country. Removing the restrictions on bank branching will permit American banks to become stronger global competitors with an enhanced capacity to help U.S. companies sell their goods in markets abroad.

In short, removing existing restrictions on branching will increase consumer convenience, industry efficiency and competitiveness. Greater efficiency in the banking industry will reduce strains on the deposit insurance fund and protect the taxpayers who back that fund.

Community bankers need not fear that new competition from regional or money center banks will put them out of business. The experience of States that allow statewide branching suggests that small banks do very well in meeting new competition. Former Deputy Treasury Secretary Robert Carswell recounted the State of New York's experience as follows:

> Before New York removed its geographic branching restrictions and allowed any bank to branch anywhere in the State, there were predictions that independent banks would be driven to the wall and banking would be concentrated in the hands of a few large banks that would then squeeze and drain the local economies. It simply has not happened. Independent banks have done fine—providing services to old and new customers. The general level of services to consumers has improved, and prices are more uniform across the State. Some larger banks have been successful in establishing branches upstate; others have not.

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 compliance with both 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 branching, 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 conference. This legislation is long overdue and will serve our national interests well.

I reserve the remainder of my time.

Mr. D'AMATO. Madam President, I rise today in support of S. 1963, the Interstate Banking and Branching Act of 1994.

This legislation is long overdue. Interstate banking and branching will increase the safety and soundness of our financial system. It will provide more convenience 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 administrative 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, however, 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 Board Governor LaWare:

> The elimination of geographic restraints will provide an important tool in diversifying individual bank risk, providing for stability of the banking system, and improving the flow of credit to local economics 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 geographically creates institutions that are particularly vulnerable to regional economic downturns.

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 GAO noted that "when a bank's assets are not geographically diversified, the quality of its balance sheet can be severally affected by fluctuations in the local economy." Interstate branching will permit banks to diversify their loan portfolio, thus making our banking system less vulnerable to downturns in any particular community or region.

The Congressional Budget Office also found that nationwide interstate banking will enable banks to increase 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 eliminate unnecessary overhead costs, and make banking more efficient. Under the current system of holding companies, depository institutions must maintain a separate board of directors, submit separate regulatory reports, undergo separate examinations, submit separate financial reports, and maintain separate support facilities for each of it's subsidiaries. This legislation will allow banks to consolidate these separate subsidiaries into one bank with several branches, thereby eliminating the unnecessary 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 million per year if they were allowed to consolidate their separate bank subsidiaries into branches. These savings could be used to replenish bank capital, thus increasing the ability of the banking industry to provide the credit essential for the continued growth of our economy.

This legislation will also benefit consumers, 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 individual in these circumstances would have to have three different bank accounts, 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 consideration the rights of the States with respect 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 approve an application by an adequately capitalized and managed holding company to acquire a bank outside of its home State. However, a State may insist that the out-of-State bank holding company only acquire an existing bank in that State. Further, the State may limit the banks that may be acquired to those institutions that have been in existence for a given period of time, up to 5 years. A State may also limit the size of the institution—based on deposit share—that may be acquired, so long as this limitation does not have a discriminatory effect against out-of-State bank holding companies or banks.

The bill also respects States rights with respect to interstate branching. Under section 3 of this legislation, 2 years after the date of enactment, a bank holding company with banks located in two different States may consolidate these institutions into one bank with interstate branches. The resulting bank may establish additional branches at any location where the former separate banks could have branched under applicable Federal or State law. However, a State may opt-out of this provision by passing a law, at any time after the date of enactment, that specifically prohibits interstate combinations as described above for all out-of-State institutions. Thus, the right of a State to prohibit interstate branching, as authorized under this bill, is fully protected, so long as the prohibition applies equally to all out-of-State banking organizations.

The States' interests are also considered with respect to choice or applicable law. Section 3 provides that State laws are made applicable to interstate branches to the same extent that such laws are applicable to branches of banks, of the same charter type, that has a main office in that State. Thus, the States retain the same regulatory authority over the interstate branch of a national bank that they have over a branch of a national bank whose main office is located in that State. Likewise, 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 is 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 approving an acquisition if the applicant controls, or after the acquisition would control, 25 percent or more of total deposits held by insured depository institutions in that State. However, the State may waive the applicability of this latter restriction.

The legislation also protects the authority of the States to tax interstate branches in the manner that they determine appropriate, provided of course that the tax does not contravene other Federal statutes or the U.S. Constitution.

Section 4 of this legislation provides that State bank supervisors from two or more States may enter into cooperative agreements to facilitate State regulatory 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 amendment, to prepare a written evaluation of such institution's CRA per-

formance in each State in which it has a branch. If an institution maintains a branch in a multistate metropolitan area, the agency must prepare a separate written evaluation for that multistate metropolitan area, and for the nonmetropolitan areas of the State, if the institution 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 that will be able to serve the needs of our economy into the next century. We should act, and act now to pass this legislation. I urge my colleagues to vote for this bill.

PRIVILEGE OF THE FLOOR—S. 1963

Mr. RIEGLE. Madam President, I ask unanimous consent that during the consideration of S. 1963, Kay Bondehagen be granted the privilege of the floor.

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

The Senator from Delaware.

Mr. ROTH. Madam President, S. 1963, the Interstate Banking and Branching Act of 1994, is important legislation. The reason, however, that the legislation has such widespread support in this body owes much to the fact that it does much less than many less-informed believe. Let me explain.

Interstate banking means that an out-of-State bank may acquire an in-State bank. This is already happening today. This is already happening today. It has been the practice for some States to narrow the acquirer's eligibility to a particular region. The legislation, in contrast, ensures that the acquirer can come from any State across the Nation. This is no major change, in my opinion.

Interstate branching is more significant. However, the legislation does not establish interstate branching. Interstate branching means that an out-of-State bank that owns an in-State subsidiary may convert it into a branch. This is, unlike interstate banking, something new. But all that this legislation does is to create a choice for the policymakers in each State—the Governor and the legislature—to make for that State.

The efforts that I have expended on this legislation have been for one and only one purpose: To craft an absolutely neutral proposition for the States and the industry involved. Since that is the purpose of the legislation, as I understand it, it makes little sense to burden the legislation with extraneous provisions, whether they involve a rollback of insurance powers or whether they involve increasing the regulatory burden on banks. We have worked for far too long to avoid imposing such conditions and I hope that we can continue that effort successfully.

In striving for neutrality, we have made clear that certain current practices of the banking industry, such as extending credit across State lines, are not adversely affected by the legislation. Moreover, we have sought to assure the States that the choice that each makes under the legislation is without bias: The right of each State to opt in or opt out of interstate branching at any time is specifically preserved in this legislation. Unlike other versions, our bill sets no lobster traps for the States. They may enter or exit freely, as the policymakers in each State decide. And, I repeat, they may do so at any time.

Suppose a State's policymakers fail to act either way? Is a State in or out? 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 formulating a decision, not the least of which is the revenue consequences, the Governors and the State legislatures have requested that they be given 3 years instead of 2 years to make their initial choices. I would think that they are the experts on how much time they need and that as Representatives of the States in the Congress we particularly should be deferential on such a matter. However, I do not believe that the chairman agrees with me. In committee, I had pressed for 3 years and was pleased that the bill which at the time provided only 1 year to decide was amended to 2 years. So from my perspective, I still see room for improvement on this question.

As I noted, there is probably no issue that makes the States more nervous than the impact of interstate branching on their collection of tax revenues. Now there is no way that we can guarantee a State that if it collected a certain amount of revenue from banks last year that it will collect the same amount with or without this legislation. For if the States do not opt-out of interstate branching, branching will occur, and the facts will have changed. So when the facts change, there may be different results. Maybe better, maybe worse. All we can do is to guarantee that the States will remain able to collect the same amount of revenues. One of my contributions to the managers' amendment makes clear that the authority of the States to tax as they are taxing remains undiminished by this legislation. We cannot do any more or any less for the States. The Congress has no proper role in this context in structuring the States on State tax policy. We cannot and do not solve their tax problems in this legislation. It is true, no question, that every State will have to assess the State tax consequences of this legislation and adjust its particular tax laws to the changing circumstances while deciding whether to allow interstate branching within its State.

Many believe that this is a fair question to put to the States in view of the purported benefits to the banking industry and to the consumer that flow from the efficiencies produced by interstate branching. However, I repeat, it is a little much to ask each State to resolve its internal policy question in 2 years, which for a dozen or so States is really only a few months as a practical matter.

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 posing 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. 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.

AMENDMENT NO. 1658

(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 any 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 and Federal 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 Senator ROTH 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 1658.

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:

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.

"(6) AFFECT ON STATE CONTINGENCY LAWS.—Nothing in this subsection affects 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 Branching Act of 1994;

"(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 5, line 9, insert " 'in default', 'in danger of default'," before "and".

On page 5, line 18, strike "and".

On page 5, line 23, strike all of the punctuation at the end and insert "; and".

On page 5, after line 23, insert the following:

"(3) a bank 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 8, line 23, strike "based upon" and all that follows through page 9, line 6, and insert 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 (8)" before "shall have".

On page 13, 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 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 "(12)".

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" after "examine".

On page 17, strike lines 7 through 10, and insert "agency determines that the States have reached an agreement under subparagraph (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:

"(4) 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.".

Beginning with page 17, line 14, strike all through page 19, line 22, and insert the following:

(b) NATIONAL BANKING ASSOCIATIONS.—The Act entitled "An Act to provide for the consolidation of national banking associations", approved November 7, 1918 (12 U.S.C. 215 et seq.) is amended—

(1) in the first sentence of subsection (a) of the first section, by inserting ", or in any State in which a bank is authorized to engage in an interstate consolidation pursuant to section 3(h) of the Bank Holding Company Act of 1956," after "located in the same State";

(2) by inserting before the period at the end of subsection (d) of the first section ", except that the applicability of State law to an interstate consolidation undertaken in accordance with section 3(h) of the Bank Holding Company Act of 1956 is determined in accordance with the provisions of that section";

(3) by adding at the end of the first section the following new subsection:

"(h) An interstate consolidation—

"(1) shall be undertaken under this section pursuant to the procedures, restrictions, and requirements—

"(A) set forth in section 3(h) of the Bank Holding Company Act of 1956 as if such interstate consolidation were a combination under that section; and

"(B) set forth in this section, to the extent that such procedures, restrictions, and requirements are not inconsistent with those of section 3(h) of the Bank Holding Company Act of 1956; and

"(2) involving banks that are not affiliated (as such term is defined in section 2 of the Bank Holding Company Act of 1956) shall meet the requirements of section 3(d) of the Bank Holding Company Act of 1956, as determined by the Comptroller of the Currency, as if such consolidation were an acquisition under that section 3(d).";

(4) in the first sentence of section 2(a)—

(A) by striking "under an agreement not inconsistent with this Act,"; and

(B) by inserting "or within any State in which a bank is authorized to engage in an interstate merger pursuant to section 3(h) of the Bank Holding Company Act of 1956," after "located within the same State,";

(5) in the sixth sentence of section 2(d) by inserting before the period ", except that the applicability of State law to a merger undertaken in accordance with section 3(h) of the Bank Holding Company Act of 1956 is determined in accordance with the provisions of that section";

(6) in section 2, by adding at the end the following new subsection:

"(h)(1) An interstate merger—

"(A) shall be undertaken under this section pursuant to the procedures, restrictions, and requirements—

"(i) set forth in section 3(h) of the Bank Holding Company Act of 1956 as if such merger were a combination under that section; and

"(ii) set forth in this section, to the extent that such procedures, restrictions, and requirements are not inconsistent with those of section 3(h) of the Bank Holding Company Act of 1956; and

"(B) involving banks that are not affiliated (as such term is defined in section 2 of the Bank Holding Company Act of 1956) shall meet the requirements of section 3(d) of the Bank Holding Company Act of 1956, as determined by the Comptroller of the Currency, as if such merger were an acquisition under that section 3(d).

"(2) Paragraph (1) shall apply to a State member bank involved in an interstate merger on the same terms and conditions and subject to the same procedures, restrictions, and requirements as are applicable to the consolidation of branches by a national banking association involved in an interstate merger."; and

(7) in paragraph (4) of section 3, by inserting "or within any State in which a bank 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 20 and 21, insert the following:

"(C) the term 'adequately capitalized' has the same meaning as in section 38.".

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 that we not "resolve on the Federal level a problem that can best be resolved at the State level." And concluding that "it would be better to be silent about State tax rules."

Thus, the Treasury Department does not oppose a declaration of tax neutrality but does oppose Federal solutions for State tax problems.

The bankshares tax provision in the reported bill grossly violates Treasury's advice, and I am encouraged that the managers' amendment makes this provision less offensive to principles of federalism which the Department and I share. The new language does not direct any State to follow any particular tax method, nor does it obviate the need for the policymakers of the State to take responsibility for adopting a tax and a tax method of their choice. While the result is not quite the silence recommended by the department, it is now a tolerable whisper.

Finally, I wish to make clear that this provision is appropriately deferential to the rights and responsibilities of the affected States. In this provision the Congress neither instructs nor commands any State. Under the provision, any covered State must adjust to the new circumstances of interstate branching by adopting a new tax method between now and the time interstate branching begins in that State. This further illustrates the need for 3 years' time for the States to make their multifaceted decision on interstate banking.

I thank the distinguished chairman for incorporating my suggestions in the tax area and am pleased to support the adoption of the managers' amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. RIEGLE. Madam President, I urge adoption of the managers' amendment.

Mr. ROTH. Madam President, I would agree with the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the adoption of amendment No. 1658.

The amendment (No. 1658) was agreed to.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. I thank the Chair.

Madam President, we are now at a point, I would like to just say to colleagues and staff members who are following this on television and would not necessarily be present in the Chamber at this time, this would be an excellent opportunity for anyone who has remarks to deliver on the subject to see this as a time to come and do that, or if anybody has an amendment—I am not inviting amendments, but if anybody has an amendment this would be a good time to come and present it because we will have now a period in which we can handle those without any other indication of others coming forward at this time. So let me make that general suggestion to those who would have an interest in doing so.

If other speakers do not arrive, and if we do not have other Members who come over to speak or offer amendments, then at some point later in the afternoon I am going to suggest we not just remain in a quorum call if we are not getting work done. I would hope that we could be getting some work done.

In any event, having said that, I want to make just two other personal comments. One is that I think to those following this debate, whether in the Chamber here as visitors, or out across the country watching television, it all sounds very technical because it is quite technical.

Banking law, as the occupant of the Presiding Officer's Chair, the Senator from Washington, knows—she serves on the Banking Committee—the banking laws are by their very nature technical and complicated. So when we present them, it is very hard to follow necessarily what we are saying because each phrase and each explanation has a technical implication in terms of laying down the foundation of the law that we will be passing here.

And all of this debate that takes place on the Senate floor, of course, takes the form of what is called legislative history. So if there is ever a question later on down the line as to how a bill is actually supposed to work, if the written law from the legislation itself is not completely clear, oftentimes the reference will then 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 1966. At that time, I sat on that side of the aisle as a Republican. In 1973, 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.

But 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 our 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 year by year and 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 run again.

I remember, Madam President, many years ago when we were both elected for the first time, I might say in a surprise upsweep 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 percentagewise, we had 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 that 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 Watergate alone, as disheartening as that constitutional crisis proved to be.

As President, Richard Nixon won widespread admiration and respect for his conduct of international affairs. His accomplishments in this area will long stand, as they should, as his greatest legacy. Perhaps his greatest achievement was the ending of the United States military involvement in Vietnam. He also opened relations with mainland China, which he visited in 1972, and eased the tension that had existed for years between the United States and the former Soviet Union. 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 who 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 1992 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 as if in morning business for no less than 10 minutes.

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

TRIBUTE TO RICHARD NIXON

Mr. BENNETT. Mr. President, I join with others of my colleagues in rising to 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 realized how close Members of a particular freshmen class can be to each other as a result of the experience of entering this body at the same 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 Presiding Officer 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 truly 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, and the power brokers there 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 liked to repeat 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 me and he fooled the rest of 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 is 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 is true. 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, if I can mix 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 serious visit 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 early 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, to offer a tribute to his memory, and to add my personal recollections to the saga of this extraordinary man.

As I look at American politics, I think there has probably never been a political figure who has occupied center stage longer than Richard Nixon did. George Washington was not on center stage for as long, nor Franklin Roosevelt; certainly not Abraham Lincoln, who came and went in a 5-year period.

Richard Nixon was a national figure in 1948 with his first term in the House of Representatives and remained a national figure until 1994 when he died, with sufficient honors that the President of the United States has ordered full recognition of the power and contribution of this man.

So I conclude, Mr. President, with the classical allusion that I made earlier: Richard Nixon was King Lear, a man of towering ability, a man of great contribution, yet a man with flaws which served ultimately to bring him down, but, unlike any other character I know, a man who came back from having been brought down more often than any other figure in our history.

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

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

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

NUKEM, INC., OF STAMFORD, CT

Mr. LIEBERMAN. Mr. President, on June 29, 1993, Senator MCCAIN and I introduced the Iran-Iraq Arms 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 Material," 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 Washington Post article of August 17, 1990, which restated an erroneous report which had appeared earlier in the German magazine, Der Spiegel.

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-

clusion of Nukem in a list of companies which had allegedly supplied equipment and technology to Iraq to assist in its efforts to develop nuclear weapons. I join Senator LIEBERMAN in apologizing to the officers and employees of Nukem for this inadvertent error on our part.

At the same time, I would note that the list of suppliers of equipment and technology to Iraq in support of their extensive efforts to acquire weapons of mass destruction is extensive and alarming. The legislation we introduced, the Iran-Iraq arms nonproliferation amendments, is designed to deter companies from cooperating in these efforts in the future and to ensure that other governments work with the United States to prevent the development of weapons of mass destruction by Iran or Iraq.

Unfortunately, the legislation has not yet been enacted. Senator LIEBERMAN and I are concerned about the continuing efforts of Iraq and Iran to build up their offensive military capabilities, which could lead to regional instability and a threat to the current fragile peace in the Middle East. Therefore, we intend to continue to push for the additional sanctions contained in the Iran-Iraq arms nonproliferation amendments during this session of Congress.

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

[From the Washington Post, Aug. 25, 1990]

CORRECTIONS

An article on Aug. 17 incorrectly reported information about exports to Iraq by the German company NUKEM. NUKEM did not sell or deliver uranium to Iraq in 1989, and NUKEM has never delivered uranium to Iraq appropriate for the production of nuclear weapons. In addition, NUKEM is not the subject of any investigation or accusation by public prosecutors in West Germany with respect to any such sales.

THE WHITE OAK DECLARATION—THIRD UNITED STATES-EASTERN EUROPE CONFERENCE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, an important international workshop on the environment took place at the White Oak Conference Center in Yulee, FL, from February 24 to 27. Sponsored by the American Academy of Arts and Sciences with funding from the Howard Gilman Foundation, it was cochaired by my constituent and long-time friend and adviser, Prof. Charles M. Haar of Harvard Law School, and by Simeon Bozhanov, environmental adviser to the President of Bulgaria; Oleg Kolbasov, counselor at the Ministry of Environmental Protection and Natural Resources, Russia; Yuri Kostenko, Minister for Environmental Protection in Ukraine; and Yuri Shemshouchenko, director of the Institute of State and Law, Ukrainian Academy of Sciences, Ukraine. Dr. James A. Smith, executive director of the Howard Gilman Foundation represented the foundation at the Gilman White Oak Plantation and Conference Center, which encompasses the largest private wildlife preserve in the country.

This was the third in a series of meetings involving ministers, officials, lawyers, academics, and administrators of the United States and Eastern European countries and former republics of the Soviet Union. Such international conversations foster a greater understanding of common problems and potential solutions for achieving sound environmental policies and practices.

This year the meeting concentrated upon regional water problems. Representatives from Boston Harbor, Chesapeake Bay, and Puget Sound authorities made presentations concerning their policies and implementation programs, as did their Eastern European counterparts on the Black Sea and the Gulf of Finland programs.

An important outcome of the conference in the White Oak Declaration which, I believe, will be of interest to all Members of Congress and the administration dealing with these important environmental issues.

The declaration seeks to advance the fundamental right of people to live in a safe and healthy environment. It emphasizes that we can no longer allow the degradation and pollution of our water systems. Regional water bodies poses special problems and require special institutional solutions. A watershed approach to regional water problems is recommended. By meeting and studying together, people of many nations can learn from each others' accomplishments and mistakes.

Among the special recommendations of the Conference is an interstate environmental court for resolving environmental disputes. An independent funding mechanism for regional water agencies is another major recommendation. The differing roles of the various levels of government—national, State, regional, and local—are emphasized.

The declaration also stresses the importance of public participation and the inclusion of neighborhood groups in environmental decisionmaking. In addition, the impact of privatization in Eastern Europe is taken into account as well as the need to minimize adverse environmental impacts on lower-income areas.

Finally, the declaration recognizes that sustainable development—balancing the goals of economic growth and a rising standard of living with environmental priorities—can be fostered by regional water resource management.

The focus of the conference was most appropriately on institutional development. And the recommendations for regional water resource management programs that emerged from the meeting will, I believe, be most useful for all engaged in administering and dealing with regional water agencies.

The American Academy of Arts and Sciences and the Howard Gilman Foundation will undertake future efforts aimed at implementing specific environmental projects in the Eastern European countries. Technical assistance has been volunteered by the participants in the meeting. I commend this type of private international cooperation that can move readily and flexibly to meet the worldwide goal of restoring and enhancing our great bodies of water.

I ask unanimous consent that the White Oak Declaration and a list of participants in the conference be included in the RECORD.

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

DECLARATION 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 and develop 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 together confront—realistically, 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. By meeting and studying together, we have seen how nations can learn from each others' accomplishments and mistakes. For example, the early stages of privatization are an ideal time for addressing environmental questions. By imposing environmental controls at the first stages of privatization, nations may be able to avoid the wetlands depletion, watershed degradation, and regulatory takings problems that have frustrated environmental and land-use regulators elsewhere.

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

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. The fight to clean our water is a long-term struggle that requires a sustained effort and the participation of an ever-growing list of active participants. We recognize that economic, political, and legal crises can significantly hamper environmental protection efforts, but this does not defeat our aspiration for a clean environment.

4. We endorse the use of principles of international law to address environmental problems and we urge that all nations endorse this and other declarations of principles that further the cause of environmental protection. In addition, we advocate the establishment of a judicial body for resolving international environmental disputes. We caution, however, that members of that court, or their staffs, must have familiarity with and special expertise regarding the unique problems posed by regional water resources. Nations should pursue mechanisms for inter- and intra-jurisdictional judicial and alternative dispute resolution of conflicts between individuals and government regulators, government regulators and regulated industries, and individuals and regulated industries.

5. We urge all nations that include, abut, or affect regional water resources to create (or to strengthen existing) national agencies with power to cross domestic jurisdictional boundaries in order to provide technical assistance, regulate water and land uses, and resolve conflicts involving regional water resources.

6. We encourage nations to establish special, independent funding mechanisms for addressing existing and potential threats to regional water resources. Where possible, these mechanisms should be established outside the usual government financing and appropriations processes, so that the political and financial exigencies of today will not endanger our health tomorrow.

7. Many nations and regions within nations, reflecting the wide diversity of intergovernmental structures from state to state, have created true intergovernmental partnerships, allocating responsibilities and powers to the level of government that is best suited and most readily accountable for the task. For example, setting standards for measurement of pollutants is appropriate for the central government, while the operation of water treatment facilities is best undertaken by local governments (alone or in cooperation with other municipalities). We commend these creative federalist efforts and encourage other nations to follow their lead.

8. The public and private sectors must give concrete meaning to the term "sustainable development," by experimenting with regulatory tools that balance our aspirations for a clean environment with the equally important goals of economic growth, increased employment, and an enhanced standard of living for the world's population. There is no better place to start this effort than with regional water resources, for cleaning water yields increased recreational uses and tourism, additional real estate values and tax revenues, and reduced hazards to transportation.

9. We recognize that the most enduring and effective plans for cleaning and regulating our regional water resources are the result of an inclusive, democratic process that takes advantage of the ideas, reactions, and skills not only of technical and bureaucratic experts, but also of individuals, community-based organizations, representatives of affected industries, and local, national, and international organizations devoted to protecting our fragile environment. Input from these nongovernmental parties is essential at all stages—from formulation of government policy through the drafting and implementation of laws and regulations. The more inclusive the process, the greater the number and variety of persons and organizations who 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 uninhibited 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 water bodies, testifies to 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, an environmental analysis should be conducted before the construction or expansion of significant industrial, commercial, agricultural, and residential uses; and government-approved developments should utilize the most effective available technology for conservation of energy, recycling, and waste treatment and disposal.

12. We are concerned that the failure of central and local authorities to coordinate national environmental controls with localized land-use regulation 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 land-use planning, zoning, agricultural 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 unwieldly command-and-control devices should be replaced with incentive-based regulations that encourage productive public-private joint ventures. We need to educate private industry that environmentally sound practices can enhance profitability.

14. We cannot exaggerate the impact privatization of land ownership has on regional water resources. In the past few decades, many nations have made a concerted effort to tear down the walls that separate people from water by reclaiming lands abutting and close to regional bodies of water through prescription, reservation of public rights, and acquisition of title or easements that enable public access to beaches and harbors for fishing, swimming, fowling, and other recreational and commercial uses. Other nations should consider adoption of these and other devices for ensuring meaningful public access, including land-banking and sale-leasebacks.

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 inequities engendered in their decisions (1) to locate potentially harmful facilities close to lower-income neighborhoods; (2) to prioritize regulation and enforcement so 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 local, national, and international media in investigating and reporting on each step of the decision-making process and in monitoring government action and inaction and private sector violations. Political parties and candidates should be pressured to articulate specific positions regarding public and private sector developments that have an impact on regional water resources. Moreover, educational institutions can play a special role in emphasizing the importance of a clean environment to children; in providing state-of-the-art professional and vocational programs for scientists and technicians; and in supporting cooperative, intraregional 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- 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.]

U.S.-Eastern Europe Environmental Protection Institutions Conference at the Howard Gilman White Oak Plantation, Yulee, Florida. February 24–27, 1944

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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 his 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 1962 to 1980, cosponsored 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 1981. 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.

CONNECTICUT'S WINNING SCHOOL, WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

Mr. LIEBERMAN. Mr. President, on April 30 to May 2, 1994, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to complete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from Trumbull High School, our State winner, will represent Connecticut in the national finals. These young scholars have worked diligently to reach the national finals by winning local competitions in Connecticut.

The distinguished members of the team representing Connecticut are: Jean Baiardi, Jeffrey Burns, Ashley Coyne, Jessica Devine, Lisa DiDomenico, Brian DiStassio, Jaime Felberbaum, Dana Heitlinger, Alison Kelly, Erin Kelly, Julie Klunk, Cheryl Konopka, Roudabeh Latifpour, Ricardo Luzietti, James Maricondo, Steven Merrick, Bianca Milazzo, Brian Noehren, Rena Paris, Matthew Park, Perry Rountos, Matthew Sewell, Erica Silverman, Sara Usilton, Sujal Vaidyam, David Weisman, Sondra Weiss, Bret Wiener, Stancey Wilcoxson, and John Zbell.

I would also like to recognize their teacher, Rita Altieri, who deserves much of the credit for the success of the Trumbull High School team. The district coordinator, Anthony Corrano, and the State coordinator, Joani Byer also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the program, now in its seventh year, has reached more than 20 million students in elementary, middle, and high schools nationwide. This year, the Thomas Jefferson Commemoration Commission will join the center in making special presentations to the students in honor of Jefferson's legacy.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective of the significance of the U.S. Constitution and its place in our history and our lives. I wish them the best of luck in the national finals and look forward to their continued success in the years ahead.

NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following letter of the National Student/Parent Mock Election be printed in the RECORD.

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

NATIONAL STUDENT/PARENT
MOCK ELECTION,
April 12, 1994.

Mr. SPEAKER: I would like to call the Congress' attention to one of the most successful parent involvement projects in the nation. Over 5 million American students and parents in all 50 states, Washington, D.C., and overseas (Germany, England, Scotland, Italy, Portugal, Bahrain, France, Holland, Japan, Korea, The Marshall Islands, Guam, The Virgin Islands, and Puerto Rico) participated in the 1992 National Student/Parent Mock Election. They met all across the

country and around the world to cast their votes on who would win the national elections and to vote their "recommendations to the President and Congress" on six key national issues. Every state had a "State Election Headquarters." "State Election Headquarters" called their votes in to "National Election Headquarters", as over 20 million viewers watched on national television. A national television program was aired for two hours on C–SPAN, showing students, and parents all across the country participating in the project's activities Scholastic Magazines has joined the Mock Election coalition and by 1996 will provide 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 decision-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 Time/NASBE 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 will be presented here at the Capital on April 26.

The Massachusetts' Mock Election was organized by a coalition of 18 newspapers, the Massachusetts Newspaper in Education Council led by the Lawrence Eagle Tribune., the Massachusetts League of Women Voters, the Bank of Boston and Boston Celtic, Dee Brown, who all worked together to bring materials, programs and funds to schools.

The Eagle-Tribune was "State Election Headquarters." Local students answered phones all day and tallied election results. The 1992 Massachusetts Student/Parent Mock Election was an overwhelming success; more than 174,000 students cast their votes.

I would like to congratulate the Lawrence Eagle-Tribune and the other Time/NASBE Award winners as well. They are:

California Association of Student Councils, Mr. Gil Soltz and San Jose Mercury News, Ms. Kathleen Franger.

The Hartford Courant, Ms. Marcy Munoz/ Ms. Colette Yeich, and Connecticut League of Women Voters, Ms. Jill Cromwell.

Maryland State Department of Education, Ms. Susan Travetto.

The Eagle-Tribune, Ms. Stephanie Johnson.

Genesee Intermediate School District, Ms. Barbara Harper/Ms. Rachel Moreno, and Detroit Newspaper Agency, Ms. Sharon Zumberg, Missouri School Boards Association, Mr. Brent Ghan.

Northeastern Educational Television of Ohio, Inc., Mr. Steve Mitchell/Ms. Cathy Burwell.

Tennessee Department of Education, Mr. Doug Vickers.

At the April 26 kick-off for the 1994 National Student/Parent Mock Election in the U.S. Capitol, two new National Student/Parent Mock Election awards will be presented as well, The NASSP/John Herklotz Award for "outstanding contributions to teaching democracy" for the best schoolwide Mock Election projects, and the NASC/Ruth Hollander award for "outstanding contributions to participation in democracy" for the best student led projects. I would like to congratulate these winners:

NASSP/JOHN HERKLOTZ AWARD

Washington Elementary School, Kathleen Meistrell.

R.R. Moton Elementary School, Don Strahan.

Lehr Public School, Yvonne Engelhart.

Lewis F. Mayer Junior High School, Jane G. Bechtel.

Forest Hills Middle School, Rosemary Raptosh.

Felten Middle School, Kay Maska.

Overbrook School, Caroline Baker.

Norview High School, Catherine J. Lassiter.

Pleasants County Middle School, John Eichorn.

Tongue River Middle School, Merry O'Hare.

Grayslake Middle School, Eric Skoog.

Metcalf Elementary School, Christine Southworth.

NASC/RUTH HOLLANDER AWARD

Palm Beach Lakes Student Council, Stuart Sabin, Advisor of Student Council/Activities Director.

Associated Student Congress of Baltimore City, Mal Dutterer, Specialist, Student Relations Office.

Huntsville High School Student Council, Shirley Jackson, Faculty Advisor.

Kentucky Youth Association/State YMCA, Michael D. Haynes, Executive Director.

On November 3, 1994, In 1994, American students and parents will once again meet in all 50 states and all around the world to cast their votes on who will win the Congressional and Gubernatorial elections. (The key questions will be which party will win control of the Senate? the House? the Governorships?, and vote their recommendations on 6 key national issues. The results of their vote will be the "Recommendation of America's Students and Parents to the Congress and the Governors").

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. Fahrenkopf, Jr. and 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 sense of powerlessness that keeps young people, and their parents too, from going to the polls, into a sense of the power of participation. It is feelings of powerlessness, psychologists point out, that are the root cause of violence. The Center for Action Research found the National Student/Parent Mock Election REDUCED feelings of powerlessness. The project uses the motivation of the elections to teach the rule of law instead of the rule of gangs. It seeks to help young Americans learn how, in a government "of the people, by the people and 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 pilot project to combat violence. ACTIONS invites the students of America to create their own pilot project 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 around the violence in their community. The first project to be accepted in each state as an official National Student/Parent Mock Election ACTIONS project will receive $150.00 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, the affiliation of their adult advisor, the group's chairman or leader, et cetera. Applications must be signed by the responsible adult.

ACTIONS groups will exchange ideas and experiences with each other throughout the 1994–1995 school year. At the end of the school year, the five most successful ACTIONS project leaders will be awarded a free 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 as 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 1984, he moved to Las Vegas to continue his medical practice. Currently, he is on staff at all of the hospitals in southern Nevada. 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 clinical assistant 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.

"Ike" has always been a faithful adherent of the Moslem faith. His faith has caused Dr. Khan to focus on humanity's likeness, 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 am proud to 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 1990, 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, 1993, 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 downed. On March 28, 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[1]

At 0618 on October 4, 1943, in the semi-darkness 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 SBC "Dauntless" dive bombers and eight F4F "Wildcat" fighters. Lt. Cdr. G. Otto Klinsmann, Skipper of VB-4, was assigned the leadership role. [I recall vividly an earlier night launch when Otto went in the drink on take-off (see page 18) and later his tragic drowning after being shot down in the Pacific (see chapter 24)].

The Tactical Formation of the Northern Attack group was as follows:

Plane	Pilot	Gunner
4-B-1	Lt. Cdr. Klinsmann	Rogers.
4-B-10	Lt. Weeks	Meredith.
4-B-7	Lt. Stratton	Odd Dahm (Norway).
4-B-20	Lt. (jg) Ross	Devine.
4-B-17	Lieut. Bettinger	Shaw.
4-B-2	Lt. (jg) McReynolds	Parrish.
4-B-5	Lt. (jg) Longley	Edens.
4-B-22	Lt. (jg) Henricks	Keefe.
4-B-9	Lt. Keller	Shackelford.
4-B-6	Lt. (jg) Breckheimer	Branson.
4-B-13	Lt. Boykin	Reed.
4-B-15	Lt. (jg) Davis	McCarley.
4-B-11	Lt. Johnson	Eardley.
4-B-19	Lt. (jg) Tucker	Bakran.
4-B-23	Lt. Phillips	Lankowicz.
4-B-14	Lt. (jg) Dill	Blier.
4-B-3	Lt. Chase	Lorentzen.
4-B-29	Lt. (jg) Gordon	Waterson.
4-B-21	Lt. Weitzenfeld	Jobe.
4-B-27	Lt. Simmons	Colon.

Two additional SBD's were assigned to Anti-sub patrol and loaded with depth charges:

Plane	Pilot	Gunner
4-B-18	Lt. (jg) Norman	Brilhart.
4-B-4	Lt. (jg) Way	Ellis.

The 20 dive bombers, flying in 4-plane divisions headed for the port of Bodo, Norway. Fourteen of these planes were loaded with 1000 pound, general purpose bombs and 6 were loaded with 500 pounders armed with 5-second-delay fuses.

The group made landfall to Mayken Light at dawn and continued northward along the shipping lanes toward Bodo. One division of SBD peeled off to attack the 8000-ton freighter, La Plata. The remainder continued up the coast and at 0730 rolled over and bombed a small German Convoy, severely damaging a 10,000-ton tanker and a 4300-ton transport. In the Bodo harbor they sank two of four small German merchantmen.

The anticipated German fighter interception did not materialize. The attack was a complete surprise. However, the German's were able to man their anti-aircraft batteries. One of these gun emplacements had not been identified by the Norwegians who provided briefings before the strike. This AA battery was responsible for at least one of the SBD losses.

The USS RANGER logbook shows the following persons from Bombing Four "Missing-in-Action" after OPERATION LEADER. Both dive bombers were shot down by German anti-aircraft fire: Lt. (jg) S.R. Davis with his turret gunner, D.W. McCarley, Arm 2/c (SBD #5); Lt. (jg) C.A. Tucker, Jr. with his turret gunner, S.D. Bakran, ARM 2/c (SBD #19).

Returning pilots reported that they saw Davis and McCarley launch a liferaft after their splash down. Both were picked up by the enemy and taken to prison. Davis was in Stalag Luft One for 19½ months but he does not know what happened to his gunner (to date, I have been unable to locate McCarley).

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 Four Baker Nineteen, the SBD flown by Lt. (jg) Tucker, over the fjiords by 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 located the Tucker/Bakran plane and launched a salvage operation, (see attached news release). 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 son Tofe, the Boluses certainly succeeded.

Words like duty, country, and family were the cornerstones of his life, and they were mirrored in the poems he

[1] Supplement to chapter 1 in "Torpedo Squadron Four: A Cockpit View of World War II." Gerald W. Thomas.

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 graduated from Alabama's universities 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. HEFLIN. 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 in honor of 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 fate have, in recent times, galvanized the 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. This year I supported 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 the Senate and President Clinton has lifted the trade embargo, we must recommit ourselves to determining the fate of every missing American soldier in Southeast Asia.

Mr. President, all POW's, those who returned and those who haven't continue 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 peacefully.

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 Voice of Democracy Award. With his 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, as follows:

What is America?

This question sounds simple and silly, but it can be answered in many different ways. You could look in a dictionary, and it would tell you that the term "America", used 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 is composed of 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 show you that America includes almost every type of terrain and climate documented on Earth. It has millions of unique and beautiful plant and animal species. On the human side, it has farms and factories, 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 same 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 beginning 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 pressed the battle against the British frigate and won. His fighting spirit, even in the face of terrible odds, was America.

When the pioneers struck out for the midwest, 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, no master. This fierce 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.

When 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 gleam of hope in their eyes that this new land might be free and just.

I believe that we must commit ourselves to keeping this concept of America alive. We must commit ourselves to the ideas of liberty 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 the common man at heart, 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 a great nation and have kept it strong through the years. My commitment to these values is my commitment to America.

TRIBUTE TO LARRY MITCHELL COOK

Mr. BAUCUS. Mr. President, I rise today to honor a Vietnam war hero who is no longer with us. His name was Larry Mitchell Cook of Kalispell, MT. I also rise to praise the work of his brave 11-year-old daughter, Heather Cook.

Earlier this year I received a letter from Heather. Heather explained how her father had been exposed to agent orange in Vietnam. As a result of this exposure, Larry contacted an incurable disease known as non-Hodgkin's lymphoma. Heather went on to say how proud she was of her father and that she thought her dad deserved a medal for his bravery and honorable service. I could not agree with her more.

On behalf of the Cook family, I contacted the Department of Defense, explained this unfortunate situation and asked them to award the medals Larry earned to his survivors. I am pleased to report that today Heather and her mother will receive three medals in recognition of Larry's undaunted service to this country.

In closing, I want to thank Heather for giving me the opportunity to help her. Every Member of the Senate knows how rewarding it is when our work makes a difference in the lives of the people we work for. But it is particularly gratifying when it is a young person, like Heather, who takes the initiative to right a wrong. Finally, on behalf of all Americans, I want to thank her father, Larry Mitchell Cook, for making the ultimate sacrifice so that we may all live in a better world.

TRIBUTE TO NYLA HAMMERS MORGAN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian. Ms. Nyla Hammers Morgan of Morgantown, KY, gives fully and wholeheartedly of herself to her community and deserves to be recognized for her many contributions to Butler County.

Ms. Morgan was born on March 16, 1918, attended Morgantown Elementary School and graduated from Morgantown High School at the age of 15. After graduation, she enrolled in the Lois Glynn Beauty College and became a licensed cosmetologist. For the next 53 years, she owned and operated NYLA's Beauty Shop in Morgantown. As anyone from a small town knows, the local beauty shop is just as important to the residents as the county courthouse. But Ms. Morgan went beyond this professional contribution to her community to give personally as well.

Nyla Hammers Morgan's dedication to her hometown is reflected by the countless hours she has given to various community events. Her patriotism, organizational skills, community involvement, and dedication have enabled her to contribute greatly to her community. Ms. Morgan has organized Memorial Day remembrance programs, Flag Day programs, and World War II anniversary programs. She became involved in the Butler County Chamber of Commerce as the executive secretary, and served a term as the president of the Butler County Parent-Teacher Association. She also became very involved in the Friends of the Library Program. As a member of the Butler County Historical and Genealogical Society, which she served as president for 4 years, she helped to place 21 historic homes on the Kentucky Register of Historic Places, and found time to serve as chairperson of the Butler County Bicentennial.

Mr. President, Ms. Morgan's community truly owes her a debt of gratitude. She has been an active member of the community for many years, and deserves much recognition for her contributions and accomplishments. It is impossible to list everything she has done to make Butler County a better place, but she is truly an outstanding person, and I congratulate her on her many accomplishments.

TRIBUTE TO KATHY JOHNSON

Mr. COCHRAN. Mr. President, on September 29, 1993, cancer claimed the life of Kathy Johnson, who served on my staff during 1992 as an Office of Personnel Management Legislative Fellow from the U.S. Forest Service.

Kathy began her service at the Forest Service in 1978 as a wildlife biologist. During her distinguished career, she was a leader in the management of threatened and endangered species, striving to achieve the appropriate management balance among competing interests.

One of her most notable accomplishments came during her tenure as leader of the Pacific Northwest Regional Threatened and Endangered Species program when the spotted owl was listed as a threatened species. She was instrumental in developing policies to protect the rare species of the Pacific Northwest. She later went on to lead the national program for other threatened and endangered species here in Washington.

Kathy's assistance to me on a number of sensitive issues was of the highest professional quality, and her pleasing manner and personality made her a friend to all who had the good fortune to work with her.

On June 11, 1994, a special place along Winberry Creek in the Willamette National Forest in Oregon will be dedicated to honor her memory—a fitting tribute to her tireless work and dedication to protect our Nation's valuable natural resources.

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-

sion 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.

THE WHITE HOUSE, *April 22, 1994.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on Friday, April 22, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as conferees on the part of the House:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and the Senate amendment (except titles II and V), and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. LAROCCO, Mr. ORTON, Mr. BACCHUS of Florida, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. RIDGE, Mr. ROTH, Mr. MCCANDLESS, Mr. BAKER of Louisiana, and Mr. NUSSLE: *Provided,* That for consideration of section 348(b) of the Senate amendment, Mr. KLEIN is appointed in lieu of Mr. LAFALCE.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the Senate amendment, and modifications committee to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KENNEDY, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. ORTON, Mr. KLEIN, Ms. VELÁZQUEZ, Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. BEREUTER, Mr. RIDGE, Mr. ROTH, Mr. MCCANDLESS, Mr. BAKER of Louisiana, and Mr. NUSSLE.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title V of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. BEREUTER, and Mr. MCCOLLUM.

As additional conferees from the Committee on Education and Labor, for consideration of section 209 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, Mr. CLAY, Mr. KILDEE, Mr. MILLER of California, Mr. GOODLING, Mrs. ROUKEMA, and Mr. FAWELL.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 201–205, 207, 320, and 347 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mr. SHARP, Mr. SWIFT, Mrs. COLLINS of Illinois, Mr. BOUCHER, Mr. MANTON, Mr. LEHMAN, Ms. SCHENK, Ms. MARGOLIES-MEZVINSKY, Mr. SYNAR, Mr. WYDEN, Mr. RICHARDSON, Mr. BRYANT, Mr. MOORHEAD, Mr. FIELDS of Texas, Mr. BLILEY, Mr. OXLEY, Mr. SCHAEFER, Mr. BARTON of Texas, Mr. MCMILLAN, Mr. HASTERT, and Mr. GILLMOR.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 503–505, 507, and 706 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. LEHMAN, Mr. MOORHEAD, Mr. STEARNS, and Mr. MCMILLAN.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 703 of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. GEJDENSON, and Mr. GILMAN.

As additional conferees from the Committee on the Judiciary, for consideration of section 139 of the House bill, and sections 325, 408, and 409 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. SCHUMER, Mr. EDWARDS of California, Mr. CONYERS, Mr. HUGHES, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. SCHIFF.

As additional conferees from the Committee on Small Business, for consideration of section 348(b) of the Senate amendment, and modifications committed to conference: Mr. LAFALCE, 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. GIBBONS, Mr. PICKLE, Mr. RANGEL, 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—PM 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-

rial assistance within the context of an eventual settlement of the Haitian crisis to support the return to democracy, build constitutional structures, and foster economic well-being.

In furtherance of these twin objectives—restoration of constitutional democracy and fostering economic recovery—as discussed in section 10 below, the United States has taken additional measures to block the U.S.-located assets of persons (civilian as well as military) whose conduct, or material or financial support, has assisted the illegal maintenance of the illegitimate regime in Haiti, including persons obstructing the U.N. Mission in Haiti or the implementation of the Governors Island Agreement, and persons perpetrating or contributing to the violence in Haiti. In addition, in an effort to stabilize employment and minimize economic hardship for the local populace in Haiti, U.S. persons currently licensed to deal with the vital Haitian assembly sector have received reauthorization through May 31, 1994.

3. This report is submitted to the Congress pursuant to 50 U.S.C. 1641(c) and 1703(c), and discusses Administration actions and expenses since my last report (November 13, 1993) that are directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive 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 security, 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.* 50641). In that order, the President ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. The Executive order also prohibited any direct or indirect payments or transfers to the *de facto* regime in Haiti of funds or other financial or investment assets or credits by any U.S. person, including its overseas branches, or by any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, President Bush issued Executive Order No. 12779, adding trade sanctions against Haiti to the sanctions imposed on October 4 (56 *Fed. Reg.* 55975). This order prohibited exportation from the United States of goods, technology, services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempted trade in publications and other informational materials from the import, export, and payment prohibitions and permitted the exportation to Haiti of donations to relieve 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 goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained 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 resume a pre-embargo import/export relationship with the assembly sector in Haiti.

5. On June 30, 1993, I issued Executive Order No. 12853 that expanded the blocking of assets of the *de facto* regime to include assets of Haitian nationals 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 aircraft, of petroleum or petroleum products or arms and related materiel of all types to any person or entity in Haiti, or for the purpose of any business carried 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 vessels is prohibited, as is any transaction for the evasion or avoidance of, or attempt to evade or avoid, any prohibition in the order.

6. As noted in my previous report, apparent steady progress toward achieving the firm goal of restoring democracy in Haiti permitted the United States and the world community to suspend economic sanctions against Haiti in August 1993. With strong support from the United States, the United Nations Security Council adopted Resolution 861 on August 27, 1993, suspending the petroleum, arms, and financial sanctions imposed under UNSC Resolution 841. On the same day, the Secretary General of the OAS announced 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 financial restrictions against Haiti were suspended, effective at 9:35 a.m. e.d.t., on August 31, 1993.

These steps demonstrated my determination and that of the international community to see that Haiti and the Haitian people resume their rightful place in our hemispheric community of democracies. Our work to reach a solution to the Haitian crisis through the Governors Island Agreement was however seriously threatened by accelerating violence in Haiti sponsored or tolerated by the *de facto* regime. The violence culminated on October 11, 1993, with the obstruction by armed "attachés," 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 Nations Mission in Haiti. The Haitian military's decision to dishonor its commitments made in the Governors Island Agreement was apparent. On October 13, 1993, the United Nations Security 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 reinstated (58 *Fed. Reg.* 54024, October 19, 1993). In addition to the actions I took in Executive Order No. 12853, the reinstated sanctions in the Haitian Transactions 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., October 18, 1993, I issued Executive Order No. 12872 (58 *Fed. Reg.* 54029), authorizing the Department of the Treasury to block assets of persons who have: (1) contributed to the obstruction of UNSC resolutions 841 and 973, the Governors Island Agreement, or the activities of the U.N. Mission in Haiti; (2) perpetrated or contributed to the violence in Haiti; or (3) materially or financially 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 adequate authority to reach assets subject to U.S. jurisdiction of military and police officials, civilian "attachés" 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 Treasury (58 *Fed. Reg.* 58480).

On October 18, I ordered the deployment of six U.S. Navy vessels off Haiti's shores. To improve compliance with the ban on petroleum and muni-

tions shipments to Haiti contained in UNSC resolutions 841 and 873, my Administration succeeded in securing the passage of UNSC Resolution No. 875. UNSC Resolution 875 calls upon the United Nations Member States acting either nationally 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, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration 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 Executive Orders Nos. 12779, 12853, and 12872, were imposed pursuant to the authority vested in the President by the Constitution 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 Department of State and other Federal agencies, has issued General Notice No. 3, "Notification of Blocked Individuals of Haiti." The Notice, issued January 27, 1994, identifies 523 officers of the Haitian Armed Forces who have been determined by the Department of the Treasury to be Blocked Individuals of Haiti. General Notice No. 4, issued April 4, 1994, identifies an additional 27 individual officers of the Haitian Armed Forces and one civilian who have been determined by the Department of the Treasury to be Blocked Individuals of Haiti. These are persons who are members of the *de facto* regime or are blocked pursuant to Executive Orders Nos. 12853 or 12872. (A comprehensive list of Blocked Individuals of Haiti was published on April 7, 1994 (59 *Fed. Reg.* 16548)).

U.S. persons are prohibited from engaging in transactions with these individuals and with all officers of the Haitian military (as members of the *de facto* regime), whether or not named in General Notice No. 3 or No. 4, unless the transactions are licensed by FAC. Additionally, all interests in property of these individuals that are in the United States or in the possession or control of U.S. persons, including their overseas branches, are blocked. U.S. persons are not prohibited, however, from paying funds owed to these entities or individuals into the appropriate blocked account in domestic U.S. financial institutions. Copies of the comprehensive list and of General Notices No. 3 and No. 4 are attached.

A policy statement, effective January 31, 1994 (59 *Fed. Reg.* 8134, February 18, 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 licenses through May 31, 1994. These licenses 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 United States accounted for a significant portion of Haiti's imports, and a substantial majority of its exports, prior to the institution of the OAS-requested embargo in November 1991. Although initially suspended due to the embargo, assembly sector imports from and exports to the United States were allowed to resume on a case-by-case basis beginning in February 1992 in order to keep poorer segments of the Haitian population employed and to reduce their incentive to attempt illegal and dangerous immigration by sea to the United States and other countries. However, the continuing uncertainties of the Haitian situation have led to a sharp decline in assembly sector activity, where employment is now estimated to be no more than 10 percent of pre-embargo levels.

9. In implementing the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects 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 donations to Haiti's poor. For example, specific licenses were issued: (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti; (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment 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) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment 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) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds; and (6) 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 coordination of enforcement activities. Continued close coordination with the U.S. Customs Service in Miami sharply reduced the number of attempted exports of unmanifested, unauthorized merchandise. New FAC initiatives are expected to result in more effective coordination of Customs Service and Department of Justice activities in prosecution of embargo violations. During the reporting period, the multinational Maritime Interdiction Force that contains elements of the U.S. Navy 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 investigation. The Maritime Interdiction Force has boarded 612 ships and diverted 38 of these ships for various reasons (inaccessibility 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 embargo violations as they have developed. There have been high-level discussions with the Government of the Dominican Republic to encourage its stated desire to cooperate with the United Nations in increasing the effectiveness of the enforcement of the sanctions on that country's common border with Haiti across which fuel smuggling is occurring. Other steps have been taken to control sales of bunker fuel by ships in Haitian ports and smuggling of fuel in Haitian-Dominican coastal waters.

The Department of the Treasury, in close coordination with Department of State and the intelligence community, continues to designate "Blocked Individuals of Haiti," blocking the assets of persons (civilian as well as military) whose conduct meets the criteria of Executive Orders Nos. 12755, 12853, and 12872, including persons obstructing the U.N. Mission in Haiti or the implementation of the Governors Island Agreement and persons perpetuating or contributing to the violence in Haiti. The list was last expanded on January 27,

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 by name, these names will be incorporated into the list of "Blocked Individuals of Haiti."

Since the last report, 35 penalties, totaling in excess of $146,000, 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 $53,000. 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 sweeping economic sanctions. Our diplomatic efforts complementing these sanctions are designed to encourage and facilitate participation by all legitimate Haitian political elements in a 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.

THE WHITE HOUSE, *April 25, 1994.*

MESSAGES FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hats, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 411. A resolution expressing profound regret and sorrow at learning of the death of Richard Milhous Nixon, former President of the United States of America.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on Friday, April 22, 1994, she had presented to the President of the United States the following enrolled bills:

S. 375. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 720. A bill to clean up open dumps on Indian lands, and for other purposes (Rept. No. 103–253).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 2043. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 205. A resolution relative to the death of Richard M. Nixon, a former President of the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 2043. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION FOR THE VESSEL "BAGGER"

Mr. INOUYE. Mr. President, this private relief bill that I am introducing would authorize a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*, a small boat to be used for charter fishing. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation and coastwise trade endorsement for the vessel BAGGER, hull identification number 3121125, and State of Hawaii registration number HA1809E.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 1592

At the request of Mr. DORGAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1592, a bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located in such State and local governments.

S. 1658

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1658, a bill to establish safe harbors from the application of the antitrust laws for certain activities of providers of health care services, and for other purposes.

S. 1825

At the request of Mr. BUMPERS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1825, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 1829

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1829, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

SENATE JOINT RESOLUTION 160

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 160, a joint resolution to designate the month of April 1994, as "National Sudden Infant Death Syndrome Awareness Month," and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 183

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 "Arson Awareness Week."

SENATE RESOLUTION 205—RELATING TO THE DEATH OF FORMER PRESIDENT RICHARD M. NIXON

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to as follows:

S. RES. 205

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death 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 eminent public station in life, the Presiding Officer 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. 1963 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.

"(6) AFFECT ON STATE CONTINGENCY LAWS.—Nothing in this subsection affects 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 Branching Act of 1994;

"(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 5, line 9, insert " 'in default', 'in danger of default'," before "and".

On page 5, line 18, strike "and".

On page 5, line 23, strike all of the punctuation at the end and insert "; and".

On page 5, after line 23, insert the following:

"(3) a bank 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 8, line 23, strike "based upon" and all that follows through page 9, line 6, and insert 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 (8)" before "shall have".

On page 13, 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 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 "(12)".

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" after "examine".

On page 17, strike lines 7 through 10, and insert "agency determines that the States have reached an agreement under subparagraph (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:

"(4) 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.".

Beginning with page 17, line 14, strike all through page 19, line 22, and insert the following:

(b) NATIONAL BANKING ASSOCIATIONS.—The Act entitled "An Act to provide for the consolidation of national banking associations", approved November 7, 1918 (12 U.S.C. 215 et seq.) is amended—

(1) in the first sentence of subsection (a) of the first section, by inserting ", or in any State in which a bank is authorized to engage in an interstate consolidation pursuant to section 3(h) of the Bank Holding Company Act of 1956," after "located in the same State";

(2) by inserting before the period at the end of subsection (d) of the first section ", except that the applicability of State law to an interstate consolidation undertaken in accordance with section 3(h) of the Bank Holding Company Act of 1956 is determined in accordance with the provisions of that section";

(3) by adding at the end of the first section the following new subsection:

"(h) An interstate consolidation—

"(1) shall be undertaken under this section pursuant to the procedures, restrictions, and requirements—

"(A) set forth in section 3(h) of the Bank Holding Company Act of 1956 as if such interstate consolidation were a combination under that section; and

"(B) set forth in this section, to the extent that such procedures, restrictions, and requirements are not inconsistent with those of section 3(h) of the Bank Holding Company Act of 1956; and

"(2) involving banks that are not affiliated (as such term is defined in section 2 of the Bank Holding Company Act of 1956) shall meet the requirements of section 3(d) of the Bank Holding Company Act of 1956, as determined by the Comptroller of the Currency, as if such consolidation were an acquisition under that section 3(d).";

(4) in the first sentence of section 2(a)—

(A) by striking "under an agreement not inconsistent with this Act."; and

(B) by inserting "or within any State in which a bank is authorized to engage in an interstate merger pursuant to section 3(h) of the Bank Holding Company Act of 1956," after "located within the same State,";

(5) in the sixth sentence of section 2(d) by inserting before the period ", except that the applicability of State law to a merger undertaken in accordance with section 3(h) of the Bank Holding Company Act of 1956 is determined in accordance with the provisions of that section";

(6) in section 2, by adding at the end the following new subsection:

"(h)(1) An interstate merger—

"(A) shall be undertaken under this section pursuant to the procedures, restrictions, and requirements—

"(i) set forth in section 3(h) of the Bank Holding Company Act of 1956 as if such merger were a combination under that section; and

"(ii) set forth in this section, to the extent that such procedures, restrictions, and requirements are not inconsistent with those of section 3(h) of the Bank Holding Company Act of 1956; and

"(B) involving banks that are not affiliated (as such term is defined in section 2 of the Bank Holding Company Act of 1956) shall meet the requirements of section 3(d) of the Bank Holding Company Act of 1956, as determined by the Comptroller of the Currency, as if such merger were an acquisition under that section 3(d).

"(2) Paragraph (1) shall apply to a State member bank involved in an interstate merger on the same terms and conditions and subject to the same procedures, restrictions, and requirements as are applicable to the consolidation of branches by a national banking association involved in an interstate merger."; and

(7) in paragraph (4) of section 3, by inserting "or within any State in which a bank 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 20 and 21, insert the following:

"(C) the term 'adequately capitalized' has the same meaning as in section 38.".

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 purpose of the hearing is to receive testimony on the Environmental Protection Agency's proposed renewable oxygenate standard.

The hearing will 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 20/224-9607.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RIEGLE. 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 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—HeadSmart: Helmets First for Safety effort. This program is part of the National Head Injury Foundation's HeadSmart injury prevention program.

In Congress, we have debated the best way to prevent head injuries. The two schools of thought have been to employ 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 programs that cooperatively produce 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 54 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 firearm injuries.

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 injury-related hospitalizations 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 for the RECORD 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. Last fall, 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 regrettably 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 when 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 seven tips for parents to get their children to wear a bicycle helmet be put into the RECORD, and I urge all Senators to read them and pass them on to their family and constituents.

The material follows:

FEBRUARY 1994.

DEAR PARENTS: In October of 1993, our 13-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 2½ 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 is not able to participate in his favorite sports. His friendships have changed. He must now attend special education classes, because he has learning difficulties and 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 not 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—changed forever.

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.

Caringly,

JILL and PHIL MARKS.

[From the St. Paul Pioneer Press Bulletin Board, Mar. 14, 1994]

A LETTER FROM PENNY OF ROSEVILLE

This letter is a plea, for the whole world: Do you know someone who rides a bike and does not wear a helmet? Sounds silly to a lot of folk—and who hasn't heard the millions of excuses? "Nobody wears them." "Everyone will laugh." "It'll never happen to us."

Well, it did; it happened to someone in our family. My son Jason was anxious to ride his bike. Whose child is not? The snow is going down at a rapid pace, and the streets were clear; only the sand remained. The day was cool and windy, but the sun was shining. It was a beautiful day to be riding a bike. "Get your jacket on with the hood." "OK." "Don't forget your helmet." "I've got it on." Within a few minutes, as parts of my family were sitting in the living room, we heard it—a parent's nightmare: the skidding of an automobile, and then we all knew what was coming next. My heart could feel it before my ears heard it: Thud. Something—or someone—had made an impact.

To our dismay, our son, 5 years old, Jason, was hit. Yes, it never happens to you what was happening to us. Our lives would be changing from that moment on, and we knew it. How, we didn't know at the time. As the paramedics were examining Jason, they could only find a left femur broken. His face was pretty beat up, with a large scrape to the front of the forehead, but no softness to the skull. The first question asked: "was he hearing a helmet?" We could at least say: "Yes." Seems like a small word—"Yes"—but that small word made a difference in our son's world today. As I am writing this, at the foot of my son's bed at Children's Hospital, he's alive, with only a broken left leg. But he is alive.

If anyone of you knows it could never happen to you or someone you love, please get up immediately and go out and get a helmet for the one you love. Jason's grandparents did, and we can never repay them for saving our son's life.

TIPS FOR GETTING YOUR CHILD TO WEAR A BIKE HELMET[1]

1. Make it a rule that everyone in your family wears a helmet on every ride. Wear a helmet yourself. Don't ride or let your child ride without a helmet even occasionally. It's easy to be fooled into thinking that you don't need a helmet because you've been riding without one and haven't been injured so far.

2. Start your children out with helmets as soon as they begin riding—even tricycles or "Big Wheels." Let your child help pick out a helmet and decorate it with stickers. If your child has already begun riding without a helmet, make a new rule—"no helmet, no bike."

3. Explain why helmets are important. Talk about why you want to protect your brain and your child's. Find a book in the library that explains how the brain works. Talk about what can happen if your brain gets hurt in terms a child can understand without getting frightened. Wearing a helmet is *HeadSmart*.

4. Use professional athletes as examples: football, baseball, and hockey players, race car drivers, etc. Children may not know that professional bike racers wear helmets; helmets are required in skateboard competitions and even some competitive ski events. Get a picture or poster for you child's room of a bicycle racer or other athlete wearing a helmet.

5. Praise your children for wearing their helmets. Tell them they look great—like a race car driver (or whatever will make them feel good about wearing a helmet). Compliment other children on being *HeadSmart* enough to wear a helmet.

6. Participate in neighborhood, scouting or school bike safety activities. Encourage other parents to support helmet use.

7. Don't let your attitudes discourage your children from being *HeadSmart*! Studies show that it is often the parents who think helmets are socially "uncool." For children, especially young children, wearing a helmet does not have the negative social significance their parents might attach to it.●

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

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.

For 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.●

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 great 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 unpretentious 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.

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 1945 to 1947 I had the pleasure of serving in the 79th 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 here 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 successes. 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 laid upon the table.

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

The resolution (S. Res. 205) was read, considered, and agreed to as follows:

S. RES. 205

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death 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 eminent public station in life, the Presiding Officer 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.

ORDERS FOR TOMORROW

Mr. RIEGLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, April 26, that following the Prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator MURKOWSKI recognized for up to 15 minutes; that at 10 a.m., the Senate resume consideration of S. 1963, the interstate banking bill; that on Tuesday, the Senate stand in recess from 12 noon to 3 p.m., in order to accommodate the respective party conferences.

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

RECESS 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., RESIGNED.

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., RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, April 25, 1994*

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 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:

I 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. 725. An act 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:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, 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 said 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,
DONNALD 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.
THE WHITE HOUSE, *April 22, 1994.*

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 of 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.

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 of the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out 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 minority 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, worked with him, and learned from him through the years. He was truly one of the last of the giants of the generation that helped to shape America's and the world's destiny after World War II.

His grasp of the nuances and 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 1949, 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 wished to stand 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].

□ 1210

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 excused from school one bright October morning to go with my grandfather to Festus, MO, where the then-Vice Presidential candidate exhorted the onlookers in the interests of peace and prosperity as a part of the campaign of 1952. Richard Nixon was then, 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 23, 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 strives valiantly; who errs, and comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who know the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and 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 depicts the life of Richard Nixon.

Second, in yesterday's edition of the Washington Post, Curt Smith, an author and former Saturday Evening Post senior editor and a speechwriter for President Bush, summed up so very 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.

[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. 2,188)—had one bar, six churches and no traffic lights. Its people had a belief in work, God and family, a fondness for the familiar and a reverence for everything American. We were for Richard Nixon.

Disdaining pluralistic ignorance, where the members of a majority—mine, the Silent—felt outnumbered, we found it natural to admire Nixon's hardscrabble roots and his tenacity. "No matter what you say," gibed Jimmy Carter in 1976, "he was a leader." Better yet, he was our leader. As for the "trendies" and "beautiful people" and "academics," he told me once, they "couldn't even butter a piece of toast."

In backing Nixon in places like Caledonia, we defended our past and found what my 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. A Voice.

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 him for president 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 as straight and resolute as they came. We saw him as brave and vulnerable and thoughtful and sentimental. It was a view so divorced from Washington's as to rival a dialogue of the deaf. It stuns that he is gone.

In 1967, I mailed a hand-written letter to the senior partner at the Manhattan law firm of Nixon, Mitchell, Mudge and Rose. I was an admirer, I said, and president of my church's ecumenical fellowship. Our group would be in New York in August, and was there the slightest chance I could meet him, and if there was it would be grander than anything I had known.

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 would I call upon arrival? I did, and was invited to Nixon's office at 20 Broad St., off Wall, a world and Weltanschauung from Upstate New York. For half an hour we talked of sports and college. Nixon suggested Cornell—"Thank God, the least of the Ivies"—and the physic need to work your way through school.

I still think fondly of how Nixon need not have met me, but did, as a kindness. Later I was to find this typical not of the Old nor

New but Real Nixon—shy and solicitous. I did not know this at the time. Instead, I joined Youth for Nixon, learned politics in a mock convention and June county primary—Milhous wins vs. Rockfeller—and gloried when on Jan. 20, 1969, he took the oath of office, that fall, I entered college. It was then, as America entrenched itself in belligerence, that Nixon fused person and president like no chief executive since FDR.

It is hard for post-boomers to understand how early-1970s America seemed at once alive, passionate and coming apart at the seams. Upheaval embraced values and morality, 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 removing its American flags to storage. Jane Fonda went to North Vietnam and thundered against "those blue-eyed murders—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. Campuses exploded when four students were shot dead at Kent State University and two at Jackson State College. Radicals bombed university buildings as buses ringed the White House to ward off protesters. It was a time of hawk vs. dove, Maine Street vs. counterculture, hard hat vs. hippie. Mayberry felt besieged.

Nixon upheld it consciously, defianty—less through policy than through personality. His programs were often moderate—liberal by Reagan-era standards. Welfare reform, revenue sharing, the all-volunteer army, the Environmental Protection Agency. Despite Vietnam, he engaged in diplomatic summitry, 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, treking to Moscow, he became the first U.S. president to visit the Soviet Union—joining Communist Party leader Leonid Brzhnev in the first agreement of the nuclear age to limit strategic nuclear arms.

Nixon loved foreign policy—global, conceptual. He was more direct fighting America's cultural war. My generation loved the amplified beat of rock. Said Nixon at a White House dinner with Fred Waring and the Pennsylvanians, "If the music's square, it's because I like it square." Nixon liked sports, hated cocktail parties, despised "front-runners, the social climbers," and thumbed his nose at the fashionable. "My family never had the wild, swinging times many trendies 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 carols."

Middle America could see Nixon as Father Christmas and not be deceived. That is why it could accept what a top aide, Raymond Price, called Nixon's "dark side"—the taped Milhous of "expletive deleted"—knowing that his good far outran the bad. He wore the flag in his lapel pin, disdained the idea that draft dodgers were "idealistic. What they wanted was to protect their ass," and grasped the Forgotten American's joys, worries and confessions of the heart. "Farmers. Shopkeepers," a PBS documentary dubbed them. "People with an inbred respect for authority and unyielding belief in the American Dream." Mocked by the maniac '60's, they felt not bigotry but injured pride. Sharing it, Nixon gave them what the Establishment withheld—a decent measure of respect.

Nixon's public lay among the ordered and traditional—"good, law-abiding, tax-paying citizens"—not Eric Goldman's "MetroAmerican," privileged by lineage to rule. Duty mattered. To them, Vietnam was a test of character—whether as America conceded the limits of its power, its adversaries respected the power of its will. Too, religion. Once, Nixon told Charles Colson, "You know, I could be a Catholic. I honestly could. It's beautiful to think about, the fact that there is something you can really grab ahold of, something real and meaningful."

Even Nixon's awkwardness played in Peoria. It was unslick, endearing. Nearly four years ago, at the dedication of the Nixon Library in Yorba Linda, Calif., George Bush told the story of how one afternoon at an airport, Nixon heard a little girl shouting "How is Smokey the Bear?"—at that time living in the Washington Zoo. Nixon smiled as the girl kept repeating her question. Baffled, he turned to an aide for translation. "Smokey the Bear, Mr. President," he whispered. "Washington National Zoo." Triumphant, Nixon walked over, took the girl's hand, and beamed, "How do you do Miss Bear?"

Nixon's flaws, we saw as virtues. His virtues, critics saw as sins. His solitude, they termed isolation; his reserve, arrogance; his propriety, aloofness; his sentimentality, corn. It was this—"This traumatic clash of cultures," Meg Greenfield called it: a schism embodied by Nixon as Grant Wood vs. the age's temporal fashion—that divided families, legislators, above all, generations. As it lodged in the White House, in a man who despised—and was despised by—America's hip, camp and pop art intelligentsia, it cemented his rapport with America's great middle masses before helping to bring about his fall.

Ironically, Nixon had an intellectual's complexity. He relished nuance, respected the writing craft, and wrote 10 books—many best-sellers. Once he told Ray Price, "I am an introvert in an extrovert's profession." Yet he became the tribune of people who never read the New York Times. His goal was a new cultural, even political, majority. He almost made it. Instead, his triumphs were etched by photos in his office that catapulted a visitor back in time: Nixon with Brezhnev; Nixon with Sadat; Nixon speaking, waving, deplaning; Nixon in Bejing; Nixon in a motorcade, with Pat, flinging high the V.

When I left college in 1973, the shadow on those walls was a president seeking to reshape the world—bold yet retiring, believing that "politics is poetry, not prose." When last I saw him, in 1990 in Washington, he was frail, slightly hunched, clad in a dark blue suit. He quizzed me about the Bush administration and suggested that I run for Congress. Respectfully, I declined. He was wary of raising taxes, supportive of Bush in the Gulf, and proud of the woman whose Secret Service code was "Starlight"—his wife of 53 years.

Pat Nixon overcame poverty and tragedy to become a mirror of America's heart, and love. Is it coincidence that by 10 months his death followed hers? In March 1991, on the eve of Mrs. Nixon's 79th birthday, I took to their New Jersey home a giant card arrayed with photos of her life and signatures of more than 200 White House staffers. Trying to unpack it, I pled for patience:

"I'm the most unmechanical person you'll meet." Playfully, she replied, "No, you're not. Dick is." I had never met Mrs. Nixon before. For two hours we spoke of family, work and travel. It was like talking to your own mother.

Later, Nixon wrote to call it "the most memorable birthday card she has ever received." Asked once what word would be engraved on his heart if it were opened after he died, he said, simply "Pat."

A favorite picture showed 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, campaigning, upheld "peace without surrender" and "the spiritual values of America" and who each election, as autumn dawned, communed with rallies in the rain—the most remarkable American 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, television. 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 notable relationships. Tom Shales, in today's Washington Post under the heading "Nixon and TV: A Strange But Fascinating Fit," gives the subject good perspective. I include this article at this point in my remarks.

[From the Washington Post, Apr. 25, 1994]

NIXON AND TV: A STRANGE BUT FASCINATING FIT

(By Tom Shales)

Television and Richard Nixon were always irresistibly drawn to one another, not like a moth and a flame but like one flame and another flame. From the beginning of his life as a national figure, Nixon 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, exasperating, galling, campy and immensely entertaining. Curiously enough, he never quite mastered the medium, but it never rally mastered him, either.

It was kind of a draw.

"Richard Nixon defined the postwar era for America," Carl Bernstein said on CNN yesterday, "and he defined the television era for America." Bernstein also said of his old adversary, "We've lost somebody who's been a part of our life, and part of our family and there's no need to mythologize."

Nixon was never what one could reasonably call a brilliant communicator in a class with Ronald Reagan, or a media-savvy smoothie à la Bill Clinton. He would try to tailor himself for TV and to be tailored for it by the perceptologists and the vidiot savants, but in the end it was always Richard Nixon, but some synthetic composite, who came seeping through.

"Tenacious" is the world most often being used to eulogize Richard Nixon. I prefer "defiant." His defiance was one of his saving graces, part of his makeup as a tragic hero, and it was at the heart of his first major national TV appearance, the "Checkers speech" of 1952, undertaken in defiance of Republican Party bosses and even of beloved national grandfather figure Dwight D. Eisenhower.

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 we were laughing at the technical primitivism of the broadcast, and those strange slow pans over to a rigidly motionless Pat Nixon, whom makeup and lighting conspired to turn into a marble statute.

But we were also laughing at the shameless transparency 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 laugh and think ourselves very smart, but there were two important facts to be remembered: The speech was a genuinely gutsy gesture, and it worked.

In the decades ahead, Nixon would try to use television and television would try to use him, and the relationship remained a fascinating tug of war 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 defiant gesture, a refusal to be the subject of gawking or ogling in the hour of his final defeat.

Nixon served up a bounty of great TV. His famous "kitchen debate" with Nikita S. Khrushchev was one of his outright television triumphs. His later debate against fellow presidential candidate John F. Kennedy signaled a seminal shift from substance to style in American political life and began the era of telepolitics in earnest. Suddenly, how a candidate came across on TV was all that really mattered.

Jack Paar, who had played host to both John and Robert Kennedy on his TV program, brought on Nixon one night in the early '60s to chat and reminisce. This appearance may have marked the first remaking of Richard Nixon; it showed him in an uncharacteristically relaxed and convivial mood. Paar induced him to play an original composition for piano, and Nixon engagingly complied. It was as close to charming as he ever got on the air.

This restylization of the Nixon image reached its climax in 1968 when Nixon popped up in a cameo on NBC's top-rated Rowan & 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 desperation. Howard Baker said yesterday on "This Week With David Brinkley" that he was certain Nixon knew nothing of the Watergate burglary and that if he had just come clean instantly and fired those responsible, "maybe on television," his presidency could have been saved.

Perhaps there was something self-destructive in the Nixon character that prevented him from doing that. Or perhaps even the coverup can be seen as another act of defiance, a case of Nixon saying "I'll show them" but this time spectacularly failing to do so.

Nixon sometimes seemed like the party guest whom no one wants to talk to, who is consigned to a corner and shunned but is determined to make his presence known. That he never fit in with the Eastern power elite, that he always gave the Harvard boys fits, were among the things about him that remained endearing. He didn't go to the right school, he didn't say the right things, he didn't have the right pedigree. Richard Nixon was politically incorrect long before political correctness was codified and became the law of the land.

Collectors of Nixon videobilia prize especially a piece of tape never meant to be seen by the public. Prior to the TV address in which he resigned the presidency in 1974, Nixon clowned with members of the TV crew and his staff, and someone turned on a video recorder. On the tape, he jokingly tells the White House photographer that he doesn't want to be caught "pickin' my nose."

For me, one of the most unforgettable pieces of veritably Shakespearean political theater ever seen on television came the next day: Nixon's farewell to his troops in the East Room, a rambling and nakedly emotional autobiography in which the president called his mother "a saint" and told the crowd: "Always remember: Others may hate you, but those who hate you don't win unless you hate them. And then you destroy yourself."

His last visible act that day was that broad wave to the crowd before boarding the helicopter that took him into retirement. It was, yes, a defiant wave.

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 involved "criminal acts" and from saying more than once not only that Nixon resigned but that he resigned "in disgrace." Good grief. Give the man a break. He's dead.

CBS News had prepared not a comprehensive biography of Nixon but an arduously detailed 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 my staunchly Republican Midwestern home town to campaign against Nixon in 1960. But I always wanted to meet the maddeningly engimatic Richard Nixon too, and wanted to meet him more and more as the years went on, and as he continued his struggle to remain in the public eye.

He was not the noblest Roman of them all, but he was surely the most Nixonian Nixonian. Future generations will envy us for having had Nixon to kick around, or at least they should. At times like this, it is common to talk about legacies. Nixon's is right there—right there on the videotape. And so, forever, is Nixon.

Finally, today, Mr. Speaker, I wish to offer my condolences to the wonderful family of Richard Nixon and to say thank you, Mr. President, for having been "in the arena."

Mr. MICHEL. Madam Speaker, I thank the distinguished gentleman from Missouri for his very appropriate remarks on this particular occasion.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who likewise has been a longtime friend of the former President.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman in the well [Mr. MICHEL] for yielding.

Madam Speaker, we were close friends. I served 5½ years, as the gentleman in the well did, with President Nixon. I thought he was an excellent President. He certainly understood foreign policy, and he really understood this Government. He served in the Congress, he served as Vice President, and he served as President. Yes, he made some mistakes. We all make mistakes in life.

What impressed me, after serving as President, he just did not disappear. He was out trying to help our country, and in any way he could, he did. He certainly had a great effect in later years on the actions taken over in Russia, after the Soviet Union had fallen, and we all give him credit for going to China 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 move 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 411.

The SPEAKER pro tempore (Mrs. MEEK of Florida). Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAKING IN ORDER CONSIDERATION ON THURSDAY NEXT OR ANY DAY THEREAFTER OF CONFERENCE REPORT ON H.R. 2333, STATE DEPARTMENT, USIA, 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 for other purposes, that all points of order against the conference report and

against its consideration be waived, and that the conference report be considered as having been read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from Mississippi?

There was no objection.

Mr. HAMILTON submitted the following conference report and statement on the bill (H.R. 2333), to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-482)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2333), to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1994 and 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" 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, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,704,589,000 for the fiscal year 1994 and $1,781,139,000 for the fiscal year 1995.

(2) SALARIES AND EXPENSES.—For "Salaries and Expenses", of the Department of State $396,722,000 for the fiscal year 1994 and $391,373,000 for the fiscal year 1995.

(3) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For "Acquisition and Maintenance of Buildings Abroad", $381,481,000 for the fiscal year 1994 and $309,760,000 for the fiscal year 1995.

(4) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,780,000 for the fiscal year 1994 and $4,780,000 for the fiscal year 1995.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service, $7,805,000 for the fiscal year 1994 and $6,500,000 for the fiscal year 1995.

(6) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $23,469,000 for the fiscal year 1994 and $23,798,000 for the fiscal year 1995.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,165,000 for the fiscal year 1994 and $15,465,000 for the fiscal year 1995.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $10,551,000 for the fiscal year 1994 and $10,079,000 for the fiscal year 1995.

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

(b) LIMITATIONS.—

(1) Of the amounts authorized to be appropriated for "Salaries and Expenses" under subsection (a)(2) $500,000 is authorized to be appropriated for the fiscal year 1994 and $500,000 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 and for the training 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)—

(A) $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 cooperation on environmental and other scientific issues;

(B) $11,500,000 is authorized to be available for fiscal year 1994 and $11,900,000 is 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;

(D) $700,000 is authorized to be appropriated for each of the fiscal years 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 such amounts under this subparagraph are authorized to remain available until expended; and

(E) $400,000 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 title 5 of this Act.

(3) Of the amounts authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" under subsection (a)(3), $95,904,000 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) $940,000 is authorized to be available to reimburse the City of Seattle and the State of Washington for security costs associated with the Asian Pacific Economic Cooperation conference held in Seattle in November 1993, on a one-time-only basis, and for purposes of obligation and expediture of amounts under this subparagraph under Public Law 103-121 as reimbursement for extraordinary protective services under section 208 of title 3, United States Code, the limitations of section 202(10) 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 scheduled to be held in Miami, Florida in December 1994.

(c) REPEAL.—Effective October 1, 1995, section 401(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) is repealed.

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

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $865,885,000 for the fiscal year 1994 and $873,222,000 for the fiscal year 1995 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 with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $401,607,000 for the fiscal year 1994 and $510,204,000 for the fiscal year 1995 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 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", $75,623,000 for the fiscal year 1994 and $75,000,000 for the fiscal year 1995 for the 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 $670,000,000 for "Assessed Contributions for International Peacekeeping Activities" for the period beginning on the date of enactment of this Act and ending September 30, 1995.

(e) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $6,000,000 for the fiscal year 1994 and $6,000,000 for the fiscal year 1995 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 with respect to international conferences and contingencies 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 each of the fiscal years 1994 and 1995 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) WITHHOLDING OF FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated for "Contributions for 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 affiliated agency grants any official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" 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) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $11,200,000 for the fiscal year 1994 and $15,358,000 for the fiscal year 1995; and

(B) for "Construction" $14,400,000 for the fiscal year 1994 and $10,398,000 for the fiscal year 1995.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $740,000 for the fiscal year 1994 and $740,000 for the fiscal year 1995.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,550,000 for the fiscal year 1994 and $3,550,000 for the fiscal year 1995.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $16,200,000 for the fiscal year 1994 and $14,669,000 for the fiscal year 1995.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated for "Migration and Refugee Assistance" for

authorized activities, $589,188,000 for the fiscal year 1994 and $592,000,000 for the fiscal year 1995.

(2) There are authorized to be appropriated $80,000,000 for the fiscal year 1994 and $80,000,000 for the fiscal year 1995 for assistance for refugees resettling in Israel.

(3) 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, including but not limited to, food, medicine, clothing, and medical and vocational training to persons displaced as a result of civil conflict 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. 105. 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.

(2) ASIA FOUNDATION.—For "Asia Foundation", $16,000,000 for the fiscal year 1994 and $16,068,000 for the fiscal year 1995.

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) $53,500,000 for the fiscal year 1994 and $59,292,000 for the fiscal year 1995; and

(2) 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. 2589) is amended—

(1) by striking subsection (a); and

(2) in the first sentence of subsection (b) by striking "pursuant to this section" and inserting "to carry out 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 3903), except that such term does not include—

(1) members of the 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 section 1106(8) 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 REPROGRAMMINGS.

(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. 2696) is amended—

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

(2) in subsection (d)(1)—

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

(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 1986 (22 U.S.C. 4851) is amended by striking subsections (c) and (h)(3).

(c) REPROGRAMMING.—Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended in subsection (a)(7) by striking "$500,000" and inserting "$1,000,000".

SEC. 123. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsections:

"(c) PROCUREMENT OF SERVICES.—The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the 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, whether or not the expert is expected to testify, or to procure other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this subsection and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

"(d) INTERNATIONAL LITIGATION FUND.—

"(1) ESTABLISHMENT.—In order to provide the Department of State with a dependable, flexible, and adequate source of funding for the expenses of the Department related to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, there is established an International Litigation Fund (hereafter in this subsection referred to as the "ILF"). The ILF may be available without fiscal year limitation. Funds otherwise available to the Department for the purposes of this paragraph may be credited to the ILF.

"(2) REPROGRAMMING PROCEDURES.—Funds credited to the ILF shall be treated as a reprogramming of funds under section 34 and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings. This paragraph shall not apply to the transfer of funds under paragraph (3).

"(3) TRANSFERS OF FUNDS.—Funds received by the Department of State from another agency of the United States Government or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

"(4) USE OF FUNDS.—Funds deposited in the ILF shall be available only for the purposes of paragraph (1).".

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

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking "For the fiscal years 1992 and 1993, the" and inserting "The".

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 the Foreign Service"; 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,";

(2) in section 701 (22 U.S.C. 4021)—

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

(B) in subsection (a)—

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

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

(iii) by striking "Institute" and inserting "institution"; and

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

"(d)(1) The Secretary of State is authorized to provide for special professional 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 advance-of-funds basis. Such reimbursements 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 704 shall apply to training and instruction provided under this section."; and

(3) in sections 701(b), 702, 704, 705, and 707, by striking "Foreign Service Institute" and "Institute" each place such terms appear and inserting "institution".

SEC. 127. CONSULAR AUTHORITIES.

(a) PERSONS 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. 887, 22 U.S.C. 211a) is amended by striking "by diplomatic representatives of the United States, and by such consul 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, 22 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 to 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 Foreign Relations of the Senate, a report concerning 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) PROCEDURES TO FACILITATE ACCESS.—The Department of State shall maintain procedures to ensure that the members and staff of the congressional committees of jurisdiction are granted easy access to the Department of State in the conduct of their duties.

(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.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committee 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 safety 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 by public officials and private and commercial personnel; and

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

(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 Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives 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 1956.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended in subsection (a) by striking "and is primarily outside the territorial jurisdiction of the United States".

(2) Notwithstanding section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708), 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. 2656f) is amended in subsection (b)(2)—

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

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

(C) by adding at the end the following:

"(E) 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(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended—

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

(B) 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 lease-purchase agreements involving property in foreign countries pursuant to section 1 of the Foreign Service Buildings Act (22 U.S.C. 292), the Department shall 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 in 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 1956 (22 U.S.C. 2710) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 136. FEES FOR COMMERCIAL SERVICES.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 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 posts 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 as relate 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—

(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(2) of Article II of the Constitution of the United States;

"(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; (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) copies 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 missions.

(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.

(4) Section 108 of the Foreign Relations Authorization Act, Fiscal Year 1978 (22 U.S.C. 2151n–1), relating to Americans incarcerated abroad.

(5) Section 512(b)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (22 U.S.C. 2428a(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. 3972(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. 4171(c)), relating to foreign language competence requirements: exceptions.

(8) The second sentence of section 103(b) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (22 U.S.C. 2656 note), relating to status of certain consulates to be reopened.

(9) Section 9 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 Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 3982 note), relating to merger of Foreign Service Information Corps into the Foreign Service Corps.

(11) Section 207(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (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 99–93), relating to Foreign Service associates pilot project.

(13) Section 611 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4711), relating to United States scholarship program for developing countries.

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

(15) Section 153(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 4301 note; Public Law 100–204), relating to United States-Soviet reciprocity in matters relating to embassies.

(16) Section 1(5) of the joint resolution entitled "Joint resolution relating to NASA and the International Space Year", approved July 31, 1990 (Public Law 101–339), relating to the international space year—1992.

(17) Section 232 of the Conventional Forces in Europe Treaty Implementation Act of 1991 (Public Law 102–228), relating to activities to reduce Soviet military threat.

(18) Section 401(c) of the Conventional Forces in Europe Treaty Implementation Act of 1991 (22 U.S.C. 2551 note), relating to the Arms Control and Disarmament Agency's revitalization report.

(19) Section 708(c) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 287 note) relating to the protection of Tyre by UNIFIL.

(20) Section 408(b) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 2349aa) relating to perimeter security at United States embassies and consulates abroad.

(21) Section 162(d) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 287(e)) relating to contributions to and procedures of the United Nations.

(22) Section 531(i) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (22 U.S.C. 2370 note) relating to El Salvador.

(23) Section 724 of the International Security Development Cooperation Act of 1981 (22 U.S.C. 2384) relating to assistance to Nicaragua.

(24) Section 201(f) of the Fishery Conservation and Management Act, 1976 (16 U.S.C. 1821(f)) relating to assistance allocation of United States fish stock surplus.

(25) The second sentence of section 2207(c) of the Foreign Service Act of 1980 (22 U.S.C. 4171) relating to foreign language competence.

(26) Section 209A(b)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309a) relating to United States responsibility for employees of the United Nations.

(27) Section 117 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287(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 combined border crossing identification cards and nonimmigrant visas.

(2) Fees 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.

(3) For fiscal years 1994 and 1995, fees deposited under the authority of paragraph (2) may not exceed a total of $107,500,000. For subsequent fiscal years, fees may be collected under the authority of paragraph (1) only in such amounts as shall be prescribed in subsequent authorization Acts.

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

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

(b) AUTOMATED VISA LOOKOUT SYSTEM.—Not later than 18 months after the date of the enactment of this Act, the Secretary of State shall implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities.

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

(1)(A) Beginning 24 months after the date of the enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that official shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the excludability 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.

(B) If, at the time an alien applies for an immigrant or nonimmigrant visa, the alien's name is included in the Department of State's visa lookout system and the consular officer to whom the application is made fails to follow the procedures in processing the application required by the inclusion of the alien's name in such system, the consular officer's failure shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.

(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 convene an Accountability Review Board under the authority of title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(d) ACCESS TO THE INTERSTATE IDENTIFICATION INDEX.—

(1) Subject to paragraphs (2) and (3), the Department of State Consolidated Immigrant Visa Processing Center shall have online access, without payment of any fee or charge, to the Interstate Identification Index of the National Crime Information Center solely for the purpose of determining whether a visa applicant has a criminal history record indexed in such Index. Such access does not entitle the Department of State to obtain the full content of automated records

through the Interstate Identification Index. To obtain the full content of a criminal history record, the Department shall submit a separate request to the Identification Records Section of the Federal Bureau of Investigation, and shall pay the appropriate fee as provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Act, 1990 (Public Law 101-162).

(2) The Department of State shall be responsible for all one-time start-up and recurring incremental non-personnel costs of establishing and maintaining the access authorized in paragraph (1).

(3) The individual primarily responsible for the day-to-day implementation of paragraph (1) shall be an employee of the Federal Bureau of Investigation selected by the Department of State, and detailed to the Department on a fully reimbursable basis.

(4) Not later than December 31, 1996, the Secretary of State and the Director of the Federal Bureau of Investigation shall jointly submit to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, a report on the effectiveness of the procedure authorized in this subsection.

(5) This subsection shall cease to have effect after December 31, 1997.

SEC. 141. LOCAL GUARD CONTRACTS ABROAD.

Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking "due to their distance from the post";

(B) by redesignating paragraphs (2) and (3) as paragraphs (6) and (7) respectively; and

(C) by inserting after paragraph (1) the following:

"(2) absent compelling reasons, award such contracts through the competitive process;

"(3) in evaluating and scoring proposals for such contracts, award not less than 60 percent of the total points on the basis of technical factors and subfactors;

"(4) in countries where contract denomination and/or payment in local currencies constitutes a barrier to competition by United States firms—

"(A) allow solicitations to be bid in United States dollars; and

"(B) allow contracts awarded to United States firms to be paid in United States dollars;

"(5) ensure that United States diplomatic and consular posts assist United States firms in obtaining local licenses and permits;"; and

(2) in subsection (d)—

(A) paragraph (1)(D), by striking "and" and inserting "or"; and

(B) by adding at the end the following new paragraph (4):

"(4) the term 'barrier to local competition' means—

"(A) conditions of extreme currency volatility;

"(B) restrictions on repatriation of profits;

"(C) multiple exchange rates which significantly disadvantage United States firms;

"(D) government restrictions inhibiting the free convertibility of foreign exchange; or

"(E) conditions of extreme local political instability.";

(C) by striking "and" at the end of paragraph (2); and

(D) by striking the period at the end of paragraph (3) and inserting "; and".

SEC. 142. WOMEN'S HUMAN RIGHTS PROTECTION.

(a) SENSE OF CONGRESS.—The Congress makes the following declarations:

(1) The State Department should designate a senior advisor to the appropriate Undersecretary to promote international 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 foreign 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 and protection of women's human rights would improve if the advocate were responsible for integrating women's human rights issues into United States foreign policy, bilateral assistance, multilateral diplomacy, trade policy, and democracy promotion.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall notify the Congress of the steps taken to fulfill the objectives detailed in subsection (a).

PART C—DEPARTMENT OF STATE ORGANIZATION

SEC. 161. ORGANIZATION OF THE DEPARTMENT OF STATE.

(a) ORGANIZATION.—Section 1 of the State Department Basic Authorities Act of 1956 is amended to read as follows:

"ORGANIZATION OF THE DEPARTMENT OF STATE

"SECTION 1. (a) SECRETARY OF STATE.—

"(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the 'Secretary').

"(2) The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(3)(A) Notwithstanding any other provision of law and except as provided in this section, the Secretary 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, except where authority is inherent in or vested in the President.

"(B)(i) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer.

"(ii) The Secretary shall not have any authority given expressly to diplomatic or consular officers.

"(4) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. Unless otherwise specified in law, the Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

"(b) UNDER SECRETARIES.—There shall be in the Department of State not more than 5 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) ASSISTANT SECRETARIES.—

"(1) IN GENERAL.—There shall be in the Department of State not more than 20 Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5.

"(2) ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State 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 and such other related duties as the Secretary may from time to time designate. The Secretary of State shall carry out the Secretary's responsibility under section 502B of the Foreign Assistance Act of 1961 through the Assistant Secretary.

"(B) The Assistant Secretary of State for Democracy, Human Rights, and Labor shall maintain continuous observation and review 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 including the following:

"(i) Gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 116 and 502B of the Foreign Assistance Act of 1961 are relevant.

"(ii) Preparing the statements and reports to Congress required under section 502B of the Foreign Assistance Act of 1961.

"(iii) Making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 116 and 502B of the Foreign Assistance Act of 1961, and as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 116(e) projects are developed and consulting with the Administrator on the selection and implementation of such projects.

"(iv) Performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

"(d) DEPUTY ASSISTANT SECRETARIES.—There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.

"(e) OTHER SENIOR OFFICIALS.—In addition to officials of the Department of State who are otherwise authorized to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at level IV of the Executive Schedule of section 5315 of title 5, United States Code, four other such appointments are authorized.".

(b) APPLICATION.—The amendments made by this section and section 133 shall apply with respect to officials, offices, and bureaus of the Department of State when executive

orders, regulations, or departmental directives implementing such amendments become effective, or 90 days after the date of enactment of this Act, whichever comes earlier.

(c) TRANSITION.—Any officer of the Department of State holding office on the date of the enactment of this Act shall not be required to be reappointed to any other office, at the Department of State at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made by this section and section 162.

(d) REFERENCES IN OTHER ACTS.—Except as specifically provided in this Act, or the amendments made by this Act, a reference in any other provision of law to an official or office of the Department of State affected by the amendment made by subsection (a) (other than the Inspector General of the Department of State and the Chief Financial Officer 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 this section, for not less than one year after the date of the enactment of this Act there shall be in the Department of State an Office of the Coordinator for Counterterrorism which shall be headed by a Coordinator for Counterterrorism. The office shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism at the Department of State had as of January 20, 1993.

(f) 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 during fiscal year 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 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 81-73; 22 U.S.C. 2652 et seq.) is repealed.

(b) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979.—Section 115 of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2652a) is amended by striking subsection (a).

(c) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is amended—

(1) by striking subsection (c);

(2) in subsection (a) by striking ", which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652); and

(3) by striking subsection (d)(1).

(d) TITLE 5, UNITED STATES CODE.—

(1) Section 5314 of title 5, United States Code, is amended by striking—

"Under Secretary of State for Political Affairs and Under Secretary of State for Economic and Agricultural Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management.

"Counselor of the Department of State."

and inserting—

"Under Secretaries of State (5).".

(2) Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of State (15).", "Legal Adviser of the Department of State.", "Chief of Protocol, Department of State.", "Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.", "Assistant Secretary for International Narcotics Matters, Department of State.", "Assistant Secretary for South Asian Affairs, Department of State.", and inserting "20 Assistant Secretaries of State and 4 other State Department officials to be appointed by the President, by and with the advice and consent of the Senate.".

(e) FOREIGN ASSISTANCE ACT OF 1961.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(c) (22 U.S.C. 2151n), by striking "Assistant Secretary for Human Rights and Humanitarian Affairs" and inserting "Assistant Secretary of State for Democracy, Human Rights, and Labor";

(2) in sections 502B(b) (22 U.S.C. 2304(b)), 502B(c)(1) (22 U.S.C. 2304(c)), and 505(g)(4)(A) (22 U.S.C. 2314(g)(4)(A)) by striking "Human Rights and Humanitarian Affairs" each place it appears and inserting "Democracy, Human Rights, and Labor";

(3) in section 573(c) by striking "Human Rights and Humanitarian Affairs" and inserting "Democracy, Human Rights, and Labor"; and

(4) in section 624 by striking subsection (f).

(f) ARMS EXPORT CONTROL ACT.—Section 5(d)(1) of the Arms Export Control Act is amended (22 U.S.C. 2755(d)(1)) by striking "Assistant Secretary of State for Human Rights and Humanitarian Affairs" and inserting "Secretary of State".

(g) DIPLOMATIC SECURITY ACT.—The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended—

(1) in section 102(b) (22 U.S.C. 4801(b)) by—

(A) striking paragraph (2); and

(B) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(2) in subsection 103(a)—

(A) by inserting "(1)" before "The Secretary of State";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(C) by inserting at the end the following new paragraph:

"(2) Security responsibilities shall include the following:

"(A) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 11, 1985.

"(B) SECURITY AND PROTECTIVE OPERATIONS.—

"(i) Establishment and operations of post security and protective functions abroad.

"(ii) Development and implementation of communications, computer, and information security.

"(iii) Emergency planning.

"(iv) Establishment and operation of local guard services abroad.

"(v) Supervision of the United States Marine Corps security guard program.

"(vi) Liaison with American overseas private sector security interests.

"(vii) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel in the United States, as authorized by law.

"(viii) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

"(ix) Physical protection of Department of State facilities, communications, and computer and information systems in the United States.

"(x) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions in the United States, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

"(xi) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956.

"(xii) Performance of other security, investigative, and protective matters as authorized by law.

"(C) COUNTERTERRORISM PLANNING AND COORDINATION.—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

"(D) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

"(E) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

"(F) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

"(G) FOREIGN GOVERNMENT TRAINING.—Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).";

(3) by striking section 104;

(4) by striking section 105;

(5) in section 107, by striking "The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security" and inserting "The Secretary of State shall take into account security considerations";

(6) in title II by amending the title heading to read as follows: "TITLE II—PERSONNEL";

(7) by amending section 201 to read as follows:

"SEC. 201. DIPLOMATIC SECURITY SERVICE.

"The Secretary of State may establish a Diplomatic Security Service, which shall

perform such functions as the Secretary may determine.";

(8) in section 202—

(A) by striking "The" in the first sentence and inserting "Any such";

(B) by striking "shall" each place it appears in the first, third, and fourth sentences and inserting "should"; and

(C) by striking the last sentence;

(9) in section 203—

(A) by amending the heading to read as follows:

"SEC. 203. SPECIAL AGENTS.";

(B) in the first sentence by striking "Positions in the Diplomatic Security Service" and inserting "Special agent positions"; and

(C) in the last sentence by striking "In the case of positions designated for special agents, the" and inserting "The"; and

(10) in section 402(a)(2) by striking "Assistant Secretary for Diplomatic Security" and inserting "Secretary of State".

(h) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(1) (8 U.S.C. 1101(a)(1)) by striking "Assistant Secretary of State for Consular Affairs" and inserting "official designated by the Secretary of State pursuant to section 104(b) of this Act";

(2) in section 104 (8 U.S.C. 1104)—

(A) in the heading by striking "; BUREAU OF CONSULAR AFFAIRS";

(B) in subsection (a), by striking "the Bureau of Consular Affairs" and inserting "the Administrator";

(C) by amending subsection (b) to read as follows:

"(b) The Secretary of State shall designate an Administrator who shall be a citizen of the United States, qualified by experience. The Administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers. The Administrator shall be charged with any and all responsibility and authority in the administration of this Act which are conferred on the Secretary of State as may be delegated to the Administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.";

(D) in subsection (c), by striking "Bureau" and inserting "Department of State"; and

(E) in subsection (d), by striking all after "respectively" before the period.

(3) in section 105 (8 U.S.C. 1105) by striking "Assistant Secretary of State for Consular Affairs" and inserting "Administrator" each place it appears.

(i) DEPARTMENT OF STATE APPROPRIATIONS ACT, 1989.—Section 306 of the Department of State Appropriations Act, 1989 (Public Law 100-459) is repealed.

(j) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1989.—Section 8125 of the Department of Defense Appropriations Act, Fiscal Year 1989 (Public Law 100-463) is amended by striking subsection (c).

(k) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 35 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2707) is amended—

(A) by striking subsection (a); and

(B) in subsection (b)—

(i) by striking the text preceding paragraph (1) and inserting the following: "The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international communications and information policy. The Secretary of State shall—";

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (1) as paragraph (2);

(iv) by inserting before paragraph (2) (as so redesignated) the following:

"(1) exercise primary authority for the conduct of foreign policy with respect to such telecommunications functions, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this responsibility, the Secretary shall coordinate with other agencies as appropriate, and, in particular, shall give full consideration to the authority vested by law or Executive order in the Federal Communications Commission, the Department of Commerce and the Office of the United States Trade Representative in this area;";

(v) in paragraph (2) (as so redesignated) by striking "with the bureaus and offices of the Department of State and", and inserting before the semicolon "and with the Federal Communications Commission, as appropriate"; and

(vi) in paragraph (3), by striking "the Senior Interagency Group on International Communications and Information Policy" and inserting "any senior interagency policy-making group on international telecommunications and information policy and chair such interagency meetings as may be necessary to coordinate actions on pending issues;".

(2) Nothing in the amendments made by paragraph (1) affects the nature or scope of the authority that is on the date of enactment of this Act vested by law or Executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.

(3) Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(A) by striking "and" at the end of subsection (k);

(B) by striking the period at the end of subsection (l) and inserting "; and"; and

(C) by adding at the end the following:

"(m) establish, maintain, and operate passport and dispatch agencies.".

(4) Section 2 of the State Department Basic Authorities Act of 1956 is amended by striking "(l) pay" and inserting "(m) pay".

(m) REFUGEE ACT OF 1980.—The Refugee Act of 1980 (Public Law 96-212) is amended—

(1) in the heading for title III, by striking "UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND";

(2) by striking the heading for part A;

(3) by repealing section 301; and

(4) by striking the heading for part B.

(n) IMMIGRATION AND NATIONALITY ACT.—

(1) Section 411(b) of the Immigration and Nationality Act (8 U.S.C. 1521(b)) is amended by striking "and under the general policy guidance of the United States Coordinator for Refugee Affairs (hereinafter in this chapter referred to as the 'Coordinator')" and inserting "the Secretary of State".

(2) Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended—

(A) in subsection (a)(2)(A), by striking ", together with the Coordinator,";

(B) in subsections (b)(3) and (b)(4), by striking "in consultation with the Coordinator,"; and

(C) in subsection (e)(7)(C), by striking ", in consultation with the United States Coordinator for Refugee Affairs,".

(3) Section 413(a) of the Immigration and Nationality Act (8 U.S.C. 1523) is amended by striking ", in consultation with the Coordinator,".

(o) STATE DEPARTMENT BASIC AUTHORITIES ACT.—Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.) is amended—

(1) in section 202(a) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7);

(2) in section 203 by amending such section to read as follows:

"AUTHORITIES OF THE SECRETARY OF STATE

"SEC. 203. The Secretary shall carry out the following functions:

"(1) Assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled.

"(2) Provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204.

"(3) As determined by the Secretary, dispose of property acquired in carrying out the purposes of this Act.

"(4) As determined by the Secretary, designate an office within the Department of State to carry out the purposes of this Act. If such an office is established, the President may appoint, by and with the advice and consent of the Senate, a Director, with the rank of ambassador. Of the Director and the next most senior person in the office, one should be an individual who has served in the Foreign Service and the other should be an individual who has served in the United States intelligence community.

"(5) Perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.";

(3) in section 204—

(A) in subsections (a), (b), and (c), by striking "Director" each place it appears and inserting "Secretary"; and

(B) in paragraph (d), by striking "the Director or any other" and inserting "any";

(4) in section 204A, by striking "Director" each place it appears and inserting "Secretary";

(5) in section 205—

(A) in subsection (a), by striking "Director" and inserting "Secretary"; and

(B) in subsection (c)(2) by striking "authorize the Director to"; and

(6) in section 208—

(A) in subsection (d) by striking "Director" and inserting in its place "Secretary";

(B) in subsections (c), (e), and (f), by striking "Office of Foreign Missions" each place it appears and inserting "Department of State"; and

(C) in subsection (h)(2) by striking "Director or the".

(p) OFFICE OF COUNSELOR; LEGAL ADVISER.—

(1) The Act entitled "An Act to create the Office of Counselor of the United States" (May 18, 1937; Public Law 75-91; 22 U.S.C. 2655) is repealed.

(2) The Act entitled "An Act for the reorganization and improvement of the Foreign Service of the United States and for other purposes" (May 24, 1924; Public Law 68-135; 22 U.S.C. 2654) is amended by striking section 30.

(q) AMENDMENT TO THE DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655) is amended—

(1) in subsection (a)—

(A) by striking "In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there" and inserting "There"; and

(B) by inserting before the period at the end of the subsection "and for such other related duties as the Secretary may from time to time designate"; and

(2) by striking subsection (b).

SEC. 163. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

Section 208 of the Foreign Service Act of 1980 (22 U.S.C. 3928) is amended to read as follows:

"SEC. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

"The President shall appoint, by and with the advice and consent of the Senate, a Director General of the Foreign Service, who shall be a current or former career member of the Foreign Service. The Director General should assist the Secretary of State in the management of the Service and perform such functions as the Secretary of State may prescribe.".

SEC. 164. ADMINISTRATIVE EXPENSES.

(a) ADMINISTRATIVE EXPENSES FOR NARCOTICS, TERRORISM, AND CRIME.—Section 482 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a) is amended by adding the following new subsection:

"(d) ADMINISTRATIVE ASSISTANCE.—(1) Except as provided in paragraph (2), personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau designated by the Secretary of State to replace the Bureau for International Narcotics Matters.

"(2) Paragraph (1) shall not apply to the extent that it would result in a reduction in funds available for antinarcotics assistance to foreign countries.".

(b) AMENDMENT TO THE MIGRATION AND REFUGEE ASSISTANCE ACT.—Section 5 of the Migration and Refugee Assistance Act (22 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(c) Personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau charged with carrying out this Act.".

PART D—PERSONNEL

Subpart 1—General Provisions

SEC. 171. LABOR-MANAGEMENT RELATIONS.

Section 1017(e) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)) is amended to read as follows:

"(e)(1) Notwithstanding any other provision of this chapter—

"(A) participation in the management of a labor organization for purposes of collective bargaining or acting as a representative of a labor organization for such purposes is prohibited under this chapter—

"(i) on the part of any management official or confidential employee;

"(ii) on the part of any individual who has served as a management official or confidential employee during the preceding two years; or

"(iii) on the part of any other employee if the participation or activity would result in a conflict of interest or apparent conflict of interest or would otherwise be incompatible with law or with the official functions of such employee; and

"(B) service as a management official or confidential employee is prohibited on the part of any individual having participated in the management of a labor organization for purposes of collective bargaining or having acted as a representative of a labor organization during the preceding two years.

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' shall not include chiefs of mission, principal officers and their deputies, and administrative and personnel officers abroad.".

SEC. 172. WAIVER OF LIMITATION FOR CERTAIN CLAIMS FOR PERSONAL PROPERTY DAMAGE OR LOSS.

(a) CLAIMS RESULTING FROM EMERGENCY EVACUATION IN A FOREIGN COUNTRY.—Subsection 3721(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 settlement and payment limitation referred to in 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 5522(a) of title 5, 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) PROHIBITION ON AWARDS.—Notwithstanding any other provision of law, the Secretary of State may not award or pay performance payments for fiscal years 1994 and 1995 under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965), unless the Secretary awards or pays performance awards to other Federal employees for such fiscal years.

(b) AWARDS IN SUBSEQUENT FISCAL YEARS.—The Secretary may not make a performance award or payment in any fiscal year after 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 in a fiscal year referred to in such subsection but for the prohibition described in such subsection.

(c) APPLICATION TO USIA, AID, AND ACDA.—Subsections (a) and (b) shall apply to the United States Information Agency, the Agency for International Development, and the Arms Control and Disarmament Agency in the same manner as such subsections apply to the Department of State, except that the Director of the United States Information Agency, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency shall be subject to the limitations and authority of the Secretary of State under subsections (a) and (b) for their respective agencies.

(d) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 405(b)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

"(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5, United States Code.".

SEC. 174. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended by striking all that follows the section caption and inserting the following:

"(a) A participant, who completes an assignment under section 302(b) in a position to which the participant was appointed by the President, and is not otherwise eligible for retirement—

"(1) shall be reassigned within 90 days after the termination of such assignment and any period of authorized leave, or

"(2) if the Secretary of State determines that reassignment is not in the interest of the Foreign Service, shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate.

"(b) A participant who completes an assignment under section 302(b) in a position to which the participant was appointed by the President and is eligible for retirement and is not reassigned within 90 days after the termination of such assignment and any period of authorized leave, shall be retired from the Service and receive retirement benefits in accordance with section 806 or section 855, as appropriate.

"(c) A participant who is retired under subsection (a)(2) and is subsequently employed by the United States Government, thereafter, shall be eligible to retire only under the terms of the applicable retirement system.".

SEC. 175. REPORT ON CLASSIFICATION OF SENIOR FOREIGN SERVICE POSITIONS.

(a) AUDIT AND REVIEW.—Not later than December 31, 1994, the Comptroller General of the United States shall conduct a classification audit of all Senior Foreign Service positions in Washington, District of Columbia, assigned to the Department of State, the Agency for International Development, and the United States Information Agency and shall review the methods for classification of such positions.

(b) REPORT.—Not later than March 1, 1995, the Comptroller General shall submit a report of such audit and review to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 176. ALLOWANCES.

(a) AWAY-FROM-POST EDUCATION ALLOWANCE.—Section 5924(4)(A) of title 5, United States Code, is amended by inserting after the first sentence the following: "When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post.".

(b) EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS STUDYING ABROAD.—Section 5924(4)(B) of title 5, United States Code, is amended in the first sentence after "in the United States" by inserting "(or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States)".

SEC. 177. GRIEVANCES.

(a) GRIEVANCE BOARD PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the first sentence of paragraph (8) by striking "until the Board has ruled upon the grievance." and inserting "until the date which is one year after such determination or until the Board has ruled upon the grievance, whichever comes first. The Board shall extend the one-year limitation under the preceding sentence and the Department shall continue to suspend such action, if the Board determines that the agency or the Board is responsible for the delay in the resolution of the grievance. The Board may also extend the 1-year limit if it determines that the delay is due to the complexity of the case, the unavailability of witnesses or to circumstances be-

yond the control of the agency, the Board or the grievant.".

(b) TIME LIMITATION ON REQUESTS FOR JUDICIAL REVIEW.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 4140) is amended in the first sentence by inserting before the period ", 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 aggrieved party who is posted abroad at the time of the final action of the Secretary or the Board, if the request for judicial review is filed not later than 180 days after the aggrieved party'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 national security-related agencies of the United States.

(b) ESTABLISHMENT.—For each of the fiscal years 1994 and 1995, the Secretary of State shall to the maximum extent practicable appoint to the Foreign Service qualified women and minority applicants who are participants in the priority placement program of the Department of Defense, the Department of Defense out-placement referral program, the Office of Personnel Management Automated Applicant Referral System, or the Office of Personnel Management Interagency Placement Program. The Secretary shall make such appointments through the mid-level entry program of 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 concerning the implementation of subsection (a) to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. 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 (as described in subsection (b)), may participate in the Office of Personnel Management's Interagency Placement programs 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 Act.

(b) CERTAIN MEMBERS OF THE FOREIGN SERVICE.—For purposes of this section, the term "members of the Foreign Service" means individual 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. 3901 et seq.) is amended as follows:

(1) Section 309(b) of such Act is amended—

(A) by striking "and" at the end of paragraph (3);

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

(C) by inserting at the end "; and (5) as a foreign national employee.".

(2) Section 311 of such Act is amended to read as follows:

"(a) The Secretary, under section 303, may appoint United States citizens, who are family members of government employees assigned abroad or are hired for service at their post of residence, for employment in positions customarily filled by Foreign Service officers, Foreign Service personnel, and foreign national employees.

"(b) The fact that an applicant for employment in a position referred to in subsection (a) is a family member of a Government employee assigned abroad shall be considered an affirmative factor in employing such person.

"(c)(1) Non-family members employed under this section for service at their post of residence shall be paid in accordance with local compensation plans established under section 408.

"(2) Family members employed under this section shall be paid in accordance with the Foreign Service Schedule or the salary rates established under section 407.

"(3) In exceptional circumstances, nonfamily members may be paid in accordance with the Foreign Service Schedule or the salary rates established under section 407, if the Secretary determines that the national interest would be served by such payments.

"(d) Nonfamily member United States citizens employed under this section shall not be eligible for benefits under chapter 8 of this Act, or under chapters 83 or 84 of title 5, United States Code.".

(3) Section 404(a) of such Act is amended by striking "who are family members of Government employees paid in accordance with a local compensation plan established under".

(4) Section 408 of such Act is amended—

(A) in subsection (a)(1) by striking the first sentence and inserting "The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service and United States citizens employed under section 311(c)(1).";

(B) in the second sentence of subsection (a)(1), by striking "employed in the Service abroad who were hired while residing abroad and to those family members of Government employees who are paid in accordance with such plans";

(C) in the third sentence of subsection (a)(1), by striking "foreign national" each place it appears; and

(D) by adding at the end of subsection (a)(1) the following: "For United States citizens under a compensation plan, the Secretary shall (A) provide such citizens with a total compensation package (including wages, allowances, benefits, and other employer payments, such as for social security) that has the equivalent cost to that received by foreign national employees occupying a similar position at that post and (B) define those allowances and benefits provided under United States law which shall be included as part of this total compensation package, notwithstanding any other provision of law, except that this section shall not be used to override United States minimum wage requirements, or any provision of the Social Security Act or the Internal Revenue Code.

(5) Section 504(b) of such Act is amended by inserting "(other than those employed in accordance with section 311)" after "citizen of the United States".

(6) Section 601(b)(2) of such Act is amended—

(A) by striking "and" the last place it appears; and

(B) by inserting "and other members of the Service" after "categories of career candidates,".

(7) Section 611 of such Act is amended by striking all that follows "Foreign Service Schedule" and inserting "or who is paid in accordance with section 407 or is a United States citizen paid under a compensation plan under section 408.".

(8) Section 903(a) of such Act is amended by inserting "(other than a member employed under section 311)" after "member of the Service" each place it appears.

(9) Section 1002(8)(A) of such Act is amended by inserting "a member of the Service who is a United States citizen (other than a family member) employed under section 311," after "a consular agent,".

(10) Section 1101(a)(1) of such Act is amended by inserting "(other than a United States citizen employed under section 311 who is not a family member)" after "citizen of the United States".

(b) AMENDMENTS TO THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—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 as relate to the negotiation, making, and performance of contracts and performance of work in the United States".

SEC. 181. REDUCTION IN FORCE AUTHORITY WITH REGARD TO CERTAIN MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—The Foreign Service Act of 1980 (22 U.S.C. 4001 et seq.) is amended as follows:

(1) By redesignating 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 holding a career or career candidate appointment 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 3501(a)(3) 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. Grievances under chapter 11 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. 4009)—

(A) in subsection (a)(2), by inserting "or 611" after "608(b)"; and

(B) in subsection (b) by inserting "or 611" after "608(b)";

(4) Chapter 11 of the Foreign Service Act of 1980 is amended—

(A) in section 1101(b)(3) by striking "611" and inserting "612"; and

(B) in section 1106(8) by inserting before the period at the end of the paragraph "or with respect to any action which would delay the separation of an employee pursuant to a reduction in force conducted under section 611".

(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 the following:

"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. 4105(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 pursuant to 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 be effective as of January 1, 1993.

(b) TECHNICAL CORRECTION.—Subsection (d) of section 1433 of Public Law 103-160 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 long-term 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, with exceptions for certain limited-use 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;

(5) requiring the identification of appropriate Washington, D.C. metropolitan area positions as language-designated; and

(6) requiring remedial training and suspension of language differential payments for employees receiving such payments who have failed to maintain required levels of proficiency.

(b) REPEAL.—Section 164 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4001 note; Public Law 101-246) is repealed.

SEC. 192. DESIGNATION OF FOREIGN LANGUAGE RESOURCES COORDINATOR.

(a) POLICY.—It is the sense of the Congress that—

(1) the Department of State, by virtue of the Secretary's overall responsibility under section 701(a) of the Foreign Service Act of 1980 (22 U.S.C. 4011(a)) for training and instruction in the field of foreign relations to meet the needs of all Federal agencies, should take the lead in this interagency effort; and

(2) in order to promote efficiency and quality in the training provided by the Secretary of State and other Federal agencies, the Secretary should call upon other agencies to share in the joint management and coordination of Federal foreign language resources.

(b) FOREIGN LANGUAGE RESOURCES COORDINATOR.—

(1) The Secretary of State should appoint a Foreign Language Resources Coordinator (in this subsection referred to as the "Coordinator") who shall be responsible—

(A) for coordinating the efforts of the appropriate agencies of Government—

(i) to strengthen mechanisms for sharing of foreign language resources; and

(ii) 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. 193. 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.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. AUTHORIZATION OF 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 Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the Inspector General Act of 1978, the Center for Cultural and Technical Interchange Between North and South Act, the National 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.

(2) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $130,538,000 for the fiscal year 1994 and $126,312,000 for the fiscal year 1995.

(B) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Israeli-Arab Scholarship Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", "Institute for Representative Government", "American Studies Collections", "South Pacific Exchanges", "East Timorese Scholarships", "Cambodian Scholarships", and "Arts America", $96,962,000 for the fiscal year 1994 and $97,046,000 for the fiscal year 1995.

(3) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $21,000,000 for the fiscal year 1994 and $27,609,000 for the fiscal year 1995.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—For "International Broadcasting Activities" under part B, $541,676,000 for the fiscal year 1994, and $609,740,000 for the fiscal year 1995.

(5) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $4,247,000 for the fiscal year 1994 and $4,396,000 for the fiscal year 1995.

(6) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $26,000,000 for the fiscal year 1994 and $24,500,000 for the fiscal year 1995.

(b) LIMITATIONS.—

(1) Of the amounts authorized to be appropriated for "Salaries and Expenses" under section 201(a)(1) for fiscal year 1995, $500,000 is authorized to be appropriated for expenses and activities related to United States participation in the 1996 Budapest World's Fair (Budapest Expo '96).

(2) Of the amounts authorized to be appropriated for "Fulbright Academic Exchange Programs" under subsection (a)(2)(A),—

(A) $3,000,000 is authorized to be available for fiscal year 1995 for the Vietnam Scholarship Program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138); and

(B) $1,500,000 is authorized to be available for fiscal year 1994 and $2,000,000 is authorized to be available for fiscal year 1995, for the "Environment and Sustainable Development Exchange Program" established by section 241.

(3) Of the amounts authorized to be appropriated for "Other Programs" under subsection (a)(2)(B) $1,000,000 is authorized to be available for each of the fiscal years 1994 and 1995 for the "American Studies Collections" program established under section 235.

PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 221. USIA OFFICE IN LHASA, TIBET.

(a) ESTABLISHMENT OF OFFICE.—The Director of the United States Information Agency shall seek to establish an office in Lhasa, Tibet, for the purpose of—

(1) disseminating information about the United States;

(2) promoting discussions on conflict resolution and human rights;

(3) facilitating United States private sector involvement in educational and cultural activities in Tibet; and

(4) advising the United States Government with respect to Tibetan public opinion.

(b) REPORT BY THE DIRECTOR OF USIA.—Not later than April 1 of each year, the Director of the United States Information Agency shall submit a detailed report on developments relating to the implementation of this section to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 222. CHANGES IN ADMINISTRATIVE AUTHORITIES.

Section 801 of the United States Informational and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended—

(1) in paragraph (5) by striking "and" after the semicolon;

(2) in paragraph (6) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) notwithstanding any other provision of law, to carry out projects involving security construction and related improvements for Agency facilities not physically located together with Department of State facilities abroad.".

SEC. 223. EMPLOYMENT AUTHORITY.

For fiscal years 1994 and 1995, the Director of the United States Information Agency may, in carrying out the provisions of the United States Information and Educational Exchange Act of 1948, employ individuals or organizations by contract for services to be performed in the United States or abroad, who shall not, by virtue of such employment, be considered to be employees of the United States Government for the purposes of any law administered by the Office of Personnel Management, except that the Director may determine the applicability to such individuals of section 804(5) of that Act.

SEC. 224. BUYING POWER MAINTENANCE ACCOUNT.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(2) by inserting "(1)" after "(c)"; and

(3) by adding at the end the following new paragraphs:

"(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

"(3) In order to eliminate substantial gains to the approved levels of overseas operations for the United States Information Agency, the Director shall transfer to the Buying Power Maintenance account such amounts appropriated for 'Salaries and Expenses' as the Director determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

"(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the Director may transfer from the Buying Power Maintenance account to the 'Salaries and Expenses' appropriations account such amounts as the Director determines are necessary to maintain the approved level of operations under that appropriation account.

"(5) Funds transferred by the Director from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Director from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

"(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts that may be obligated or expended by the United States Information Agency shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

"(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the 'Salaries and Expenses' account, the Director may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed $50,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 705 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided in advance in appropriation Acts.".

SEC. 225. CONTRACT AUTHORITY.

Section 802(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)) is amended by adding at the end the following:

"(4)(A) Notwithstanding the other provisions of this subsection, the United States Information Agency is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs.

"(B) The authority of this paragraph may be exercised for a fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.".

SEC. 226. UNITED STATES TRANSMITTER IN KUWAIT.

None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the design, development, or construction of a United States short-wave radio transmitter in Kuwait.

SEC. 227. FULBRIGHT-HAYS ACT AUTHORITIES.

Section 105(a) of Public Law 87-256 is amended to read as follows:

"(a) Amounts appropriated to carry out the purposes of this Act are authorized to be made available until expended.".

SEC. 228. SEPARATE LEDGER ACCOUNTS FOR NED GRANTEES.

Section 504(h)(1) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)(1)) is amended by striking "accounts" and inserting "bank accounts or separate self-balancing ledger accounts".

SEC. 229. COORDINATION OF UNITED STATES EXCHANGE PROGRAMS.

(a) COORDINATION.—Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following:

"(f)(1) The President shall ensure that all exchange programs conducted by the United States Government, its departments and agencies, directly or through agreements with other parties, are reported at a time and in a format prescribed by the Director. The President shall ensure that such exchanges are consistent with United States foreign policy and avoid duplication of effort.

"(2) Not later than 90 days after the date of enactment of this subsection, and annually thereafter, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report pursuant to paragraph (1). Such report shall include information for each exchange program supported by the United States on the objectives of such exchange, the number of exchange participants supported, the types of exchange activities conducted, the total amount of Federal expenditures for such exchanges, and the extent to which such exchanges are duplicative.".

(b) REPORT BY THE DIRECTOR OF USIA.—Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report—

(1) detailing the range of exchange programs administered by the Agency;

(2) identifying possible areas of duplication of inefficiency; and

(3) recommending program consolidation and administrative restructuring as warranted.

SEC. 230. LIMITATION CONCERNING PARTICIPATION IN INTERNATIONAL EXPOSITIONS.

Notwithstanding any other provision of law, the United States Information Agency shall not obligate or expend any funds for a United States Government funded pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

SEC. 231. PRIVATE SECTOR OPPORTUNITIES.

Section 104(e)(4) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454) is amended by inserting before the period ", and of similar services and opportunities for interchange not supported by the United States Government".

SEC. 232. AUTHORITY TO RESPOND TO PUBLIC INQUIRIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) is amended by adding at the end the following new sentence: "The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.".

SEC. 233. TECHNICAL AMENDMENT RELATING TO NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

Section 228(d) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993

(22 U.S.C. 2452 note) is amended by inserting "and includes the Republic of Turkey" before the period at the end thereof.

SEC. 234. DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN MATERIALS OF THE UNITED STATES INFORMATION AGENCY.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the following:

(1) The United States Information Agency's Thomas Jefferson Paper Show, which commemorates the 250th anniversary of the birth of Thomas Jefferson.

(2) The documentary entitled "Crimes Against Humanity", a film about the ensuing conflict in the former Yugoslavia.

SEC. 235. AMERICAN STUDIES COLLECTIONS.

(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 establish and support collections at appropriate university libraries abroad to further the study of the United States, and to enter into 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 of American studies.

(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 a contractual commitment of such maintenance and access under this subsection.

(d) FUNDING.—

(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.

(2)(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. Sums donated to carry out the purposes of this section shall be deposited into the fund.

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

(4) The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the purposes of this section.

(e) 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 used.

SEC. 236. EDUCATIONAL AND CULTURAL EXCHANGES WITH TIBET.

The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

SEC. 237. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

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, scholarships for East Timorese students qualified to study in the United States for the purpose of studying at the undergraduate level in a United States college or university. Each scholarship made available under this subsection shall be for not less than one semester of study.

SEC. 238. CAMBODIAN SCHOLARSHIP AND EXCHANGE PROGRAMS.

(a) PURPOSE.—It is the purpose of this section to provide financial assistance—

(1) to establish a scholarship program for Cambodian college and post-graduate students to study in the United States; and

(2) to expand Cambodian participation in exchange programs of the United States Information Agency.

(b) PROGRAM.—(1) The Director of the United States Information Agency shall establish a scholarship program to enable Cambodian college students and post-graduate students to study in the United States.

(2) The Director of the United States Information Agency shall also include qualified Cambodian citizens in exchange programs funded or otherwise sponsored by the Agency, in particular the Fulbright Academic Program, the International Visitor Program, and the Citizen Exchange Program.

(c) DEFINITION.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 239. INCREASING AFRICAN PARTICIPATION IN USIA EXCHANGE PROGRAMS.

The Director of United States Information Agency shall expand exchange program allocations to Africa, in particular Fulbright Academic Exchanges, International Visitor Programs, and Citizen Exchanges, and shall further encourage a broadening of affiliations and links between United States and African institutions.

SEC. 240. ENVIRONMENT AND SUSTAINABLE DEVELOPMENT EXCHANGE PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish a program to promote academic exchanges in disciplines relevant to environment and sustainable development.

(b) PROGRAM AUTHORITY.—Notwithstanding any other provision of law, the Director of the United States Information Agency, through the Bureau of Educational and Cultural Affairs, shall provide scholarships beginning in the fiscal year 1994, and for each fiscal year thereafter, for study at United States institutions of higher education in furtherance of the purpose of this section for foreign students who have completed their undergraduate education and for postsecondary educators.

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall administer this program under the auspices of the Fulbright Academic Exchange Program.

(3) The United States Information Agency shall ensure the regional diversity of this program through the selection of candidates from Asia, Africa, Latin America, as well as Europe and the Middle East.

(d) DEFINITION.—For purposes of this section, the term "institution of higher education" has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 241. SOUTH PACIFIC EXCHANGE PROGRAMS.

(a) AUTHORIZED PROGRAMS.—The Director of the United States Information Agency is authorized to award academic scholarships to qualified students from the sovereign nations of the South Pacific region to pursue undergraduate and postgraduate study at institutions of higher education in the United States; to make grants to accomplished United States scholars and experts to pursue research, to teach, or to offer training in such nations; and to make grants for youth exchanges.

(b) 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. 2452(b)), the President shall ensure that such authorities are used to promote educational, cultural, medical, and scientific meetings, training, research, visits, interchanges, and other activities, with respect to disability matters, including participation by 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 nonprofit 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—MIKE MANSFIELD FELLOWSHIPS

SEC. 251. SHORT TITLE.

This part may be cited as the "Mike Mansfield Fellowship Act".

SEC. 252. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which 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, pursuant to section 253(5)(C), for such shorter period of time as the Center may determine based on a Fellow's level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan's political economy.

(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the agency of the United States Government from which the fellow originated, consistent with the purposes of this part.

(2) Fellowships under this part may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) ELIGIBILITY OF CENTER FOR GRANTS.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 253.

(c) INTERNATIONAL AGREEMENT.—The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing fellows in the Government of Japan.

(d) PRIVATE SOURCES.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Director of the United States Information Agency.

(e) USE OF FEDERAL FACILITIES.—The National Foreign Affairs Training Center is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of teachers, classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute's carrying out its other responsibilities under law.

SEC. 253. PROGRAM REQUIREMENTS.

The program established under this part shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this part shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government, and such other qualifications as are determined by the Center.

(2) Not more than 10 fellowships may be awarded each year of which not more than 3 shall be awarded to individuals who are not detailed employees of the Government.

(3)(A) 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 Federal funds.

(B) 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 end of their fellowships, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) 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 that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the higher cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to $1,000 for personal belongings of fellows and their families in their move to Japan and one-round-trip economy-class airline ticket to Japan for each fellow and the fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by 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.

(6) Any fellow who is not a detailee who does not comply with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9).

(B) Pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist, to the extent possible, any fellow who is not a detailee in finding employment in the Federal Government if such fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a fellow.

(9) No fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The financial records of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the financial records of the Center are normally kept. All books, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Director of the United States Information Agency no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

SEC. 254. SEPARATION OF GOVERNMENT 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 255.

(b) REEMPLOYMENT.—Any fellow who is not a detailee, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, 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 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 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 GOVERNMENT SERVICE.

(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.

(2) Each fellow who is detailed under this section shall enter into a written 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 Federal Government in connection with the fellowship if the fellow is voluntarily separated from service with the fellow's agency before the end of the period for which the fellow has agreed to continue in the service of such agency.

(3) The payment agreed to under paragraph (2)(B) may not be 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 the head of the 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 comply with section 5536 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(4)(B).

SEC. 256. LIABILITY FOR REPAYMENTS.

If any 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 amount 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. 257. 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;

(2) 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;

(3) the term "Center" means the Mansfield Center for Pacific Affairs; and

(4) the term "detailee" 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 the right of 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 in the interest of the United States to support broadcasting to other nations 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 People's 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) BROADCASTING 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;

(5) be conducted in accordance with the highest professional standards of broadcast journalism;

(6) be based on reliable information about its potential audience; and

(7) be designed so as to effectively reach a significant audience.

(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, reflecting the diversity of United States culture and society;

(3) clear and effective presentation of the policies of the United States Government and responsible 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 particular nations and regions prevented by censorship or repression from speaking to their fellow countrymen;

(7) reliable research capacity to meet the criteria under this section;

(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) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director of the United States Information Agency who shall also be a voting member.

(2) The President shall designate 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, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. 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 meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV 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. 5703) for persons 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.

(f) DECISIONS.—Decisions of the Board shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

SEC. 305. AUTHORITIES OF THE BOARD.

(a) AUTHORITIES.—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 section 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 made more efficient and economical.

(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, subject to the provisions of title 5, 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 such title relating to classification and General Schedule pay rates.

(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations (which for each of the fiscal years 1994 and 1995 may not exceed the amount made available to the Board for International Broadcasting for such purposes for fiscal year 1993).

(13) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(14) The Board may provide for the use of United States Government transmitter capacity for relay to Radio Free Asia.

(b) BROADCASTING BUDGETS.—

(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 AMENDMENT.—

(1) Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) 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 5(b) of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c(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 5315 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 certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; 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 in a location which ensures economy, operational effectiveness, and accountability to the Board.

(2) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of 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, DC.

(c) LIMITATION ON GRANT AMOUNTS.—The total amount of grants made by the Board for the operating costs of Radio Free Europe and Radio Liberty may not exceed $75,000,000 for any fiscal year after fiscal year 1995.

(d) ALTERNATIVE GRANTEE.—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.

(e) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make RFE/RL, Incorporated a Federal agency or instrumentality.

(f) AUTHORITY.—Grants authorized 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.

(g) GRANT AGREEMENT.—Grants to 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 (f);

(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 each proposed expenditure of grant funds, and that such funds may not be used for any other purpose unless the Board gives its prior written approval.

(h) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used for the following purposes:

(1)(A) Except as provided in subparagraph (B), to pay 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 5315 of title 5, United States Code.

(B) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1995, with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations.

(2) For any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress.

(3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after December 1, 1990, except as may be required by United States law or the laws of the country where the employee is stationed.

(4) For first class travel for any employee of RFE/RL, Incorporated, or the relative of any employee.

(5) To compensate freelance contractors without the approval of the Board.

(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the United States Information Agency shall submit to the Board, the Director of the United States Information Agency, and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The Inspector General of the United States Information Agency shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

(j) AUDIT AUTHORITY.—

(1) Such financial transactions of RFE/RL, Incorporated, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of RFE/RL, Incorporated, are normally kept.

(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by RFE/RL, Incorporated pertaining to such financial transactions and necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports files, papers, and property of RFE/RL, Incorporated, shall remain in the possession and custody of RFE/RL, Incorporated.

(3) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting Act, the Inspector General of the United States Information Agency is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

(k) PLAN FOR RELOCATION.—None of the funds authorized to be appropriated for the fiscal years 1994 or 1995 may be used to relocate the offices or operations of RFE/RL, Incorporated from Munich, Germany, unless—

(1) such relocation is specifically provided for in an appropriation Act or pursuant to a reprogramming notification; and

(2)(A) such relocation is authorized by the Board and the Board submits to the Comptroller General of the United States and the appropriate Congressional committees a detailed plan for such relocation, including cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation; or

(B) prior to the confirmation of all members of the Board, such relocation is authorized by the President, the President certifies that significant national interest requires that such relocation determination be made before the confirmation of all members of the Board, and the President submits to the Comptroller General of the United States and the appropriate congressional committees a detailed plan for such relocation, including cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation.

(l) REPORTS ON PERSONNEL CLASSIFICATION.—Not later than 90 days after the date of confirmation of all members of the Board, the Board shall submit a report to the Congress containing a justification, in terms of the types of duties performed at specific rates of salary and other compensation, of the classification of personnel employed by RFE/RL, Incorporated. The report shall include a comparison of the rates of salary or other compensation and classifications provided to employees of RFE/RL, Incorporated, with the rates of salary or other compensation and classifications of employees of the Voice of America stationed overseas in comparable positions and shall identify any disparities and steps which should be taken to eliminate such disparities.

SEC. 309. RADIO FREE ASIA.

(a) AUTHORITY.—

(1) Grants authorized under section 305 shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.

(2) Such broadcasting service shall be referred to as "Radio Free Asia".

(b) FUNCTIONS.—Radio Free Asia shall—

(1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and

(2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.—

(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, has submitted to Congress a detailed plan for the establishment and operation of Radio Free Asia, including—

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

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

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

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

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

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

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

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

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

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

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

(4) Grants made for the operating costs of Radio Free Asia may not exceed $22,000,000 in any fiscal year.

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

(6) 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 administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

(f) 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 established by this title,

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

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

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

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

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

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

SEC. 310. TRANSITION.

(a) AUTHORIZATION.—

(1) 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.

(2)(A) Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting shall jointly prepare and submit to the President for approval and implementation a plan to implement the provisions of this title. Such plan shall include at a minimum a detailed cost analysis to implement fully the recommendations of such plan. The plan shall identify all costs in excess of those authorized for such purposes and shall provide that any excess cost to implement the plan shall be derived only from funds authorized in section 201 of this Act.

(B) The President shall transmit copies of the approved plan, together with any recommendations for legislative changes that may be necessary, to the appropriate congressional committees.

(b) NEW APPOINTEES.—The Director of the United States Information Agency may assign employees of the Agency for service with RFE/RL, Incorporated, with the concurrence of the president of RFE/RL, Incorporated. Such assignment shall not affect the rights and benefits of such personnel as employees of the United States Information Agency.

(c) BOARD FOR INTERNATIONAL BROADCASTING PERSONNEL.—All Board for International Broadcasting full-time United States Government personnel (except special Government employees) and part-time United States Government personnel holding permanent positions shall be transferred to the United States Information Agency, the Board, or the Bureau. Such transfer shall not cause any such employee to be separated or reduced in grade or compensation.

(d) OTHER AUTHORITIES.—The Director of the United States Information Agency is authorized to utilize the provisions of titles VIII and IX of the United States Information and Educational Exchange Act of 1948, and any other authority available to the Director on the date of enactment of this Act, to the extent that the Director considers necessary in carrying out the provisions and purposes of this title.

(e) REPEAL.—The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed effective September 30, 1995, or the date on which all members of the Board are confirmed, whichever is earlier.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(B) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the United States Information Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings pending before the Board for International Broadcasting at the time this title takes effect, with respect to functions transferred by this title, but such proceedings shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the termination or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been terminated or modified if this title had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board for International Broadcasting or by or against any individual in the official capacity of such individual as an officer of the Board for International Broadcasting shall abate by reason of the enactment of this title.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board for International Broadcasting relating to a function transferred under this title may be continued by the United States Information Agency with the same effect as if this title had not been enacted.

(6) REFERENCES.—A reference in any provision of law, reorganization plan, or other authority to the Associate Director for Broadcasting of the United States Information Agency shall be considered to be a reference to the Director of the International Broadcasting Bureau of the United States Information Agency.

(7) EFFECT ON OTHER LAWS.—The provisions of, and authorities contained in or transferred pursuant to, this title are not intended to repeal, limit, or otherwise derogate from the authorities or functions of or available to the Director of the United States Information Agency or the Secretary of State under law, reorganization plan, or otherwise, unless such provision hereof—

(A) specifically refers to the provision of law or authority existing on the effective date of this title, so affected; or

(B) is in direct conflict with such law or authority existing on the effective date of this title.

SEC. 311. PRESERVATION OF AMERICAN JOBS.

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 the plan for consolidation and reorganization of overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.

SEC. 312. PRIVATIZATION OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) DECLARATION OF POLICY.—It is the sense of the Congress that, in furtherance of the objectives of section 302 of this Act, the funding of Radio Free Europe and Radio Liberty should be assumed by the private sector not later than December 31, 1999, and that the funding of Radio Free Europe and Radio Liberty Research Institute should be assumed by the private sector at the earliest possible time.

(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 RFE/RL RESEARCH INSTITUTE.—Not later than 120 days after the date of enactment of this Act, the Board for International Broadcasting, or the Board, if established, shall submit to the appropriate congressional committees a report on the steps being taken to transfer RFE/RL Research Institute pursuant to subsection (a) and shall provide periodic progress reports on such efforts until such transfer has been achieved.

SEC. 313. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and 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 to the extent that an authorization of appropriations is 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 which are authorized by law and administered under or pursuant to this title.

SEC. 314. DEFINITIONS.

For the purposes of this title—

(1) the term "appropriate congressional committees" means 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;

(2) the term "RFE/RL, Incorporated" includes—

(A) the corporation having the corporate title described in section 307(b)(3); and

(B) any alternative grantee described in section 307(e).

(3) the term "salary or other compensation" includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

SEC. 315. TECHNICAL AND CONFORMING AMENDMENTS.

(a) VOICE OF AMERICA BROADCASTS.—Section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463) is repealed.

(b) ISRAEL RELAY STATION.—Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is repealed.

(c) BOARD FOR INTERNATIONAL BROADCASTING ACT.—Section 4(a)(1) of the Board for International Broadcasting Act of 1973 is amended to read as follows:

"(1) to make grants to RFE/RL, Incorporated and, until September 30, 1995, to make grants to entities established in the privatization of certain functions of RFE/RL, Incorporated in order to carry out the purposes set forth in section 2 of this Act;".

TITLE IV—INTERNATIONAL ORGANIZATIONS

Part A—United Nations Reform and Peacekeeping Operations

SEC. 401. UNITED NATIONS OFFICE OF INSPECTOR GENERAL.

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

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

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

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

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

(1) the United Nations has established an independent office of Inspector General 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 administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have direct and prompt access to any official of the United Nations;

(4) the United Nations has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the Inspector General;

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

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

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

(d) DEFINITION.—For purposes of this part, the term "Inspector General" 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 the 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 Mangement 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—

(1) United States assessed or voluntary contributions for United Nations peacekeeping operations, or

(2) the unreimbursable incremental costs associated with the participation of United States Armed Forces in any United Nations peacekeeping operation (other than an operation necessary to protect American lives or United States national interests),

only to the extent that 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 United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.—

(1) 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 States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 30.4 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).

(2) 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 States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.

(3) 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 by or under the auspices of the United Nations or" 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—

(1) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multinational force who are captured 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

(2) the President should also take all necessary steps to bring to justice all individuals responsible for any mistreatment or torture of, or for causing the death of, United States military personnel who are captured while serving in a multinational force.

SEC. 406. TRANSMITTALS OF CERTAIN UNITED NATIONS DOCUMENTS.

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by inserting "(a) PERIODIC REPORTS.—" after "SEC. 4."; and

(2) by adding at the end the following:

"(b) TRANSMITTAL OF SECURITY COUNCIL RESOLUTIONS.—Not later than 3 days (excluding Saturdays, Sundays, and legal holidays) after adoption of any resolution by the Security 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 congressional committees any published report prepared by the United Nations and distributed to the members of the Security Council that contains assessments of any proposed, ongoing, or concluded United Nations peacekeeping operation.".

SEC. 407. CONSULTATIONS AND REPORTS.

(a) CONSULTATIONS AND REPORTS ON UN PEACEKEEPING OPERATIONS.—

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

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

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

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

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

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

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

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

(i) The anticipated duration, mandate, and command and control arrangements of such operation.

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

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

(3) WRITTEN INFORMATION.—The information described in clauses (i) and (iii) of paragraph (2)(A) and the information described in clauses (i) and (ii) of paragraph (2)(B) shall be provided each month to the designated congressional committees in written form not later than the 10th day of that month.

(4) INTERIM INFORMATION.—(A) The President shall submit to the designated congressional committees a written interim report if, during the period between the monthly consultations required by paragraph (1), the United States learns that the United Nations Security Council is likely, before the next such consultation, to vote on a resolution that would authorize a new United Nations peacekeeping operation and that resolution was not previously reported on pursuant to paragraph (2)(B). Each interim report shall include the information described in clauses (i) and (ii) of paragraph (2)(B).

(B) Any such interim report shall be submitted not less than 5 days before the vote of the United Nations Security Council, unless the President determines that exceptional circumstances prevented compliance with the requirement to report 5 days in advance. If the President makes such a determination, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and shall include a copy of the determination and a description of the exceptional circumstances which were the basis for that determination.

(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—(A) The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations. This subparagraph does not apply to—

(i) assistance having a value of less than $3,000,000 in the case of nonreimburseable assistance or less than $14,000,000 in the case of reimburseable assistance, or

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

(B) The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations. Each report shall describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) of the United Nations Participation Act of 1945 (as added by subsection (b) of this section) and shall include cumulative information for the preceding calendar year.

(b) ANNUAL REPORTS.—Section 4 of United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by the preceding section of this title, is further amended by adding at the end the following:

"(d) ANNUAL REPORT.—In addition to the report required by subsection (a), the President, at the time of submission of the annual budget request to the Congress, shall submit to designated congressional committees a report that includes the following:

"(1) COSTS OF PEACEKEEPING OPERATIONS.—

"(A) In accordance with section 407(a)(5)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, a description of all assistance provided by the United States to the United Nations to support peacekeeping operations during the previous calendar quarter and during the previous year.

"(B) With respect to United Nations peacekeeping operations—

"(i) the aggregate cost of all United Nations peacekeeping operations for the prior fiscal year;

"(ii) the costs of each United Nations peacekeeping operation for the prior fiscal year; and

"(iii) the amount of United States contributions (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 operations for the prior fiscal year;

"(ii) the costs of each such operation for the prior fiscal year; and

"(iii) the amount of United States contributions (both assessed and voluntary) to such operations on an operation-by-operation basis for the prior fiscal year.

"(D) In the case of the first 2 reports submitted pursuant to this subsection, a projection of all United States costs for United Nations peacekeeping operations during each of the next 2 fiscal years, including assessed and voluntary contributions.

"(2) OTHER MATTERS REGARDING PEACEKEEPING OPERATIONS.—

"(A) An assessment of the effectiveness of ongoing international peacekeeping operations, their relevance to United States national interests, the efforts by the United Nations and other international organizations (as applicable) to resolve the relevant armed conflicts, and the projected termination dates for all such operations.

"(B) The dollar value and percentage of total peacekeeping contracts that have been awarded to United States contractors during the previous year.

"(3) UNITED NATIONS REFORM.—

"(A)(i) A description of the status of efforts to establish and implement an independent office of the Inspector General at the United Nations.

"(ii) If an office of the Inspector General has been established at the United Nations, a discussion of whether the Inspector General is keeping the Secretary General and the members of the General Assembly fully informed about problems, deficiencies, the necessity for corrective action, and the progress of corrective action.

"(iii) For purposes of this subparagraph, the term 'office of the Inspector General' means 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.

"(B) A description of the status of efforts to reduce the United States peacekeeping assessment rate.

"(C) A description of the status of other United States efforts to achieve financial and management reform at the United Nations.

"(4) MILITARY PERSONNEL PARTICIPATING IN MULTINATIONAL FORCES.—A description of—

"(A) the status under international law of members of multinational forces, including the legal status of such personnel if captured, missing, or detained; and

"(B) the extent of the risk for United States military personnel who are captured while participating in multinational forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

"(C) the specific steps that have been taken to protect United States military personnel participating in multinational forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

"(5) HUMAN RIGHTS AND UN PEACEKEEPING FORCES.—A description of the efforts by 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.

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

SEC. 408. 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 519 (22 U.S.C. 2321m) the following:

"SEC. 520. 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 restore 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 section 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 be less than the value (as defined in section 644(m)(1) of this Act) of the articles transferred.

"(2) CREDITING OF TRANSFERS.—(A) The credit provided for pursuant to paragraph (1) shall be counted against United States assessed contributions to the recipient organization that are payable from the 'Contribution to International Peacekeeping Activities' account of the Department of State, except to the extent such credit is counted, in accordance with subparagraph (B), against an assessed contribution payable from an account established within the Department of Defense.

"(B) If—

"(i) an account is established within the Department of Defense for payment of a portion of United States assessed contributions for United Nations operations,

"(ii) excess defense articles are transferred under this section for a United Nations operation, and

"(iii) the United States assessed contribution for that operation is payable from that account,

the credit for those excess defense articles shall be counted against the assessed contribution payable from that account, but only to the extent that the value of the excess defense articles so transferred for that operation during a fiscal year does not exceed the total United States assessed contribution payable for that operation from that account during that fiscal year.

"(c) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(1) they are drawn from existing stocks of the Department of Defense (or the Coast Guard);

"(2) funds available to the Department of Defense (or the Coast Guard) for the procurement of defense equipment are not expended in connection with the transfer;

"(3) the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States; and

"(4) the President has established procedures and requirements, comparable to those applicable under section 505 of this Act, to ensure that such excess defense articles will be used only for purposes that have been agreed to by the United States.

"(d) NOTIFICATION TO CONGRESS.—

"(1) IN GENERAL.—The President shall notify the designated congressional committees regarding any transfer of excess defense articles under this section in accordance with paragraph (2). This notification shall include—

"(A) a discussion of the need for the transfer;

"(B) an assessment of the impact of the transfer on the military readiness of the United States; and

"(C) a statement of—

"(i) the acquisition cost and the value (as defined in section 644(m)(1) of this Act) of the excess defense articles to be transferred, and

"(ii) the aggregate acquisition cost and the aggregate value (as so defined) of all excess defense articles for which notification has been provided under this subsection during that fiscal year with respect to transfers to the same organization under this section.

"(2) TIMING OF NOTICE.—(A) The President shall notify the designated congressional committees pursuant to paragraph (1) at least 15 days before the excess defense articles are transferred under this section, except as provided in subparagraph (B).

"(B) If the President determines that an unforeseen emergency requires the immediate transfer of excess defense articles under this section, the President—

"(i) may waive the requirement of subparagraph (A) that notice be provided at least 15 days in advance of the transfer; and

"(ii) shall promptly notify the designated congressional committees of such waiver and transfer.

"(3) DESIGNATED COMMITTEES.—As used in this subsection, the term 'designated congressional committees" means the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(e) TRANSPORTATION AND RELATED COSTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the Department of Defense shall not be expended for crating, packing, handling, and transporting excess defense articles transferred under the authority of this section.

"(2) EXCEPTION.—Notwithstanding any other provision of law, the President may direct the crating, packing, handling, and transporting of excess defense articles without charge to an international or regional organization if the President determines that waiving such costs advances the foreign policy interests of the United States.

"(f) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) shall not apply with respect to transfers of excess defense articles under this section and to any costs of crating, packing, handling, and transporting incurred under subsection (e)(2).".

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 contribution to the United Nations or to 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 that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) 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.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the Congress a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

(e) REPEAL OF EXISTING LAW.—Section 162 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 is amended by striking subsections (a), (b), (c), and (d).

SEC. 410. LIMITATION ON CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

SEC. 411. UNITED NATIONS SECURITY COUNCIL MEMBERSHIP.

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

(1) The effectiveness of the United Nations Security Council in maintaining international peace and security depends on its being representative of the membership of the United Nations.

(2) The requirement of equitable geographic distribution in Article 23 of the United Nations Charter requires that the members of the Security Council of the United Nations be chosen by nondiscriminatory means.

(3) The use of informal regional groups of the General Assembly as the sole means for election of the nonpermanent members of the Security Council is inherently discriminatory in the absence of guarantees that all member states will have the opportunity to join a regional group, and has resulted in discrimination against Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should direct the Secretary of State to request the Secretary-General of the United Nations to seek immediate resolution of the problem described in this section. The President shall inform the Congress of any progress in resolving this situation, together with the submission to Congress of the request for funding for the "Contributions to International Organizations" account of the Department of State for the fiscal year 1995.

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) POLICY.—The President shall direct the United States representatives to the World Health Assembly, the Executive Board, and the World Health Organization to monitor the activities 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 Auditor (WHA 46.21), the Report of the Executive Board on the WHO Response to Global Change (WHA 46.16) and actions for Budgetary Reform (WHA 46.35); and

(2) the effective and efficient utilization and monitoring of resources, including—

(A) the determination of strategic and financial priorities; and

(B) 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 headquarters staff, increased responsibilities of regional offices, increased time for consideration of budget issues by member states, and a more meaningful and direct role for member 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 Cooperation Program (TCP), including reducing the number of nonemergency projects funded through the TCP and establishing procedures to deploy TCP consultants, supplies, and equipment in a timely manner.

(2) In an effort to increase the presence of United States personnel at the international 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 States 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 CHARTER.

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 21, 1992, except that, notwithstanding the provisions of Article 1.B of such Agreement, such Agreement shall not require any refunds of monies paid with respect to tax years ending on or before December 31, 1993.

SEC. 422. CONFERENCE ON SECURITY AND COOPERATION IN EUROPE.

The President is authorized to implement, for the United States, the provisions of Annex 1 of the Decision concerning Legal Capacity and Privileges and Immunities, issued by the Council of Ministers of the Conference on Security and Cooperation in Europe on December 1, 1993, in accordance with the terms of that Annex.

SEC. 423. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

(a) AUTHORIZATION TO RECEIVE PAYMENTS.—Section 2 of the American-Mexican Chamizal Convention Act of 1964 (Public Law 88-300; 22 U.S.C. 277d-18) is amended—

(1) by inserting "(a)" before "The"; and

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

"(b) 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 sharing in the cost of replacement of the Bridge of the Americas which crosses the Rio Grande between El Paso, Texas, and Cd. Juarez, Chihuahua. Notwithstanding any other provision of law, such payments of money shall be credited to any appropriation to the Commission which is currently available. Funds received under this subsection shall be available only for the replacement of such bridge.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.".

(b) EXPENDITURES FOR WATER POLLUTION PROBLEMS.—Title I of the Act of June 20, 1956 (70 Stat. 302, 22 U.S.C. 277d-12), is amended in the fourth undesignated paragraph under the heading "INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO" by striking "Tijuana Rivers," and all that follows before the period and inserting "Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act, to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary".

(c) FALCON AND AMISTAD DAMS MAINTENANCE FUND.—Section 2 of the Act of June 18, 1954 (68 Stat. 255, as amended by the Act of December 23, 1963, 77 Stat. 475) is amended to read as follows:

"SEC. 2. (a) A separate fund, known as the 'Falcon and Amistad Operating and Maintenance Fund' (hereinafter referred to as the 'Maintenance Fund'), shall be created in the Treasury of the United States. The Maintenance Fund shall be administered by the Administrator of the Western Area Power Administration for use by the Commissioner of the United States Section of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams.

"(b) All revenues collected in connection with the disposition of electric power generated at the Falcon and Amistad Dams, except those revenues paid pursuant to subsection (d) to the general fund of the Treasury of the United States, shall be credited to the Maintenance Fund and shall remain available until expended for defraying operation, maintenance, and emergency costs for the hydroelectric facilities at the dams.

"(c) The authority of subsection (b) may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.

"(d) Revenues in the Maintenance Fund in excess of operation, maintenance, and emergency needs shall be paid annually to the general fund of the Treasury of the United States to return the costs of replacements and the original investments, with interest.

"(e) All moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with Article 19 of the said Treaty shall be credited to the General Fund of the Treasury of the United States.".

SEC. 424. UNITED STATES MEMBERSHIP IN THE ASIAN-PACIFIC ECONOMIC COOPERATION ORGANIZATION.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to maintain member-

ship of the United States in the Asian-Pacific Economic Cooperation (APEC).

(b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For fiscal year 1994 and for each fiscal year thereafter, the United States assessed contributions to APEC may be paid from funds appropriated for "Contributions to International Organizations".

SEC. 425. 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 (ICSG).

(b) PAYMENTS OF ASSESSED CONTRIBUTIONS.—For fiscal year 1995 and thereafter the United States assessed contributions to the ICSG may be paid from funds appropriated for "Contributions to International Organizations".

SEC. 426. EXTENSION OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 14. 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 may be extended the provisions of this title in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

SEC. 427. INTER-AMERICAN ORGANIZATIONS.

Taking into consideration the long-term commitment by the United States to the affairs of this Hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State, in allocating the level of resources for international organizations, should pay particular attention to funding levels of the Inter-American organizations.

SEC. 428. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL COFFEE ORGANIZATION.

None of the funds authorized to be appropriated by this Act may be used to fund any United States contribution to the International Coffee Organization.

SEC. 429. PROHIBITION ON CONTRIBUTIONS TO THE INTERNATIONAL JUTE ORGANIZATION.

None of the funds authorized to be appropriated by this Act may be used to fund any United States contribution to the International Jute Organization.

SEC. 430. MIGRATION AND REFUGEE AMENDMENTS.

(a) MIGRATION AND REFUGEE ASSISTANCE ACT AMENDMENTS.—The Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) is amended—

(1) in section 2 by striking "the Intergovernmental Committee for European Migration" and inserting "the International Organization for Migration" each place it appears;

(2) in section 2(a) by striking "the Committee" and inserting "the Organization" each place it appears;

(3) in the first sentence of section 2(a) by inserting before the period ", as amended in Geneva, Switzerland, on May 20, 1987"; and

(4) in section 2(c)(2), by striking "$50,000,000" and inserting "$100,000,000".

(b) PUBLIC LAW 100-209.—Section 745 of Public Law 100-204 (22 U.S.C. 2601 note) is repealed.

SEC. 431. WITHHOLDING OF UNITED STATES CONTRIBUTIONS FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.

(a) WITHHOLDING OF UNITED STATES CONTRIBUTIONS FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.—Section 307 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by striking "the South-West Africa People's Organization" and inserting "Burma, Iraq, North Korea, Syria"; and

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

"(c) The limitations of subsection (a) shall not apply to contributions to the International Atomic Energy Agency or the United Nations Children's Fund (UNICEF).".

(b) UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) 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.

(2) Of the funds made available for United Nations Development Program and United Nations Development Program—Administered Funds for fiscal year 1994, $11,000,000 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 enjoyment of internationally guaranteed human rights in Burma and do not benefit the State Law and Order Restoration Council (SLORC) military regime.

(3) Of the funds made available for United Nations Development Program and United Nations Development Program—Administered Funds for fiscal year 1995, $27,600,000 may be available only if the President certifies to the Congress that—

(A) the United Nations Development Program has approved or initiated no new programs and no new funding for existing programs in or for Burma since the United Nations Development Program Governing Council (Executive Board) meeting of June 1993,

(B) such programs address unforeseen urgent humanitarian concerns, or

(C) a democratically elected government in Burma has agreed to such programs.

TITLE V—FOREIGN POLICY

PART A—GENERAL PROVISIONS

SEC. 501. UNITED STATES POLICY CONCERNING OVERSEAS ASSISTANCE TO REFUGEES AND DISPLACED PERSONS.

(a) STANDARDS FOR REFUGEE WOMEN AND CHILDREN.—The United States Government, in providing for 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 world's refugee population. As called for in the 1991 United Nations High Commissioner for Refugees (UNHCR) "Guidelines on the Protection of Refugee Women," whether directly, or through 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 personnel;

(3) the protection of refugee women and children from violence and other abuses on the part of governments or insurgent groups;

(4) full involvement of women refugees in the planning and implementation of (A) the delivery of services and assistance, and (B) the repatriation process;

(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 services, grievance processes, and protective services to victims of violence and abuse, 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 access for girls, and special services and family tracing for unaccompanied refugee minors;

(9) the collection of data that clearly enumerate age 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, should support the protection efforts set forth under this section by raising at the highest levels of government the issue of abuses against refugee women and children by governments or insurgent groups that engage in, permit, or condone—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to 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; or

(4) continuing violations of the integrity of the person against refugee women and children on the part of armed insurgents, local security forces, or camp guards.

(d) INVESTIGATION OF REPORTS.—Upon receipt of credible reports of abuses under subsection (c), the Secretary of State should immediately investigate such reports through emergency fact-finding missions or other means of investigating such reports and help identify appropriate remedial measures.

(e) MULTILATERAL IMPLEMENTATION OF THE 1991 UNHCR "GUIDELINES ON THE PROTECTION OF REFUGEE WOMEN.—The Secretary of State should work to ensure that multilateral organizations fully incorporate the needs of refugee women and children into all elements of refugee assistance programs and work to encourage other governments that provide refugee assistance to adopt refugee assistance policies designed to encourage full implementation of the 1991 UNHCR's "Guidelines on the Protection of Refugee Women".

SEC. 502. INTERPARLIAMENTARY EXCHANGES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 2 of Public Law 86–420 is amended—

(A) by striking "$100,000" and inserting "$80,000"; and

(B) by striking "$50,000" both places it appears and inserting "$40,000".

(2) Section 2 of Public Law 86–42 is amended—

(A) by striking "$50,000" and inserting "$70,000"; and

(B) by striking "$25,000" both places it appears and inserting "$35,000".

(b) DEPOSIT OF FUNDS IN INTEREST-BEARING ACCOUNTS.—Funds appropriated and disbursed pursuant to section 303 of Title III of Public Law 100–202 (101 Stat. 1329–23; 22 U.S.C. 276 note) are authorized to be deposited in interest-bearing accounts and any interest which accrues shall be deposited, periodically, in a miscellaneous account of the Treasury.

SEC. 503. 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).

(2) 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 increased respect internationally for the rights to food and to medical care in accordance with paragraph (1).

(b) 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. 504. TRANSPARENCY IN ARMAMENTS.

It is the sense of the Congress that—

(1) no sale of any defense article or defense service should be made, no license should be issued for the export of any defense article or defense service, and no agreement to transfer in any way any defense article or defense service should be made to any nation that does not fully furnish all pertinent data to the United Nations Register of Conventional Arms pursuant to United Nations General Assembly Resolution 46/36L by the reporting date specified by such register;

(2) if a nation 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 at the next reporting date, an agreement may be negotiated with the nation or a license may be issued, but the actual delivery of such defense article or service should not occur until that nation submits such information; and

(3) the President should seek to restart the United Nations Security Council "Perm-5" talks and should report to the Congress on the progress of such talks and the effects of United States agreements since October 1991 to sell arms to the developing world.

SEC. 505. SENSE OF THE SENATE CONCERNING INSPECTOR GENERAL ACT.

It is the sense of the Senate that—

(1) there is a growing concern among some of the Members of this body that the unlimited terms of Office of Inspectors General in Federal agencies may be undesirable, therefore

(2) 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.

SEC. 506. TORTURE CONVENTION IMPLEMENTATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"SEC. 2340. DEFINITIONS.

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person with custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"SEC. 2340A. TORTURE.

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

"SEC. 2340B. EXCLUSIVE REMEDIES.

"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 be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture ..... 2340.".

(c) EFFECTIVE DATE.—The amendments made 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 IRAQ.

(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 all Iraqi Kurdish and other minorities pursuant to Security Council Resolution 688;

(B) to maintain the United Nations embargo on the Iraqi regime until Iraq complies with all relevant Security Council resolutions;

(C) to consider lifting selectively the United Nations embargo on the areas under the administration of the democratically-elected leadership of Iraqi Kurdistan, subject to the verifiable conditions that—

(i) the inhabitants of such areas do not conduct trade with the Iraqi regime, and

(ii) the partial lifting of the embargo will not materially assist the Iraqi regime;

(D) to consider extending international protection, including the establishment of a safe haven, to the marsh Arabs in southern Iraq; and

(E) to pursue international judgments against Iraqi officials responsible for war crimes and crimes against humanity, based upon documentary evidence obtained from Iraqi and other sources;

(2) continue to advocate the maintenance of Iraq's territorial integrity and the transition to a unified, democratic Iraq;

(3) take steps to encourage the provision of humanitarian assistance for the people fleeing from the marshes in southern Iraq;

(4) design a multilateral assistance program for the people of Iraqi Kurdistan to support their drive for self-sufficiency; and

(5) take steps to intensify discussions with the Government of Turkey, whose support and cooperation in the protection of the people of Iraqi Kurdistan is critical, to ensure that the stability of both Turkey and the entire region are enhanced by the measures taken under this section.

SEC. 508. HIGH-LEVEL VISITS TO TAIWAN.

It is the sense of the Congress that—

(1) the President should be commended for meeting with Taiwan's Minister of Economic Affairs during the Asia-Pacific Economic Cooperation Conference in Seattle;

(2) the President should send Cabinet-level appointees to Taiwan to promote United States interests and to ensure the continued success of United States business in Taiwan; and

(3) in addition to Cabinet-level visits, the President should take steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations of which the United States is a member.

SEC. 509. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) AUTHORITY.—(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), 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, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) CONCESSIONS.—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

SEC. 510. EXTENSION OF THE FAIR TRADE IN AUTO PARTS ACT OF 1988.

(a) IN GENERAL.—Section 2125 of the Fair Trade in Auto Parts Act of 1988 (15 U.S.C. 4704) is amended by striking "1993" and inserting "1998".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on December 30, 1993.

SEC. 511. REPORT ON THE USE OF FOREIGN FROZEN OR BLOCKED 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—

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

(A) in subsection (b)(3), by striking "1993 and 1994" and inserting "1993, 1994, 1995, and 1996"; and

(B) in subsection (e), by striking out "October 1, 1994" each place it appears and inserting in lieu thereof "October 1, 1996"; and

(2) in section 599E (8 U.S.C. 1255 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 TREATMENT.

(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 China, the Secretary of State shall not recommend extension unless the Secretary determines that—

(A) extension will substantially promote the freedom of emigration objectives of section 402 of the Trade Act of 1974; 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 their political and 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 broadcasts into 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 Nonproliferation Treaty, the Missile Technology Control Regime guidelines and parameters, and other nonproliferation commitments.

(5) The Chinese government should cooperate 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 between the Secretary of State and the Chinese Foreign Minister, including a meeting in Seattle between the President and the President of China, meetings in Beijing with the Secretary of the Treasury, the Assistant Secretary for Human Rights and others, a recent meeting in Paris between the Secretary of State and the Chinese Foreign Minister, and recent meetings in Washington with several Under Secretaries and their Chinese counterparts.

(7) The President's efforts have led to some recent progress on some issues of concern to the United States.

(8) Notwithstanding this, substantially more progress is needed to meet the standards in the President's 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 critics and failed 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, in particular more high-level exchanges with the Chinese government, to press for further concrete progress toward meeting the standards for continuation of MFN status as contained in the Executive Order.

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 the progress made by former members of the Warsaw Treaty Organization in meeting the criteria for full membership articulated in Article 10 of the North Atlantic Treaty, wherein any other European state may, by unanimous agreement, be invited to accede to the North Atlantic Treaty if it is in a position to further the principles of the Treaty and to contribute to the security of the North Atlantic area.

(b) AUTHORITY OF THE PRESIDENT.—The President is authorized to confer, pursuant to agreement with any country eligible to participate in the Partnership for Peace, rights in respect of the military and related civilian personnel (including dependents of any such personnel) and activities of that country in the United States comparable to the rights conferred by that country in respect of the military and related civilian personnel (including dependents of any such personnel) and activities of the United States in that country.

SEC. 515. POLICY TOWARD THAILAND, CAMBODIA, LAOS, AND BURMA.

It is the sense of the 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 to be commended for Thailand's return 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 the United Nations and other international gatherings;

(6) the President of the United States should urge the Government of Thailand to prosecute, with the full force of law, those 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 Burmese women in Thailand and prevent their further victimization; and

(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 repatriations.

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 and to 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 carrying out such acts is often impeded by political and legal obstacles such as amnesties, disputes over extradition, differences in the structure and capabilities of national courts, and the lack of uniform guidelines under which to try such individuals.

(4) 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, called on the International Law Commission to study the feasibility of an international criminal court.

(7) In the years after passage of that resolution the International Law Commission has taken a number of steps to advance the debate over such a court, including—

(A) the provisional adoption of a draft Code of Crimes Against the Peace and Security of Mankind;

(B) the creation of a Working Group on an International Criminal Jurisdiction and the formulation by that Working Group of several concrete proposals for the establishment and operation of an international criminal court; and

(C) the determination that an international criminal court along the lines of that suggested by the Working Group is feasible and that the logical next step would be to proceed with the formal drafting of a statute for such a court.

(8) United Nations General Assembly Resolution 47/33, adopted on November 25, 1992, called on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session.

(9) Given the developments of recent years, the time is propitious for the United States to lend its support to this effort.

(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 a court would thereby serve the interests of the United States and the world community; and

(3) the United States delegation should make every effort to advance this proposal at the United Nations.

(c) REQUIRED REPORT.—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 efforts in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character.

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 which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation Organization, or citizens, nationals or residents of any country listed by the Secretary of State under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgement on American citizens.

SEC. 519. PROTECTION OF FIRST AND FOURTH AMENDMENT RIGHTS.

The United States Senate will not consent to the ratification of any Treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international character 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 Amendments of the Constitution of the United States, as interpreted by 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 to export or otherwise transfer 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 embargo on all deliveries of weapons and military equipment to Yugoslavia.

(3) The United States considered the policy adopted July 10, 1991, to comply fully with Resolution 713 and therefore took no additional action in response to that resolution.

(4) On January 8, 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.

(5) On February 29 and March 1, 1992, the people of Bosnia and Herzegovina voted in a referendum to declare independence from Yugoslavia.

(6) On April 7, 1992, the United States recognized the Government of Bosnia and Herzegovina.

(7) On May 22, 1992, the Government of Bosnia and Herzegovina was admitted to full membership in the United Nations.

(8) Consistent with Resolution 727, the United States has continued to apply the policy adopted July 10, 1991, to independent states that have emerged on the territory of the former Yugoslavia, including Bosnia and Herzegovina.

(9) Subsequent to the adoption of Resolution 727 and Bosnia and Herzegovina's independence referendum, the siege of Sarajevo began and fighting spread to other areas of Bosnia and Herzegovina.

(10) The Government of Serbia intervened directly in the fighting by providing significant military, financial, and political support and direction to Serbian-allied irregular forces in Bosnia and Herzegovina.

(11) In statements dated May 1 and May 12, 1992, the Conference on Security and Cooperation in Europe declared that the Government of Serbia and the Serbian-controlled Yugoslav National Army were committing aggression against the Government of Bosnia and Herzegovina and assigned to them prime responsibility for the escalation of bloodshed and destruction.

(12) On May 30, 1992, the United Nations Security Council adopted Resolution 757, which condemned the Government of Serbia for its continued failure to respect the territorial integrity of Bosnia and Herzegovina.

(13) Serbian-allied irregular forces have occupied approximately 70 percent of the territory of Bosnia and Herzegovina, committed gross violations of human rights in the areas they have occupied, and established a secessionist government committed to eventual unification with Serbia.

(14) The military and other support and direction provided to Serbian-allied irregular forces in Bosnia and Herzegovina constitutes an armed attack on the Government of Bosnia and Herzegovina by the Government of Serbia within the meaning of Article 51 of the United Nations Charter.

(15) Under Article 51, the Government of Bosnia and Herzegovina, as a member of the United Nations, has an inherent right of individual or collective self-defense against the armed attack from the Government of Serbia until the United Nations Security Council has taken measures necessary to maintain international peace and security.

(16) The measures taken by the United Nations Security Council in response to the armed attack on Bosnia and Herzegovina have not been adequate to maintain international peace and security.

(17) Bosnia and Herzegovina has been unable successfully to resist the armed attack from Serbia because it lacks the means to counter heavy weaponry that Serbia obtained from the Yugoslav National Army upon the dissolution of Yugoslavia, and because the mandatory international arms embargo has prevented Bosnia and Herzegovina from obtaining from other countries the means to counter such heavy weaponry.

(18) On December 18, 1992, with the affirmative vote of the United States, the United Nations General Assembly adopted Resolution 47/121, which urged the United Nations Security Council to exempt Bosnia and Herzegovina from the mandatory arms embargo imposed by Resolution 713.

(19) In the absence of adequate measures to maintain international peace and security, continued application to the Government of Bosnia and Herzegovina of the mandatory international arms embargo imposed by the United Nations Security Council prior to the armed attack on Bosnia and Herzegovina undermines that government's right of individual or collective self-defense and therefore contravenes Article 51 of the United Nations Charter.

(20) Bosnia and Herzegovina's right of self-defense under Article 51 of the United Nations Charter includes the right to ask for military assistance from other countries and to receive such assistance if offered.

(b) POLICY ON TERMINATION OF ARMS EMBARGO.—(1) It is 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 that government 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 of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) 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 the 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. 521. 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;

(2) cooperation by the Government of Vietnam on 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;

(3) substantial and tangible progress has been made in the POW/MIA accounting process;

(4) cooperative efforts between the United States and Vietnam should continue in order to resolve all outstanding questions concerning the fate of Americans missing-in-action;

(5) United States senior military commanders and United States personnel working in the field to account for United States POW/MIAs in Vietnam believe that lifting the United States trade embargo against Vietnam will facilitate and accelerate the accounting efforts;

(6) therefore, in order to maintain and expand further United States and Vietnamese efforts to obtain the fullest possible accounting, the President should lift the United States trade embargo against Vietnam expeditiously; and

(7) moveover, as the United States and Vietnam move toward normalization of relations, the Government of Vietnam should demonstrate further improvements in meeting internationally recognized standards of human rights.

SEC. 522. REPORT ON SANCTIONS ON VIETNAM.

Not later than 30 days after the date of enactment of this Act, the President shall submit a report, taking into account information available to the United States Government, to the Senate and the House of Representatives on achieving the fullest possible accounting of United States personnel unaccounted for from the Vietnam War, including—

(1) progress on recovering and repatriating American remains from Vietnam;

(2) progress on resolution of discrepancy cases;

(3) the status of Vietnamese cooperation in implementing trilateral investigations with Laos; and

(4) progress on accelerated efforts to obtain all POW/MIA related documents from Vietnam.

SEC. 523. REPORT ON PEOPLE'S MUJAHEDDIN OF IRAN.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing the structure, current activities, external support, and history of the People's Mujaheddin of Iran. Such report shall include information on any current direct or indirect support by the People's Mujaheddin for acts of international terrorism.

(b) CONSULTATION.—In compiling the report required under subsection (a), the President shall consult with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Transportation, the intelligence community, and such law enforcement agencies as may be appropriate.

(c) CLASSIFICATION.—The President should, to the maximum extent possible, submit the report required under subsection (a) in an unclassified form.

SEC. 524. AMENDMENTS TO THE PLO COMMITMENTS COMPLIANCE ACT.

The PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246) is amended—

(1) in section 804(b), by striking "Beginning 30 days after the date of enactment of this Act, and every 120 days thereafter in which the dialogue between the United States and the PLO has not been discontinued", and inserting "In conjunction with each written policy justification required under section (3)(b)(1) of the Middle East Peace Facilitation Act of 1994 or every 180 days,";

(2) in section 804(b)(1), by striking "regarding the cessation of terrorism and recognition of Israel's right to exist" and inserting "and each of the commitments described in section (4)(A) of the Middle East Peace Facilitation Act of 1994 (Oslo commitments)";

(3) in section 804(b)(2), by inserting "and Oslo" after "Geneva";

(4) in section 802(8), by inserting "and on September 9, 1993" after "1988";

(5) in section 802, by redesignating paragraph (8) as paragraph (10);

(6) by striking "and" at the end of section 802(7); and

(7) by inserting after section 802(7) the following:

"(8) the President, following an attempted terrorist attack upon a Tel Aviv beach on May 30, 1990, suspended the United States dialogue with the PLO;

"(9) the President resumed the United States dialogue with the PLO in response to the commitments made by the PLO in letters to the Prime Minister of Israel and the Foreign Minister of Norway of September 9, 1993; and".

SEC. 525. FREE TRADE IN IDEAS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should not restrict travel or exchanges for informational, educational, religious, cultural, or humanitarian purposes or for public performances or exhibitions, between the United States and any other country.

(b) AMENDMENTS TO TRADING WITH THE ENEMY ACT.—(1) Section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)) is amended to read as follows:

"(4) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section 6 of that Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code.".

(2) The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act, do not include the authority to regulate or prohibit, directly or indirectly, any activity which, under section 5(b)(4) of the Trading With the Enemy Act, as amended by paragraph (1) of this subsection, may not be regulated or prohibited.

(c) AMENDMENTS TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended by striking paragraph (3) and inserting the following new paragraphs:

"(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code; or

"(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.".

(2) The amendments made by paragraph (1) to section 203(b)(3) of the International Emergency Economic Powers Act apply to actions taken by the President under section 203 of such Act before the date of enactment of this Act which are in effect on such date and to actions taken under such section on or after such date.

(3) Section 203(b)(4) of the International Emergency Economic Powers Act (as added

by paragraph (1)) shall not apply to restrictions on the transactions and activities described in section 2C3(b)(4) in force on the date of enactment of this Act, with respect to countries embargoed under the International Emergency Economic Powers Act on the date of enactment of this Act.

SEC. 526. EMBARGO AGAINST CUBA.

It is the sense of the Congress that the President should advocate and seek a mandatory international United Nations Security Council embargo against the dictatorship of Cuba.

SEC. 527. EXPROPRIATION OF UNITED STATES PROPERTY.

(a) PROHIBITION.—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 government or any agency or instrumentality thereof, if the government of such country (other than a country described if subsection (d))—

(1) has on or after January 1, 1956—

(A) nationalized or expropriated the property of any United States person,

(B) repudiated or nullified any contract with any United States person, or

(C) taken any other action (such as the imposition of discriminatory taxes or other exactions) which has the effect of seizing ownership or control of the property of any United States person, and

(2) has not, within the period specified in subsection (c), either—

(A) returned the property,

(B) provided adequate and effective compensation for such property in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value thereof, as required by international law,

(C) offered a domestic procedure providing prompt, adequate and effective compensation in accordance with international law, or

(D) submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes or other mutually agreeable binding international arbitration procedure.

(b) OTHER ACTIONS.—The President shall instruct the United States Executive Directors of each multilateral development bank and international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of any country to which assistance is prohibited under subsection (a), unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of that country.

(c) PERIOD FOR SETTLEMENT OF CLAIMS.—The period of time described in subsection (a)(2) 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 totalitarian or authoritarian government at the time of the action described in subsection (a)(1), 3 years after the date of installation of a democratically elected government, or

(3) 90 days after the date of enactment of this Act.

(d) EXCEPTED COUNTRIES AND TERRITORIES.—This section shall not apply to any country established by international mandate through the United Nations or to any territory recognized by the United States Government to be in dispute.

(e) RESUMPTION OF ASSISTANCE.—A prohibition or termination of assistance under subsection (a) and an instruction to vote against loans under subsection (b) shall cease to be effective when the President certifies in writing to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate that such government has taken one of the steps described in subsection (a)(2).

(f) REPORTING REQUIREMENT.—Not later than 90 days after the date of 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 Representatives and 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) The period of time in which each such claim has been outstanding.

(4) The status of each case and efforts made by the United States Government and the government of the country in which such claim has been made, to take one or more of the steps described in subsection (a)(2).

(5) Each project a United States Executive Director voted against as a result of the action described in subsection (b).

(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 interest to do so.

(h) DEFINITIONS.—For purpose of this section, the term "United States person" means a United States citizen or corporation, partnership, or association at least 50 percent beneficially owned by United States citizens.

SEC. 528. REPORT ON RUSSIAN MILITARY OPERATIONS 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 required 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 a summary of their operations and activities since the demise of the Soviet Union in December 1991;

(2) a detailed assessment of the involvement of Russian armed forces in conflicts in or involving Armenia, Azerbaijan, Georgia, Moldova, and Tajikistan, including support provided directly or indirectly to one or more parties to these conflicts;

(3) an assessment of the political and military objectives of the operations and activities discussed in paragraphs (1) and (2) and of the strategic objectives of the Russian Federation in its relations with the other independent states of the former Soviet Union and the Baltic States;

(4) an assessment of other significant actions, including political and economic, taken by the Russian Federation to influence the other independent states of the former Soviet Union and the Baltic States in pursuit of its strategic objectives; and

(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 other independent states of the former Soviet Union and the Baltic States.

(c) DEFINITIONS.—For the purposes of this section—

(1) "the other independent states of the former Soviet Union" means Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; and

(2) "the Baltic States" means Latvia, Lithuania, and Estonia.

SEC. 529. UNITED STATES POLICY ON NORTH KOREA.

It is the sense of the Congress that:

(1) It is in the United States national security interest to curtail 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 currently faces.

(3) North Korea's development of other weapons of mass destruction and of ballistic missiles further threatens United States national security interests and regional security.

(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 remain vigilant and maintain a robust defense posture.

(6) While diplomacy is the preferable method of dealing with the North Korean nuclear challenge, all options, including the appropriate use of force, remain available.

(7) In fashioning an appropriate policy for dealing with the challenge presented by North Korea's nuclear program, the Administration 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 Nations Security Council.

(8) United States policy should support the efforts of the International Atomic Energy Agency (IAEA), as the international community's designated body for verifying compliance with the Nuclear Nonproliferation Treaty, to perform inspections of North Korea'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 plutonium reprocessing facilities, and to negotiate the establishment of a nuclear inspection system.

(B) The nuclear safeguards agreement North Korea signed with the IAEA on January 30, 1992.

(C) The agreement on IAEA inspections North Korea accepted on February 15, 1994.

(10) Unless North Korea unequivocally adheres to the Nuclear Nonproliferation Treaty and abides by all provisions of that treaty, the President should seek international consensus to isolate North Korea, including the imposition of sanctions, in an effort to persuade Pyongyang to halt its nuclear weapons program and permit IAEA inspections of all its nuclear facilities.

(11) Recognizing that within the international community China has significant

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 support for international sanctions should such sanctions be proposed and/or adopted, will inevitably be a significant factor in United States-China relations.

(12) If unable to achieve an international consensus to isolate North Korea, the President should employ all unilateral means of leverage over 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 North Korean 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 holding of Team Spirit or other joint military exercises, the deployment of Patriot missiles to South Korea, and other appropriate measures.

(15) The problem posed by North Korea's nuclear program is not a bilateral problem between the United States and North Korea, but a problem in which virtually the entire global community is united against North Korea.

(16) The international community must insist upon full compliance by North Korea with all its nonproliferation commitments including acceptance of regular and ad hoc inspections of its declared nuclear facilities on a continuing basis, as well as special inspections of all suspected nuclear sites as the IAEA deems appropriate.

(17) International concerns about North Korea's nuclear intentions 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 fullscope safeguards, and North Korea adheres unequivocally to the Nuclear Nonproliferation Treaty as well as to its 1991 denuclearization agreement with South Korea.

(18) The Administration should work to encourage a productive dialogue between North and South Korea that adequately addresses 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 would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) PROHIBITION.—Notwithstanding any other provision of law, no United States assistance under the Foreign Assistance Act of 1961 shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after the date of enactment of the Nuclear Non-Proliferation Act of 1978.

(c) 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 jeopardize 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 take primacy over statements of United States policy, including communiques, regulations, directives, and policies based thereon.

(3) In assessing the extent to which the People's Republic of China is pursuing its "fundamental policy" to strive peacefully 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 changes in 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 any action, past or future, by the 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 flights conducted prior to entry into force of the treaty, shall be exempt from disclosure under the Freedom of Information Act—

(1) if the country has not disclosed the data to the public; and

(2) if the country has not, acting through the Open Skies Consultative 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) DEFINITIONS.—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 Affairs of the House of Representatives on a streamlined, cost-effective organization of United States democracy assistance. The report shall include a review of all activities funded by the United States Government, including those funded through the National Endowment for Democracy, the United States Information Agency, and the Agency for International Development.

(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 overhead involved in the delivery of democracy assistance.

(4) Recommendations for coordinating programs, policies, and priorities to enhance the 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 and 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 under international law and that its true representatives are the Dalai Lama and the Tibetan Government in exile—

(1) it is the sense of the Congress that the United States should seek 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.

(b) SEPARATE TIBET REPORTS.—

(1) It is the sense of the Congress that whenever a report is transmitted to the Congress on a country-by-country basis there should be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

(2) The reports referred to in paragraph (1) include, but are not limited to, reports transmitted under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights).

PART B—SPOILS OF WAR ACT

SEC. 551. SHORT TITLE.

This part may be cited as the "Spoils of War Act of 1994".

SEC. 552. TRANSFERS OF SPOILS OF WAR.

(a) ELIGIBILITY FOR TRANSFER.—Spoils of war in the possession, custody, or control of the United States may be transferred to any other party, including any government, group, or person, by sale, grant, loan or in any other manner, only to the extent and in the same manner that property of the same type, if otherwise owned by the United States, may be so transferred.

(b) TERMS AND CONDITIONS.—Any transfer pursuant to subsection (a) shall be subject to all of the terms, conditions, and requirements applicable to the transfer of property of the same type otherwise owned by the United States.

SEC. 553. PROHIBITION ON TRANSFERS TO COUNTRIES WHICH SUPPORT TERRORISM.

Spoils of war in the possession, custody, or control of the United States may not be transferred to any country determined by the Secretary of State, for purposes of section 40 of the Arms Export Control Act, to be a nation whose government has repeatedly provided support for acts of international terrorism.

SEC. 554. REPORT ON PREVIOUS TRANSFERS.

Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report describing any spoils of war obtained subsequent to August 2, 1990 that were transferred to any party, including any government, group, or person, before the date of enactment of this Act. Such report shall be submitted in unclassified form to the extent possible.

SEC. 555. DEFINITIONS.

As used in this part—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives;

(2) the term "enemy" means any country, government, group, or person that has been engaged in hostilities, whether or not lawfully authorized, with the United States;

(3) the term "person" means—

(A) any natural person;

(B) any corporation, partnership, or other legal entity; and

(C) any organization, association, or group; and

(4) the term "spoils of war" means enemy movable property lawfully captured, seized, confiscated, or found which has become United States property in accordance with the laws of war.

SEC. 556. CONSTRUCTION.

Nothing in this part shall apply to—

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to 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;

(2) the abandonment or return of any property obtained, borrowed, or requisitioned for temporary use during military operations without intent to retain possession of such property;

(3) the destruction 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 individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

PART C—ANTI-ECONOMIC DISCRIMINATION ACT

SEC. 561. SHORT TITLE.

This part may be cited as the "Anti-Economic Discrimination Act of 1994".

SEC. 562. ISRAEL'S DIPLOMATIC STATUS.

It is the sense of the Congress that the Secretary of State should make the issue of Israel's diplomatic status a priority and urge countries that receive United States assistance to immediately establish full diplomatic relations with the state of Israel.

SEC. 563. POLICY ON MIDDLE EAST ARMS SALES.

(a) BOYCOTT OF ISRAEL.—Section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended—

(1) in paragraph (2), by striking "and" at the end; and

(2) in paragraph (3)—

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

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

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

"(C) does not participate in the Arab League primary or secondary boycott of Israel.".

(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 goals of section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 are being met.

SEC. 564. PROHIBITION ON CERTAIN SALES AND LEASES.

(a) PROHIBITION.—No defense article or defense service may be sold or leased by the United States Government to any country or international organization that, as a matter of policy or practice, is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the Arab League primary or secondary boycott of Israel, unless the President determines, and so certifies to the appropriate congressional committees, that that country or organization does not currently maintain a policy or practice of making such requests or solicitations.

(b) WAIVER.—

(1) 1-YEAR WAIVER.—On or after the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the appropriate congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) EXTENSION OF WAIVER.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, upon notification of the appropriate congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) TERMINATION OF WAIVER.—The President may, at any time, terminate any waiver granted under this subsection.

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

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the terms "defense article" and "defense service" have the meanings given to such terms by paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SEC. 565. PROHIBITION ON DISCRIMINATORY CONTRACTS.

(a) PROHIBITION.—

(1) Except for real estate leases and as provided in subsection (b), the Department of State may not enter into any contract that expends funds appropriated to the Department of State for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))—

(A) with a foreign person that complies with the Arab League boycott of Israel, or

(B) with any foreign or United States person that discriminates in the award of subcontracts on the basis of religion.

(2) For purposes of this section—

(A) a foreign person complies with the boycott of Israel by Arab League countries when that foreign person takes or knowingly agrees to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking, except that for purposes of this paragraph, the term "United States person" as used in subparagraphs (B) and (C) of section 8(a)(1) of such Act shall be deemed to mean "person"; and

(B) 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. 2415).

(3) For purposes of paragraph (1), a foreign person shall be deemed not to comply with the boycott of Israel by Arab League countries if that person, or the Secretary of State or his designee on the basis of available information, certifies that the person violates or otherwise does not 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. Each such certification shall include a detailed justification for the waiver with respect to each such country.

(c) RESPONSES TO CONTRACT SOLICITATIONS.—(1) Except as provided in paragraph (2) of this subsection, the Secretary of State shall ensure that any response to a solicitation for a bid or a request for a proposal, with respect to a contract covered by subsection (a), includes the following clause, in substantially the following form:

"ARAB LEAGUE BOYCOTT OF ISRAEL

"(a) DEFINITIONS.—As used in this clause—

"(1) the term 'foreign person' means any person other than a United States person as defined in paragraph (2); and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

"(b) CERTIFICATION.—By submitting this offer, the Offeror certifies that it is not—

"(1) taking or knowingly agreeing to take any action, with respect to the boycott of Israel by Arab League countries, which section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)) prohibits a United States person from taking; or

"(2) discriminating in the award of subcontracts on the basis of religion.".

(2) An Offeror would not be required to include the certification required by paragraph (1), if the Offeror is deemed not to comply with the Arab League boycott of Israel by the Secretary of State or a designee on the basis of available information. Certification by the Secretary of State or a 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.

(3) The Secretary of State shall ensure that all State Department contract solicitations include a detailed explanation of the requirements of section 8(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2407(a)).

(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 as required by this section, filed 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 of the certification has been found, all contracts with such violator shall be terminated for default as soon as practicable, and, for a period of two years thereafter, the State Department shall not enter into any contracts with such a 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 application of this section to the United States Information Agency, the Director of the United States Information Agency or a designee shall have the authorities and responsibilities of the Secretary of State.

PART D—THE CAMBODIAN GENOCIDE JUSTICE ACT

SEC. 571. SHORT TITLE.

This part may be cited 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 members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.

(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 which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and

(3) as necessary, 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 available for obligation or expenditure 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 may carry out its 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 between April 17, 1975, and January 7, 1979, including—

(1) to investigate crimes against humanity committed by national Khmer Rouge leaders during that period;

(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

(3) to submit the relevant data to a national or international penal tribunal that may be convened to formally hear and judge 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) CONTRACTING AUTHORITY.—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 Committee 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 the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all Palestine Liberation Organization elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(3) Israel 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 has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(5) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President has requested flexibility to suspend certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 583. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.

(a) IN GENERAL.—Subject to subsection (b), beginning July 1, 1994, the President may suspend for a period of not more than 6 months any provision of law specified in subsection (c). The President may continue the suspension for a period or periods of not more than 6 months until July 1, 1995, if, before each such period, the President satisfies the requirements of subsection (b). Any suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATION.—Prior to each exercise of the authority provided in subsection (a), the President shall consult with the relevant congressional committees. The President may not exercise that authority until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—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—

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

(B) the Palestine Liberation Organization continues to abide by all the commitments described in paragraph (4).

(3) REQUIREMENT FOR CONTINUING 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).

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

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

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

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

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

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

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

(B) in, and resulting from, the good faith implementation of, the Declaration of Principles on Interim Self-Government Arrangements signed on September 13, 1993.

(5) EXPECTATION OF CONGRESS REGARDING ANY EXTENSION OF PRESIDENTIAL AUTHORITY.—The Congress expects that any extension of the authority provided to the President in subsection (a) will be conditional on the Palestine Liberation Organization—

(A) renouncing 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.

(6) REPORTING REQUIREMENT.—As part of the President's written policy justification referred to in paragraph (1), the President will report on the PLO's response to individual acts of terrorism and violence, as well as its actions concerning the Arab League boycott of Israel as enumerated in paragraph (5) and on the status of the PLO office in the United States as enumerated in subsection (c)(3).

(c) PROVISIONS THAT MAY BE SUSPENDED.—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. 2227) 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. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

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

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

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

(1) the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

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

TITLE VI—PEACE CORPS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $219,745,000 for the fiscal year 1994 and $234,745,000 for the fiscal year 1995 to carry out the Peace Corps Act.

(b) AVAILABILITY OF FUNDS.—Funds made available to the Peace Corps pursuant to the authorization under subsection (a) shall be available for the fiscal year for which appropriated and the subsequent fiscal year.

SEC. 602. AMENDMENTS TO THE PEACE CORPS ACT.

(a) EXTENSION OF CONTRACTING AUTHORITY.—Section 10(c) of the Peace Corps Act (22 U.S.C. 2509(c)) is amended by striking "thirty six months" and inserting "five years".

(b) LIABILITY INSURANCE FOR MEDICAL SERVICES PERSONNEL.—Section 10(j) of the Peace Corps Act (22 U.S.C. 2509(j)) is amended by inserting before the period at the end of the first sentence ", and to individuals employed under personal services contracts to furnish medical services abroad pursuant to subsection (a)(5) of this section.".

TITLE VII—ARMS CONTROL

PART A—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994

SEC. 701. SHORT TITLE; REFERENCES IN PART; TABLE OF CONTENTS.

(a) SHORT TITLE.—This part may be cited as the "Arms Control and Nonproliferation Act of 1994".

(b) REFERENCES IN PART.—Except as specifically provided in this part, whenever in this part an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Arms Control and Disarmament Act.

SEC. 702. CONGRESSIONAL DECLARATIONS; PURPOSE.

(a) CONGRESSIONAL DECLARATIONS.—The Congress declares that—

(1) a fundamental goal of the United States, particularly in the wake of the highly turbulent and uncertain international situation fostered by the end of the Cold War, the disintegration of the Soviet Union and the resulting emergence of fifteen new independent states, and the revolutionary changes in Eastern Europe, is to prevent the proliferation of nuclear weapons and their means of delivery and of advanced conventional armaments, to eliminate chemical and biological weapons, and to reduce and limit the large numbers of nuclear weapons in the former Soviet Union, as well as to prevent regional conflicts and conventional arms races; and

(2) an ultimate goal of the United States continues to be a world in which the use of force is subordinated to the rule of law and international change is achieved peacefully without the danger and burden of destabilizing and costly armaments.

(b) PURPOSE.—The purpose of this part is—

(1) to strengthen the United States Arms Control and Disarmament Agency; and

(2) to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of the United States Arms Control and Disarmament Agency, and of the Agency's operating budget.

SEC. 703. PURPOSES.

Section 2 (22 U.S.C. 2551) is amended in the text following the third undesignated paragraph by striking paragraphs (a), (b), (c), and (d) and by inserting the following new paragraphs:

"(1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.

"(2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.

"(3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.

"(4) The preparation for, operation of, or, as appropriate, direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.

"(5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.".

SEC. 704. REPEALS.

The following provisions of law are hereby repealed:

(1) Subsections (b) and (c) of section 36 (22 U.S.C. 2576), relating to arms control impact information and analysis.

(2) Section 38 (22 U.S.C. 2578), relating to reports on Standing Consultative Commission activities.

(3) Section 52 (22 U.S.C. 2592), relating to reports on adherence to and compliance with agreements.

SEC. 705. DIRECTOR.

Section 22 (22 U.S.C. 2562) is amended to read as follows:

"DIRECTOR

"SEC. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, by 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 President and 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:

"BUREAUS, OFFICES, AND DIVISIONS

"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 26 (22 U.S.C. 2566) is amended to read as follows:

"SCIENTIFIC AND POLICY ADVISORY COMMITTEE

"SEC. 26. (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) One 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 41(d) of this Act.

"(d) TERMINATION.—The Committee shall terminate two years after the date of enactment of the Arms Control and Nonproliferation Act of 1994.

"(e) 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:

"PRESIDENTIAL SPECIAL REPRESENTATIVES

"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 matters. Each Presidential Special Representative shall hold the rank of ambassador. One such Representative may serve in the Agency as Chief Science Advisor. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under direction of the President and the Secretary of State, acting through the Director. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.".

(b) CONFORMING AMENDMENT.—Section 5315 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 of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency.".

SEC. 709. POLICY FORMULATION.

Section 33 (22 U.S.C. 2573) is amended to read as follows:

"POLICY FORMULATION

"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 or 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:

"NEGOTIATION MANAGEMENT

"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 participation in all international negotiations and implementation fora in the field of arms control and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States participation in international negotiations and implementation fora in the field of nonproliferation. In furtherance of these responsibilities, Special Representatives of the President appointed pursuant to section 27, shall, as directed by the President, serve as the 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.

"(b) FUNCTIONS WITH RESPECT TO THE UNITED STATES INFORMATION AGENCY.—The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.

"(c) AUTHORITY.—The Director is authorized—

"(1) for the purpose of conducting negotiations concerning arms control, nonproliferation, or disarmament or for the purpose of exercising any other authority given him by this Act—

"(A) to consult and communicate with, or to direct the consultation and communication with, representatives of other nations or of international organizations, and

"(B) to communicate in the name of the Secretary of State with diplomatic representatives of the United States in the United States or abroad;

"(2) 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; and

"(3) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.".

SEC. 711. REPORT ON MEASURES TO COORDINATE RESEARCH AND DEVELOPMENT.

Not later than December 31, 1994, the President shall submit to the Congress a report prepared by the Director of the United States Arms Control and Disarmament Agency, in coordination 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, with respect to the procedures established pursuant to section 35 of the Arms Control and Disarmament Act (22 U.S.C. 2575) for the effective coordination of research and development on arms control, nonproliferation, and disarmament among all departments and agencies of the executive branch of Government.

SEC. 712. VERIFICATION OF COMPLIANCE.

Section 37 (22 U.S.C. 2577) is amended to read as follows:

"VERIFICATION OF COMPLIANCE

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

"(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the Director as

to the degree to which the components of such agreement can be verified;

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

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

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

"(b) 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 altered so as to impede verification.

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

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

SEC. 713. NEGOTIATING RECORDS.

(a) IN GENERAL.—The Arms Control and Disarmament Act is amended by inserting after section 37 the following:

"NEGOTIATING RECORDS

"SEC. 38. (a) PREPARATION OF RECORDS.—The Director shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

"(b) NEGOTIATING 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.

"(c) PARTICIPATION OF AGENCY PERSONNEL.—In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout 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 of the Senate a detailed report describing the actions he has undertaken to implement section 38 of the Arms Control and Disarmament Act.

SEC. 714. AUTHORITIES WITH RESPECT TO NONPROLIFERATION MATTERS.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on 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.".

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended—

(A) in the second sentence, by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by inserting "(1)" immediately after "(a)";

(C) by amending clause (C) (as redesignated) to read as follows: "(C) the assessment of the Director of the United States Arms Control and Disarmament Agency as to whether, and the extent to which, such sale might 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."; and

(D) by adding at the end the following:

"(2) Any proposed sale made pursuant to this Act shall be approved only after consultation with the Director of the United States Arms Control and Disarmament Agency. The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director determines that a sale under this section would be detrimental to the national security of the United States, to recommend to the President that such sale be disapproved.".

(3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is amended by inserting ", the Director of the Arms Control and Disarmament Agency," after "the Secretary of Defense".

(4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1)) is amended by inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of Defense".

(5) Section 71(b)(2) of such Act (22 U.S.C. 2797(b)(2)) is amended—

(A) by striking "and the Secretary of Commerce" and inserting ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency"; and

(B) by inserting "or the Director" after "relevant Secretary".

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by inserting "with the Director of the United States Arms Control and Disarmament Agency," after "Director of Central Intelligence,".

(7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is amended by striking "and the Secretary of Commerce," and inserting ", the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency,".

(b) AMENDMENT TO THE NUCLEAR NON-PROLIFERATION ACT.—Section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a(c)) is amended in the second sentence by striking out ", as required,".

SEC. 715. APPOINTMENT AND COMPENSATION OF PERSONNEL.

Section 41(b) of the Arms Control and Disarmament Act (22 U.S.C. 2581(b)) is amended by striking "except that during the 2-year" and all that follows through the end thereof and inserting "except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—

"(1) any employee who is appointed under this exception is not paid at a rate—

"(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

"(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

"(2) the number of employees appointed under this exception shall not exceed 10 percent of the Agency's full-time-equivalent ceiling.".

SEC. 716. SECURITY REQUIREMENTS.

Section 45(a) (22 U.S.C. 2585) is amended in the third sentence—

(1) by inserting "or employed directly from other Government agencies" after "persons 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. 717. REPORTS.

(a) IN GENERAL.—Title IV of the Arms Control and Disarmament Act is amended—

(1) by striking sections 49 and 50;

(2) by redesignating sections 51 and 53 as sections 49 and 50, respectively; and

(3) 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 of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

"(1) a detailed statement concerning the arms control and disarmament objectives of the executive branch of Government for the forthcoming year;

"(2) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;

"(3) a detailed assessment of the status of any ongoing arms control or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

"(4) 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 an appraisal of the status and prospects for the forthcoming year;

"(5) 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 a direct bearing on questions of adherence 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

"(6) 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—

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

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

"(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems.

"(b) CLASSIFICATION 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 highlights with respect to arms transfers and proliferation trends and initiatives affecting such developments.".

(b) REPORT ON 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 that are underway to revitalize 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

"SEC. 53. (a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent 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 is 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 which are authorized by law and administered by the Agency.

"TRANSFERS 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 such purpose. 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 of funds that—

"(1) would create or eliminate a program, project, or activity;

"(2) would increase funds or personnel by any means for any program, project, or activity for which funds have been denied or restricted by the Congress;

"(3) would relocate an office or employees;

"(4) would reorganize offices, programs, projects, or activities;

"(5) would involve contracting out functions which had been performed by Federal employees; or

"(6) would involve a reprogramming in excess of $1,000,000 or 10 percent (whichever is less) and would—

"(A) augment existing programs, projects, or activities,

"(B) reduce by 10 percent or more the funding for any existing program, project, activity, or personnel approved by the Congress, or

"(C) result from any general savings from a reduction in personnel that would result in a change in existing programs, activities, or projects approved by the Congress.

"(d) LIMITATION ON END-OF-YEAR REPROGRAMMINGS.—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 for obligation or expenditure (as the case may be) unless the notification required by that paragraph was submitted before that 15-day period.".

SEC. 719. CONFORMING AMENDMENTS.

(a) Section 2 (22 U.S.C. 2551) is amended—

(1) in the second 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 28 (22 U.S.C. 2568) is amended—

(1) in the first sentence, by striking "field of arms control and disarmament" and inserting "fields of arms control, nonproliferation, and disarmament"; and

(2) in the second sentence, by inserting ", nonproliferation," after "arms control".

(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 "fields of arms control, nonproliferation, and disarmament";

(2) in the first sentence, by inserting "and nonproliferation" after disarmament; and

(3) in the fourth sentence, by inserting ", nonproliferation," after "arms control" each of the eight places it appears.

(d) Section 35 (22 U.S.C. 2575) is amended by inserting ", nonproliferation," after "arms control".

(e) Section 36 (22 U.S.C. 2576) is amended—

(1) by amending the section heading to read as follows: "ARMS CONTROL INFORMATION";

(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 of the two places it appears.

(g) Section 49 (as redesignated by section 817(a)(2)) is amended—

(1) by striking "Soviet"; 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. 2321j(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) 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, 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 country or countries to which the excess defense articles are transferred.".

(b) TRANSFERS TO COUNTRIES PARTICIPATING IN A COMPREHENSIVE NATIONAL ANTINARCOTICS PROGRAM.—Section 517(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k(f)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) 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, 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 country or countries to which the excess defense articles are transferred.".

(c) TRANSFERS TO COUNTRIES ELIGIBLE TO PARTICIPATE IN A FOREIGN MILITARY FINANCING PROGRAM.—Section 519(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m(b)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the President first considers the effects of the transfer of the excess defense articles on the national technology and industrial base, 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 country or countries to which the excess defense articles are transferred.".

(d) SALES FROM STOCK UNDER ARMS EXPORT CONTROL ACT.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(k) Before entering into the sale under this Act of defense articles that are excess to the stocks of the Department of Defense, the President shall first consider the effects of the sale of the articles on the national technology and industrial base, particularly the extent, if any, to which the sale reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the excess defense articles are sold.".

(e) LEASES UNDER ARMS EXPORT CONTROL ACT.—Section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the President first considers the effects of the lease of the articles on the national technology and industrial base, particularly the extent, if any, to which the lease reduces the opportunities of entities in the national technology and industrial base to sell new equipment to the country or countries to which the articles are leased; and"; and

(4) in the matter following paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking "paragraph (3)" each place it appears and inserting "paragraph (4)".

SEC. 732. REPORTS UNDER THE ARMS EXPORT CONTROL ACT.

(a) NUMBERED CERTIFICATIONS WITH RESPECT TO GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) by inserting after the second sentence the following new sentence: "Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification)."; and

(2) in subparagraph (C) by inserting "and a description from such contractor of any offset agreements proposed to be entered into in connection with such sale" after "sold".

(b) NUMBERED CERTIFICATIONS WITH RESPECT TO COMMERCIAL EXPORTS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended—

(1) by inserting after the first sentence the following new sentence: "Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export (if known on the date of transmittal of such certification)."; and

(2) in the third sentence by inserting "and a description from the person who has submitted the license application of any offset agreement proposed to be entered into in connection with such export (if known on the date of transmittal of such statement)" after "Secretary of Defense".

(c) DEFINITIONS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

"(e) For purposes of this section—

"(1) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense service from the supplier; and

"(2) the term 'United States person' means—

"(A) an individual who is a national or permanent resident alien of the United States; and

"(B) any corporation, business association, partnership, trust, or other juridical entity—

"(i) organized under the laws of the United States or any State, district, territory, or possession thereof; or

"(ii) owned or controlled in fact by individuals described in subparagraph (A).".

SEC. 734. PROHIBITION ON INCENTIVE PAYMENTS UNDER THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2779) is amended by inserting after section 39 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 article or defense service to a foreign country, make any incentive payments for the purpose of satisfying, 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 enforcement and imposition of civil penalties which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979 and section 12(a) of such Act, subject to the same terms and conditions as are applicable to such powers under that Act, except that notwithstanding section 11(c) of that Act, the civil penalty for each violation of this section may not exceed $500,000 or five times the amount of the prohibited incentive payment, whichever is greater.

"(d) For purposes of this section—

"(1) the term 'offset agreement' means an agreement, arrangement, or understanding between a United States supplier of defense articles or defense services and a foreign country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by other United States persons of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in that foreign country in consideration for the purchase by the foreign country of defense articles or defense services from the supplier;

"(2) the term 'incentive payments' means direct monetary compensation made by a United States supplier of defense articles or defense services or by any employee, agent or subcontractor thereof to any other United States person to induce or persuade that United States person to purchase or acquire goods or services produced, manufactured, grown, or extracted, in whole or in part, in the foreign country which is purchasing those defense articles or services from the United States supplier; and

"(3) the term 'United States person' means—

"(A) an individual who is a national or permanent resident alien of the United States; and

"(B) any corporation, business association, partnership, trust, or other juridical entity—

"(i) organized under the laws of the United States or any State, the District of Columbia, or any territory or possession of the United States; or

"(ii) owned or controlled in fact by individuals described in subparagraph (A).".

SEC. 735. MISSILE TECHNOLOGY EXPORTS TO CERTAIN MIDDLE EASTERN AND ASIAN COUNTRIES.

(a) EXPORTS BY UNITED STATES PERSONS.—Section 72 of the Arms Export Control Act (22 U.S.C. 2797a) is amended—

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

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

"(c) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to a United States person involved in the export, transfer, or trade of an item on the MTCR Annex, it should be a rebuttable presumption that such item is designed for use in a missile listed in the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

(b) EXPORTS BY FOREIGN PERSONS.—Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

"(f) PRESUMPTION.—In determining whether to apply sanctions under subsection (a) to

a foreign person involved in the export, transfer, or trade of an item on the MTCR Annex, it should be a rebuttable presumption that such item is designed for use in a missile listed in the MTCR Annex if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.".

SEC. 736. NOTIFICATION OF CONGRESS ON CERTAIN EVENTS INVOLVING THE MISSILE TECHNOLOGY CONTROL REGIME (MTCR).

(a) SALE OF DEFENSE ARTICLES OR SERVICES.—Section 36(b)(1) of the Arms Export Control Act is amended by inserting after "sensitivity of such technology." the following new sentence: "In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy.".

(b) EXPORT OF MAJOR DEFENSE EQUIPMENT.—Section 36(c)(1) of the Arms Export Control Act is amended by inserting after "in consultation with the Secretary of Defense." the following new sentence: "In a case in which such articles or services are listed on the Missile Technology Control Regime Annex and are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy.".

(c) LICENSING.—Section 71 of the Arms Export Control Act is amended by inserting after subsection (c) the following new subsection:

"(d) EXPORTS TO SPACE LAUNCH VEHICLE PROGRAMS.—Within 15 days after the issuance of a license for the export of items valued at less than $14,000,000 that are controlled under this Act pursuant to United States obligations under the Missile Technology Control Regime and intended to support the design, development, or production of a space launch vehicle system listed in Category I of the MTCR Annex, the Secretary shall transmit to the Congress a report describing the licensed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. The requirement contained in the preceding sentence shall not apply to licenses for exports to countries that were Members of the MTCR as of April 17, 1987.

(d) NOTIFICATION OF ADMITTANCE ON MTCR ADHERENTS.—The Arms Export Control Act is amended by inserting after section 73 the following new section:

"SEC. 73A. NOTIFICATION OF ADMITTANCE OF MTCR ADHERENTS.

"Following any action by the United States that results in a country becoming a MTCR adherent, the President shall transmit promptly to the Congress a report which describes the rationale for such action, together with an assessment of that country's nonproliferation policies, practices, and commitments. Such 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 MTCR.".

SEC. 737. CONTROL OF REEXPORTS TO TERRORIST COUNTRIES.

Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) 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 capabilities of any article for which a license to export is sought;

"(B) the reasons why the foreign country or international organization to which the 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; and

"(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. 3281(a)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (5) the following:

"(6) a description of the implementation of nuclear and nuclear-related dual-use export controls in the preceding calendar year, including a summary by type of commodity and destination of—

"(A) all transactions for which—

"(i) an export license was issued for any good controlled under section 309(c) of this Act;

"(ii) an export license was issued under section 109 b. of the 1954 Act;

"(iii) approvals were issued under the Export Administration Act of 1979, or section 109 b.(3) of the 1954 Act, for the retransfer of any item, technical data, component, or substance; or

"(iv) authorizations were made as required by section 57 b.(2) of the 1954 Act to engage, directly or indirectly, in the production of special nuclear material;

"(B) each instance in which—

"(i) a sanction has been imposed under section 821(a) or section 824 of the Nuclear Proliferation Prevention Act of 1994 or section 102(b)(1) of the Arms Export Control Act;

"(ii) sales or leases have been denied under section 3(f) 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;

"(iii) 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; or

"(iv) a waiver of a sanction has been made under—

"(I) section 821(f) or section 824 of the Nuclear Proliferation Prevention Act of 1994,

"(II) section 620E(d) of the Foreign Assistance Act of 1961, or paragraph (5) or (6)(B) of section 102(b) of the Arms Export Control Act,

"(III) section 40(g) of the Arms Export Control Act with respect to the last sentence of section 40(d) of that Act, or

"(IV) section 614 of the Foreign Assistance Act of 1961 with respect to section 620E of that Act or section 3(f), the last sentence of section 40(d), or 102(b)(1) of the Arms Export Control Act; and

"(C) the progress of those independent states of the former Soviet Union that are non-nuclear-weapon states and of the Baltic states towards achieving the objective of applying full scope safeguards to all their peaceful nuclear activities.

Portions of the information required by paragraph (6) may be submitted in classified form, as necessary. Any such information that may not be published or disclosed under section 12(c)(1) of the Export Administration Act of 1979 shall be submitted as confidential.".

PART B—SANCTIONS FOR NUCLEAR PROLIFERATION

SEC. 821. IMPOSITION OF PROCUREMENT SANCTION ON PERSONS ENGAGING IN EXPORT ACTIVITIES THAT CONTRIBUTE TO PROLIFERATION.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines in writing that, on or after the effective date of this part, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 830(2)), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

(2) PERSONS AGAINST WHICH THE SANCTION IS TO BE IMPOSED.—The sanction shall be imposed pursuant to paragraph (1) on—

(A) the foreign person or United States person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(3) OTHER SANCTIONS AVAILABLE.—The sanction which is required to be imposed for activities described in this subsection is in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

(b) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for up to an additional 90 days if the President determines and certifies in writing to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(3) REPORT TO CONGRESS.—Not later than 90 days after making a determination under subsection (a)(1), the President shall submit 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 a report on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(c) SANCTION.—

(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanction under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(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;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) ADVISORY OPINIONS.—Upon the request of any person, the Secretary of State may, in consultation with the Secretary of Defense, issue in writing an advisory opinion to that person as to whether a proposed activity by that person would subject that person to the sanction under this section. Any person who relies in good faith on such an advisory opinion which 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 made subject to such sanction on account of such activity.

(e) TERMINATION OF THE SANCTION.—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, as the case may be, that such person 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) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after 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 not less than 20 days before 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.

(a) AMENDMENTS TO THE ARMS EXPORT CONTROL ACT.—

(1) PROHIBITION.—Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by adding at the end the following new subsection:

"(f) No sales or leases shall be made to any country that the President has determined is in material breach of its binding commitments to the United States under international treaties or agreements concerning the nonproliferation of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994) and unsafeguarded special nuclear material (as defined in section 830(8) of that Act).".

(2) DEFINITION OF SUPPORT FOR INTERNATIONAL TERRORISM.—Section 40 of such Act (22 U.S.C. 2780) is amended—

(A) in subsection (d), by adding at the end the following new sentence: "For purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material."; and

(B) in subsection (l)—

(i) in paragraph (2), by striking "and" after the semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(4) the term 'nuclear explosive device' has the meaning given that term in section 830(4) of the Nuclear Proliferation Prevention Act of 1994; and

"(5) the term 'unsafeguarded special nuclear material' has the meaning given that term in section 830(8) of the Nuclear Proliferation Prevention Act of 1994.".

(b) FOREIGN ASSISTANCE ACT OF 1961.—

(1) PRESIDENTIAL DETERMINATION 82-7.—Notwithstanding any other provision of law, Presidential Determination No. 82-7 of February 10, 1982, made pursuant to section 670(a)(2) of the Foreign Assistance Act of 1961, shall have no force or effect with respect to any grounds for the prohibition of assistance under section 102(a)(1) of the Arms Export Control Act arising on or after the effective date of this part.

(2) AMENDMENT.—Section 620E(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(d)) is amended to read as follows:

"(d) The President may waive the prohibitions of section 101 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 part B of the Nuclear Proliferation Prevention Act of 1994 to provide assistance to Pakistan if he determines that to do so is in the national interest of the United States.".

SEC. 823. ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director to each of the international financial institutions described in section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) to use the voice and vote of the United States to oppose any use of the institution's funds to promote the acquisition of unsafeguarded special nuclear material or the development, stockpiling, or use of any nuclear explosive device by any 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. 262d(b)(3)) is amended to read as follows:

"(3) whether the recipient country—

"(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or a nuclear explosive device (as defined in section 830(4) of that Act);

"(B) is not a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; or

"(C) has detonated a nuclear explosive device; and".

SEC. 824. 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, stockpiling, or other acquisition of any nuclear explosive device,

by any individual, group, or non-nuclear-weapon state.

(b) PROHIBITION.—To the extent that the United States has jurisdiction to prohibit such activity by such person, no United States person and no foreign person may engage in any prohibited activity.

(c) PRESIDENTIAL DETERMINATION AND ORDER WITH RESPECT TO UNITED STATES AND FOREIGN PERSONS.—If 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 (without regard to whether subsection (b) applies), the President shall, by order, impose the sanctions described in subsection (d) on such person.

(d) SANCTIONS.—The following sanctions shall be imposed pursuant to any order issued under subsection (c) with respect to any United States person or any foreign person:

(1) BAN ON DEALINGS IN GOVERNMENT FINANCE.—

(A) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the person as a primary dealer in United States Government debt instruments.

(B) SERVICE AS DEPOSITARY.—The person may not serve as a depositary for United States Government funds.

(2) RESTRICTIONS ON OPERATIONS.—The person may not, directly or indirectly—

(A) commence any line of business in the United States in which the person was not engaged as of the date of the order; or

(B) conduct business from any location in the United States at which the person did not conduct business as of the date of the order.

(e) JUDICIAL REVIEW.—Any determination of the President under subsection (c) shall be subject to judicial review in accordance with chapter 7 of part I of title 5, United States Code.

(f) CONSULTATION WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

(1) CONSULTATIONS.—If the President makes a determination under subsection (c) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with any appropriate foreign government with respect to the imposition of any sanction pursuant to this section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—

(A) SUSPENSION OF PERIOD FOR IMPOSING SANCTIONS.—In order to pursue consultations described in paragraph (1) with any government referred to in such paragraph, the President may delay, for up to 90 days, the effective date of an order under subsection (c) imposing any sanction.

(B) COORDINATION WITH ACTIVITIES OF FOREIGN GOVERNMENT.—Following consultations described in paragraph (1), the order issued by the President under subsection (c) imposing any sanction on a foreign person shall take effect unless the President determines, and certifies in writing to the Congress, that the government referred to in paragraph (1) has taken specific and effective actions, including the imposition of appropriate penalties, to terminate the involvement of the foreign person in any prohibited activity.

(C) EXTENSION OF PERIOD.—After the end of the period described in subparagraph (A), the President may delay, for up to an additional 90 days, the effective date of an order issued under (b) 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).

(3) REPORT TO CONGRESS.—Before the end of the 90-day period beginning on the date on which an order is issued under subsection (c), 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 (2) that such government has taken specific corrective actions.

(g) TERMINATION OF THE SANCTIONS.—Any sanction imposed on any person pursuant to an order issued under subsection (c) shall—

(1) remain in effect for a period of not less than 12 months; and

(2) cease to apply after the end of such 12-month period only if the President determines, and certifies in writing to the Congress, that—

(A) the person has ceased to engage in any prohibited activity; and

(B) the President has received reliable assurances from such person that the person will not, in the future, engage in any prohibited activity.

(h) WAIVER.—The President may waive the continued application of any sanction imposed on any person pursuant to an order issued under subsection (c) 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 the safety and soundness of the domestic or international financial system or on domestic or international payments systems.

(i) ENFORCEMENT ACTION.—The Attorney General may bring an action in an appropriate district court of the United States for injunctive and other appropriate relief with respect to—

(1) any violation of subsection (b); or

(2) any order issued pursuant to subsection (c).

(j) KNOWINGLY DEFINED.—

(1) IN GENERAL.—For purposes of this section, the term "knowingly" means the state of mind of a person with respect to conduct, a circumstance, or a result in which—

(A) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

(B) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

(2) KNOWLEDGE OF THE EXISTENCE OF A PARTICULAR CIRCUMSTANCE.—If knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

(k) SCOPE OF APPLICATION.—This section shall apply with respect to prohibited activities which occur on or after the date this part takes effect.

SEC. 825. EXPORT-IMPORT BANK.

Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended in the first sentence by inserting after "device" the following: "(as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994), or that any country has willfully aided or abetted any non-nuclear-weapon state (as defined in section 830(5) of that Act) to acquire any such nuclear explosive device or to acquire unsafeguarded special nuclear material (as defined in section 830(8) of that Act).".

SEC. 826. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

(a) IN 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 to carry out the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which the President determines delivers nuclear enrichment equipment, materials, or technology to any other country on or after August 4, 1977, or receives such equipment, materials, or technology from any other country 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 country in question will not acquire or 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) A certification under paragraph (1) of this subsection shall take effect on the date on which the certification is received by 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 the furnishing of assistance pursuant to the certification, then upon the enactment of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

"(B) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"SEC. 102. NUCLEAR REPROCESSING TRANSFERS, ILLEGAL EXPORTS FOR NUCLEAR EXPLOSIVE DEVICES, TRANSFERS OF NUCLEAR EXPLOSIVE DEVICES, AND NUCLEAR DETONATIONS.

"(a) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OF NUCLEAR REPROCESSING EQUIPMENT, MATERIALS, OR TECHNOLOGY; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraph (2) of this subsection, no funds made available to carry out the Foreign Assistance Act of 1961 or this Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II of the Foreign Assistance Act of 1961), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II of that Act, or extending military credits or making guarantees, to any country which the President determines—

"(A) delivers nuclear reprocessing equipment, materials, or technology to any other country on or after August 4, 1977, or receives such equipment, materials, or technology from any other country on or after August 4, 1977 (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing), or

"(B) is a non-nuclear-weapon state which, on or after August 8, 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, 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 of, or is 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.

"(2) Notwithstanding paragraph (1) of this subsection, the President in any fiscal year may furnish assistance which would otherwise be prohibited under that paragraph if he determines and certifies in writing during that fiscal year to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(3)(A) A certification under paragraph (2) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress enacts a joint resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the enactment of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

"(B) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(b) PROHIBITIONS ON ASSISTANCE TO COUNTRIES INVOLVED IN TRANSFER OR USE OF NUCLEAR EXPLOSIVE DEVICES; EXCEPTIONS; PROCEDURES APPLICABLE.—(1) Except as provided in paragraphs (4), (5), and (6), in the event that the President determines that any country, after 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,

"(B) is a non-nuclear-weapon state and either—

"(i) receives a nuclear explosive device, or

"(ii) detonates a nuclear explosive device,

"(C) transfers to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by the transferring country to be 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 his determination to the Congress and shall forthwith impose the sanctions described in paragraph (2) against that country.

"(2) The sanctions referred to in paragraph (1) are as follows:

"(A) The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for humanitarian assistance or food or other agricultural commodities.

"(B) The United States Government shall terminate—

"(i) sales to that country under this Act of any defense articles, defense services, or design and construction services, and

"(ii) licenses for the export to that country of any item on the United States Munitions List.

"(C) The United States Government shall terminate all foreign military financing for that country under this Act.

"(D) The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, except that the sanction of this subparagraph shall not apply—

"(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities), or

"(ii) to humanitarian assistance.

"(E) The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by any international financial institution.

"(F) The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(G) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of specific goods and technology (excluding food and other agricultural commodities), except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (relating to congressional oversight of intelligence activities).

"(3) As used in this subsection—

"(A) the term 'design information' means specific information that relates to the design of a nuclear explosive device and that is not available to the public; and

"(B) the term 'component' means a specific component of a nuclear explosive device.

"(4)(A) Notwithstanding paragraph (1) of this subsection, the President may, for a period of not more than 30 days of continuous session, delay the imposition of sanctions which would otherwise be required under paragraph (1)(A) or (1)(B) of this subsection if the President first transmits to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a certification that he has determined 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, transfer, or receipt of a nuclear explosive device.

"(B) If the President transmits a certification to the Congress under subparagraph (A), a joint resolution which would permit the President to exercise the waiver authority of paragraph (5) of this subsection shall, if introduced in either House within thirty days of continuous session after the Congress receives this certification, be considered in the Senate in accordance with subparagraph (C) of this paragraph.

"(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(D) For purposes of this paragraph, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress having received on ___ a certification by the President under section 102(b)(4) of the Arms Export Control Act with respect to ___, the Congress hereby authorizes the President to exercise the waiver authority contained in section 102(b)(5) of that Act.", with the date of receipt of the certification inserted in the first blank and the name of the country inserted in the second blank.

"(5) Notwithstanding paragraph (1) of this subsection, if the Congress enacts a joint resolution under paragraph (4) of this subsection, the President may waive any sanction which would otherwise be required under paragraph (1)(A) or (1)(B) 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 the imposition of such sanction would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(6)(A) In the event the President is required to impose sanctions against a country under paragraph (1)(C) or (1)(D), the President shall forthwith so inform such country and shall impose the required sanctions beginning 30 days after submitting to the Congress the report required by paragraph (1) unless, and to the extent that, there is enacted during the 30-day period a law prohibiting the imposition of such sanctions.

"(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 would have a serious adverse effect on vital United States interests. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(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 because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"(8) The President may not delegate or transfer his power, authority, or discretion to make or modify determinations under this subsection.

"(c) NON-NUCLEAR-WEAPON STATE DEFINED.—As used in this section, the term 'non-nuclear-weapon state' means any country which is not a nuclear-weapon state, as defined in Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

"SEC. 103. DEFINITION OF NUCLEAR EXPLOSIVE DEVICE.

"As used in this chapter, the term 'nuclear explosive device' has the meaning given that term in section 830(4) of the Nuclear Proliferation Prevention Act of 1994.".

(b) REPEALS.—Sections 669 and 670 of the Foreign Assistance Act of 1961 are hereby repealed.

(c) REFERENCES IN LAW.—Any reference in law as of the date of enactment of this Act to section 669 or 670 of the Foreign Assistance Act of 1961 shall, after such date, be deemed to be a reference to section 101 or 102, as the case may be, of the Arms Export Control Act.

SEC. 827. REWARD.

Section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(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:

"(2) For purposes of this subsection, the term 'act of international terrorism' includes any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear-weapon state (as defined in section 830(5) of that Act).".

SEC. 828. REPORTS.

(a) CONTENT OF ACDA ANNUAL REPORT.—Section 51(a) of the Arms Control and Disarmament Act, as inserted by this Act, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and";

(3) by adding after paragraph (6) the following new paragraph:

"(7) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994) by non-nuclear-weapon states (as defined in section 830(5) of that Act) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act), including—

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

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

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

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

"(c) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.".

(b) REPORTING ON DEMARCHES.—(1) It is the sense of the Congress that the Department of State should, in the course of implementing its reporting responsibilities under section 602(c) of the Nuclear Non-Proliferation Act of 1978, include a summary of demarches that the United States has issued or received from foreign governments with respect to activities which are of significance from the proliferation standpoint.

(2) For purposes of this section, the term "demarche" means any official communication by one government to another, by written or oral means, intended by the originating government to express—

(A) a concern over a past, present, or possible future action or activity of the recipient government, or of a person within the jurisdiction of that government, contributing to the global spread of unsafeguarded special nuclear material or of nuclear explosive devices;

(B) a request for the recipient government to counter such action or activity; or

(C) both the concern and request described in subparagraphs (A) and (B).

SEC. 829. TECHNICAL CORRECTION.

Section 133 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2160c) is amended by striking "20 kilograms" and inserting "5 kilograms".

SEC. 830. DEFINITIONS.

For purposes of this part—

(1) the term "foreign person" means—

(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States;

(2) the term "goods or technology" means—

(A) nuclear materials and equipment and sensitive nuclear technology (as such terms are defined in section 4 of the Nuclear Non-Proliferation Act of 1978), all export items designated by the President pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, and all technical assistance requiring authorization under section 57 b. of the Atomic Energy Act of 1954, and

(B) in the case of exports from a country other than the United States, any goods or technology that, if exported from the United States, would be goods or technology described in subparagraph (A);

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

(4) the term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT);

(5) the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined by Article IX (3) of the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968;

(6) the term "special nuclear material" has the meaning given that term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014aa);

(7) the term "United States person" means—

(A) an individual who is a citizen of the United States or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a foreign person; and

(8) the term "unsafeguarded special nuclear material" means special nuclear material which is held in violation of IAEA safeguards or not subject to IAEA safeguards (excluding any quantity of material that could, if it were exported from the United States, be exported under a general license issued by the Nuclear Regulatory Commission).

SEC. 831. EFFECTIVE DATE.

The provisions of this part, and the amendments 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 to halt the global proliferation of nuclear weapons, the United States 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 international safeguards;

(2) encourage each nuclear-weapon state within the meaning of the Treaty to under-

take a comprehensive review of its own procedures for declassifying information relating to the design or production of nuclear explosive devices and to investigate any measures that would reduce the risk of such information contributing to nuclear weapons proliferation;

(3) encourage the deferral of efforts to produce weapons-grade nuclear material for large-scale commercial uses until such time as safeguards are developed that can detect, on a timely and reliable basis, the diversion of significant quantities of such material for nuclear explosive purposes;

(4) 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;

(5) arrange for the timely payment of annual financial contributions by all members of the IAEA, including the United States;

(6) pursue the elimination of international commerce in highly enriched uranium for use in research reactors while encouraging multilateral cooperation to develop and to use low-enriched alternative nuclear fuels;

(7) oppose efforts by non-nuclear-weapon states to develop or use unsafeguarded nuclear fuels for purposes of naval propulsion;

(8) pursue an international open skies arrangement that would authorize the IAEA to operate surveillance aircraft and would facilitate IAEA access to satellite information for safeguards verification purposes;

(9) 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;

(10) 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, regardless of its destination; and

(11) 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. 842. IAEA INTERNAL REFORMS.

In order to promote the early adoption of reforms in the implementation of the safeguards responsibilities of the IAEA, the 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 nuclear facilities that are capable of producing, processing, or fabricating special nuclear material suitable for use in a nuclear explosive device;

(2)(A) facilitate the IAEA's efforts to meet and to maintain its own goals for detecting the diversion of nuclear materials and equipment, giving particular attention to facilities in which there are bulk quantities of plutonium; and

(B) if it is not technically feasible for the IAEA to meet those detection goals in a particular facility, require the IAEA to declare publicly that it is unable to do so;

(3) enable the IAEA to issue fines for violations of safeguards procedures, to pay rewards for information on possible safeguards violations, and to establish a "hot line" for the reporting of such violations and other illicit uses of weapons-grade nuclear material;

(4) establish safeguards at facilities engaged in the manufacture of equipment or material that is especially designated or prepared for the processing, use, or production of special fissionable material or, in the case of non-nuclear-weapon states, of any nuclear explosive device;

(5) establish safeguards over nuclear research and development activities and facilities;

(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 report of the IAEA, establishing a public registry of commodities in international nuclear commerce, including dual-use goods, and creating a public repository of current nuclear trade control laws, agreements, regulations, and enforcement and judicial actions by IAEA member nations.

SEC. 843. REPORTING REQUIREMENT.

(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 841 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 841 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 841 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 841 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 841 and 842.

SEC. 844. DEFINITIONS.

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 "near real time 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(1) of the Statute of the International Atomic Energy Agency, done at the Headquarters of the United Nations on October 26, 1956;

(5) the term "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968; and

(6) the terms "IAEA safeguards", "non-nuclear-weapon 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 ACT.

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 provision 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".

SEC. 902. FINDINGS.

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) In 1992 alone 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. Frederick Seitz concluded that "more might 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.

(8) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be able to offer comprehensive proposals for reform.

SEC. 903. PURPOSE.

It is the purpose of this title to establish for a two-year period 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 THE 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 shall be appointed 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 the original appointment was made.

(e) APPOINTMENT OF MEMBERS; INITIAL MEETING.—(1) It is the sense of the Congress that members of the Commission should be appointed not later than 60 days after the date of enactment of this title.

(2) If after 60 days from the date of enactment of this Act seven or more members of the Commission have been appointed, those members who have been appointed may meet and select a Chairman who thereafter shall have authority to begin the operations of the Commission, including the hiring of staff.

SEC. 905. FUNCTIONS OF THE COMMISSION.

The functions of the Commission shall be—

(1) to conduct, for a period of 2 years from the date of its first meeting, an investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to classified information or granting security clearances; and

(2) to submit to the Congress a final report containing such recommendations concerning the classification of national security information and the granting of security clearances as the Commission shall determine, including proposing new procedures, rules, regulations, or legislation.

SEC. 906. POWERS OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may for the purpose of carrying out the provisions of this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may deem advisable.

(2) Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairman of the Commission, the chairman of any designated subcommittee, or any designated member, and may be served by any person designated by such Chairman, subcommittee chairman, or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Secretary of State is authorized on a reimbursable or non-reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(2) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(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, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(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 rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(b) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 908. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(b) 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 allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 909. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information pursuant to this section who would not otherwise qualify for such 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 which is 60 days after the date on which a final report is required to be transmitted under subsection (a).

(2) The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its final report and disseminating that report.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill (except sections 163, 167, 188, and 190–93), and the Senate amendment (except titles V, VI, IX–XV and

sections 162–170E, 189, 701–22, 724–28, 730–31, 734–36, 744–46, 748–61, and 763), and modifications committed to conference:

LEE H. HAMILTON,
HOWARD L. BERMAN,
ENI FALEOMAVAEGA,
M.G. MARTINEZ,
ROBERT 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–XIV, sections 163–64, 168–69, 189, 701–22, 724–26, 728, 730–31, 734–36, 744–46, 748–57, 759–61, and 763 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
TOBY ROTH,
DOUG BEREUTER,

From the Committee on Foreign Affairs, for consideration of title XII, sections 727 and 758 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
TOBY ROTH,
DANA ROHRABACHER,

From the Committee on Foreign Affairs, for consideration of sections 163 and 167 of the House bill, and title XV, sections 162, 165–67, 170A–E, and 190 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
BILL GOODLING,
DOUG BEREUTER,

As additional conferees from the Committee on Armed Services, for consideration of sections 170B, 170C(a), 170E(a), 721, 734, 749(b)(4), 760, 804, 810, and 1329 of the Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
NORMAN SISISKY,
JOHN M. SPRATT, JR.,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 759, 1003, 1104, and 1323–25 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
BARNEY FRANK,
STEVE NEAL,
JAMES LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 731 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
CARDISS COLLINS,
THOMAS J. MANTON,
CARLOS J. MOORHEAD,
CLIFF STEARNS,

As additional conferees from the Committee on Government Operations, for consideration of sections 189 and 721 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
GARY A. CONDIT,

As additional conferees from the Committee on the Judiciary, for consideration of section 133(n) of the House bill, and sections 136, 605, 704, 705, 723, 727, 748, 751, 758, 1201, and 1202 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
R.L. MAZZOLI,
JOHN BRYANT,
BILL MCCOLLUM,
LAMAR SMITH,

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,
PETER DEFAZIO,

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, 229, 234, 309(h), 405(e), 407, 734, 747, and 814 of the Senate amendment, and modifications committed to conference:

BILL CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONNIE MORELLA,

As additional conferees from the Committee on Public Works and Transportation for consideration of sections 764, 1104–05, and 1402(g) of the Senate amendment, and modifications committed to conference:

NORMAN MINETA,
JIM OBERSTAR,
DOUGLAS APPLEGATE,
BUD 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,
BUTLER DERRICK,
G. SOLOMON,

Managers on the Part of the House.

JOHN F. KERRY,
CLAIBORNE PELL,
JOE BIDEN,
PAUL SARBANES,
CHRISTOPHER J. DODD,
PAUL SIMON,
D.P. MOYNIHAN,
JESSE HELMS,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,
LARRY PRESSLER,
FRANK H. MURKOWSKI,
HANK BROWN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2333) to authorize appropriations 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 effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

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 $7,589,829,000 for fiscal year 1995, for the Department of State, AID, USIA and BIB.

The Senate amendment (secs. 101–105, 201, 816) authorizes a total of $6,163,436,000 for fiscal year 1994 and $6,382,057,000 for fiscal year 1995.

The conference substitute (secs. 101-106, 201,) authorizes a total of $6,051,936,000 for fiscal year 1994 and $6,146,636,000 for fiscal year 1995. In addition, the conference substitute authorizes $670,000,000 in fiscal year 1994 supplemental authorizations for assessed peacekeeping arrearages, and $605,113,000 over two years for the Peace Corps and Voluntary Peacekeeping Operations. The conference substitute incorporates the following sub-authorizations:

(1) $500,000 for each fiscal year for recruitment of Hispanic Americans for careers in the Foreign Service.

(2) $5 million for each fiscal year for environmental and scientific grants, requested by the executive branch.

(3) $16,500,000 for each fiscal year for language training.

(4) $11,500,000 for fiscal year 1994 and $11,900,000 for fiscal year 1995 for administrative expenses of the bureau charged with carrying out refugee programs.

(5) $95,904,000 and $114,825,000 for maintenance of buildings and facility rehabilitation.

(6) $700,000 for each fiscal year for the Commission on Protecting and Reducing Government Secrecy.

(7) $400,000 for each fiscal year for the Office of Cambodian Genocide Investigation.

(8) $940,000 for security costs associated with the Asian Pacific Cooperation Conference in Seattle, Washington.

(9) $1,000,000 for security costs associated with the Western Hemisphere summit to be held in Miami, Florida.

(10) $80 million for each fiscal year for refugees resettling in Israel.

(11) $1,000,000 for each fiscal year for the American Studies Collections program.

(12) $1.5 million for fiscal year 1994 and $2 million for fiscal year 1995 for Environment and Sustainable Development Exchange Programs.

(13) $3 million for each fiscal year for the Vietnam Scholarship Program.

(14) $1.5 million for each fiscal year for Burmese refugees.

The conference substitute authorizes a total of $223,858,000 for exchange programs. In general, the conference substitute as-

sumes the executive branch request, but has added the following specific authorizations for fiscal year 1995:

(1) $646,000 above the request, to fully fund the Mansfield Fellowship Program at a total of $896,000.

(2) $250,000 above the request, to fund the American Studies Collections program at a total of $1 million.

(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 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:

COMPARISON OF HOUSE AND SENATE STATE/USIA AUTHORIZATION BILLS

[In thousands of dollars]

	1993 actual	1994 appropriated [1]	1995 House bill	1995 Senate bill	1995 conference
I. DEPARTMENT OF STATE					
D&C programs	1,687,797	1,704,589	1,712,609	1,658,184	1,781,139
Salaries and expenses	486,203	396,722	497,495	455,816	391,373
Inspector general	24,055	23,469	24,704	24,055	23,798
Repatriation loans	1,367	776	838	817	776
BPMA	4,000	0	4,104	4,000	0
Foreign buildings	560,500	410,000	392,523	294,850	309,760
Representation	4,900	4,780	5,012	4,881	4,780
Emergencies	8,000	7,805	8,216	8,000	6,500
AIT	15,543	15,165	15,902	15,484	15,465
PFMO	10,814	10,551	11,095	10,814	10,079
International Organizations:					
Assessed	913,214	860,885	935,053	1,000,053	873,222
Peacekeeping:					
Assessed	460,315	401,607	636,469	487,472	510,204
Conferences	5,600	6,000	6,743	6,600	6,000
IBWC	11,330	11,200	11,767	11,330	15,358
IBWC Construction	14,780	14,400	15,198	17,790	10,398
IBC/US-Canada	760	740	784	760	740
IJC	3,643	3,550	3,759	3,643	3,550
Fisheries	14,200	16,200	14,569	14,200	14,669
Refugee Assistance	620,688	670,688	673,500	665,688	673,500
Bilateral Sci/Tech	4,500	4,275	4,617	4,500	0
Asia Foundation	16,693	16,000	19,127	18,693	16,068
Subtotal	4,868,902	4,579,402	4,994,084	4,707,630	4,667,379
II. USIA/BIB					
Salaries and expenses	489,820	473,488	503,362	478,854	480,362
Inspector general	4,390	4,247	4,396	4,390	4,396
NED	30,000	35,000	0	35,000	35,000
East-West Center	26,000	26,000	23,621	26,000	24,500
Education/Cultural:					
Fulbright programs	134,390	130,538	140,743	141,043	126,312
Other programs	107,879	96,962	113,131	105,879	97,546
Admin expenses	0	14,500	0	0	14,500
Broadcasting:					
Operating Expenses	575,446	541,676	717,790	560,790	609,740
Cuba Broadcasting	28,351	21,000	28,362	28,351	27,609
Subtotal	1,396,276	1,343,411	1,531,405	1,380,307	1,419,965
III. ACDA					
Salaries and Expenses	46,500	53,500	55,356	59,375	59,292
State bill subtotal	6,311,678	[1] 5,976,313	6,580,845	6,147,312	6,146,636
IV. PEACEKEEPING					
(Supplemental)	0	[2] 670,000	0	0	0
V. FAA ACCOUNTS					
IO&P	310,000	360,628	365,000	N/A	0
AID Operations	512,000	504,760	526,902	N/A	0
AID IG	39,316	39,916	39,916	N/A	0
PKO	27,166	[1] 75,623	77,166	N/A	75,000
Peace Corps	218,146	[1] 219,745	N/A	234,745	234,745
FAA subtotal	1,106,628	1,200,672	1,008,984	234,745	309,745

[1] Proposed conference agreement corresponds to 1994 appropriated levels.
[2] Conference Committee agreed to supplemental authorization. Appropriations have yet to be made.

Withholding of contributions

The Senate amendment reduces the U.S. assessed contribution to international organizations by the amounts of $118,875,000 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, condones, 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 AND ACTIVITIES

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 1,200 in fiscal years 1994 and 1995, of whom not more than 175 in fiscal year 1994 and 165 in fiscal year 1995 shall be members of the Senior Foreign Service.

The House bill (sec. 111) contains a similar provision but includes limits for Agency for International Development (AID) to not more than 1,850 members of the Foreign Service in fiscal years 1994 and 1995, of whom not more than 250 in fiscal year 1994 and 240 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 notes that this provision 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 Years 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 and proceedings

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 add a new section 668 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 is the same as the Senate position.

Notification to Congress of proposed reprogrammings of AID operating expenses

The House bill (sec. 115) amends section 634A of the Foreign Assistance Act of 1961 to add a requirement that the Congress be notified 15 days in advance of the reprogramming of funds appropriated for operating expenses of the agency responsible for administering part I of the Foreign Assistance Act (relating to development assistance).

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position.

Emergencies in the Diplomatic and Consular Service

The House bill (sec. 117) amends the State Department Basic Authorities Act to require the Inspector General of the Department of State to conduct periodic, rather than annual, audits of the Department's emergency expenditures.

The Senate amendment (sec. 116) is virtually identical.

The conference substitute (sec. 125) is identical to the House bill.

Role of the National Foreign Affairs Training Center

The Senate amendment (sec. 119) amends section 701 of the Foreign Service Act of 1980 to authorize the Secretary of State to provide special training programs for officials of foreign governments on a reimbursable basis. The Senate amendment also gives priority to training programs for officials from newly emerging democratic nations.

The House bill (sec. 118) is similar but does not prioritize the provision of training programs.

The conference substitute (sec. 126) is identical to the Senate amendment.

Consular authorities

The House bill (sec. 120) updates certain references to diplomatic and consular officers and allows the Secretary of State to designate Department of State employees who are not diplomatic or consular officers, but who are U.S. citizens, to issue passports and perform notarial services.

The Senate amendment (sec. 117) is virtually identical.

The conference substitute (sec. 127) is identical to the House bill.

Report on consolidation of administrative operations

The House bill (sec. 122) requires the Secretary of State, jointly with the Director of USIA, the Director of the Arms Control and Disarmament Agency (ACDA) and the Administrator of AID, to submit a report to Congress on the feasibility of consolidating domestic administrative operations.

The Senate amendment (sec. 120) is similar but does not include ACDA.

The conference substitute (sec. 128) is identical to the House bill.

Facilitating access to the Department of State

The Senate amendment (sec. 186) requires the Office of Diplomatic Security at the Department of State to establish procedures to facilitate access to the Department of State by Members of Congress and staff of the relevant committees of jurisdiction, requires the Department to make available a reasonable number of temporary 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 defines the committees of jurisdiction.

The House bill contains no comparable provision.

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 in order to facilitate attendance of meetings at the Department of State.

The committee of conference notes that since the adoption of the Senate amendment, the Department of State has instituted procedures to issue Department of State identification cards to Members and staff to allow them basically unimpeded access. The committee of conference commends the Department for this action.

Budget justification for security costs

The Senate amendment (sec. 191) requires 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 congressional findings regarding diplomatic relations with the Government of Bosnia-Hercegovina and the need for an increased and more secure U.S. diplomatic presence in Sarajevo, and expresses the sense of the Senate 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.

Repeal of obsolete reporting requirements

The House bill (sec. 119) repeals an obsolete reporting requirement on American prisoners abroad.

The Senate amendment (sec. 188) eliminates 20 reporting requirements which are obsolete or duplicative.

The conference substitute (sec. 139) is similar to the Senate amendment, but does not include two provisions from the Senate amendment regarding the PLO Commitments Compliance report and the status of secondment at the United Nations, and repeals 7 additional reporting requirements requested by the executive branch.

Visas

The Senate amendment (sec. 118) authorizes the Secretary of State, notwithstanding any other provision of law, to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas. Fees collected under this authority shall be deposited in the general fund of the Treasury and available to the Department of State, subject to amounts appropriated in advance, to recover the costs of providing consular services. The Senate amendment establishes a ceiling of $107.5 million for fiscal years 1994 and 1995 for fees collected under this authority. The Senate amendment exempts nationals of Canada and Mexico from fees under this section. The Senate amendment also requires the Department of State to implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities within 24 months of enactment of this act. Finally, the Senate amendment establishes disciplinary procedures for consular officers who fail to follow lookout system procedures and issue visas to persons who are included in the Department's lookout system.

The House bill (sec. 124) authorizes the Secretary of State, notwithstanding any other provision of law, to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas. Fees collected under this authority shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing consular services. The House bill establishes a ceiling of $56 million for fiscal years 1994 and 1995 for fees collected under this authority. The House bill also requires the Department of State to implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities within 18 months of enactment of this act. Finally, the House bill establishes disciplinary procedures for consular officers who fail to follow lookout system procedures and issue visas to persons who are included in the Department's lookout system.

The conference substitute (sec. 140) authorizes the Secretary of State, notwithstanding any other provision of law, to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas in fiscal years 1994 and 1995. Fees collected under this authority shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing consular services. The conference substitute establishes a ceiling of $107.5 million for fiscal years 1994 and 1995 for fees collected under this authority. Citizens of Mexico and Canada are exempt from fees for fiscal years 1994 and 1995, provided that those countries similarly exempt citizens of the United States. In addition, the conference substitute requires that the Department of State's Consolidated Immigrant Visa Processing Center have on-line access without payment to the Interstate Identification Index (III) solely for the purpose of determining whether a visa applicant has a criminal history record indexed in the III. The conference substitute also requires the Department of State to implement an upgrade of all overseas visa lookout operations to computerized systems with automated multiple-name search capabilities within 18 months of enactment of this act. Finally, the conference substitute establishes disciplinary procedures for consular officers who fail to follow lookout system procedures and issue visas to persons who are included in the Department's lookout system.

The committee of conference emphasizes that the purpose of this fee retention authority is to provide enhanced consular services and equipment upgrades above and beyond current base consular services and modernization programs. 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 adds three additional requirements. The Senate amendment requires the Secretary of State to allow all solicitations to be bid in U.S. dollars, ensure that contracts awarded to U.S. firms are paid in U.S. dollars, and ensure the U.S. diplomatic and consular posts assist U.S. firms in obtaining local licenses and permits.

The conference substitute (sec. 141) is similar to the Senate amendment but makes technical and clarifying changes.

Passport security

The Senate amendment (sec. 737) 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 conference substitute (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 certifications of nationality.

The House bill contains no comparable provision.

The conference substitute (sec. 132) is identical to the Senate amendment.

Consular and diplomatic posts abroad

The House bill (sec. 125) deletes the requirement for reprogramming notifications for amounts made available to pay any expense related to the closing 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 submitted 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. The House bill (sec. 189) also requires the Secretary of the Treasury, in compiling the annual report on terrorist assets in the United States submitted pursuant to section 304 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, 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 (secs. 122 and 184) requires that the annual Department of State report on terrorism 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 on behalf of countries on the terrorist 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 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 (2) the Secretary of the Treasury consult with the Attorney General and other appropriate law enforcement agencies in compiling the annual report on terrorist assets in the United States and to include specific information of such assets. The conference substitute also amends section 36 of the State Department Basic Authorities Act of 1956 to eliminate the requirement that rewards be paid only for information on acts of international terrorism which occur primarily outside the territorial jurisdiction of the United States. Finally, the conference substitute allows the Department of State to use up to $4 million in funds earmarked for narcotics rewards under section 36(g) of the State Department Basic Authorities Act of 1956 to pay terrorism rewards in fiscal years 1994 and 1995.

The committee of conference notes that the change to the terrorism rewards program is intended to resolve a situation that arose as a result of the World Trade Center bombing in February 1993. The Department of State, because of the restriction on paying rewards only for acts occurring primarily outside the United States, interpreted section 36(a) as prohibiting the offer of a reward for information on the two suspects that evaded capture in the bombing. The Department of Justice which maintains a rewards program for acts occurring within the boundaries of the United States claimed that it was unable to offer a reward due to the lack of adequate funding in its reward fund. The committee of conference, however, does not intend that the Department of State reward program become merely a supplement to the Department of Justice's domestic reward program. The committee of conference intends that the Department of State continue to use this program primarily for its original purposes. The committee of conference expects that rewards for information on acts of terrorism in the United States which may be paid from the Department of State's rewards fund be those which transcend national boundaries in terms of the means by which they are accomplished, the persons they ap-

pear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum, as was the case in the World Trade Center bombing.

The committee of conference also notes that the ability to use funds earmarked for narcotics purposes for making terrorism rewards was requested by the executive branch. This request was necessitated by the expectation that rewards will be paid in connection with the World Trade Center bombing during that time period. The committee of conference notes that this exception to the earmark is intended to be a one-time exception. The committee urges the Department of State to review ways to make additional funds available for both terrorism and narcotics information rewards, including the use of extrabudgetary funds. The committee of conference notes that other agencies use such mechanisms as the Department of Justice's Special Asset Forfeiture Fund for funding of information needs. The committee of conference expects the Department of State to develop and submit proposals to adequately fund information rewards before it submits its fiscal year 1996 budget request.

Coordination of counterterrorism activity

The Senate amendment (sec. 185) urges the Secretary of State to take steps to ensure coordination of counterterrorism activities occupies a high priority within the Department of State.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Property agreements

The Senate amendment (sec. 124) requires the Department of State to account for lease-purchase agreements involving property in foreign countries in accordance with fiscal year obligations.

The House bill contains no comparable provision.

The conference substitute (sec. 134) is identical to the Senate amendment.

This provision encourages OMB to review its implementation of rule 11 so that it does not apply to lease-purchase agreements entered into by the Department of State abroad.

The committee of conference believes that the Department must take advantage, in lean budget times, of favorable purchasing environments overseas which are not likely to be available in the future. This is especially the case in the Newly Independent States where the Department is working to establish a presence in new countries where the United States was not previously represented. This is a limited provision aimed only at contracts entered into abroad by the Department of State. It will enable the Department to use lease-purchase agreements to purchase property overseas and contain the cost growth of our diplomatic presence abroad. The committee of conference expects that this authority will result in $20 million in budget savings over the next ten years, with higher savings accruing in later years as the percentage of government-owed properties increases. After twenty years the Department could expect to avoid annual costs on the order of $50 million per year.

Capital investment fund

The Senate amendment (sec. 125) establishes within the Department of State a Capital Investment Fund to provide for the procurement of information technology and other related capital investments to ensure the efficient management, coordination, operation and utilization of such resources. Funds credited to the Capital Investment Fund shall be treated as reprogramming and may not be available for obligation or expenditure except in compliance with procedures applicable to reprogrammings.

The House bill contains no comparable provision.

The conference substitute (sec. 135) is identical to the Senate amendment.

The committee of conference notes that this 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. 126) 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. 162(k)(4)) is identical to the Senate amendment.

Fees for commercial services

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 Commerce does not perform commercial services for which it charges fees. The Senate amendment requires that such fees be deposited 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.

Personal services contracts abroad

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. 137) is identical to the Senate amendment.

Publishing international agreements

The House bill (sec. 182) allows the Secretary of State to determine that publication of certain categories of international agreements is not required if: such agreements are not treaties subject to the advice and consent of the Senate; the public interest in such agreements is insufficient to justify their publication because the agreements are no longer in force, do not create private rights, or duties or establish standards to govern government actions in the treatment of private individuals; public interest can adequately be satisfied by an alternative means; or 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. The House bill also requires that copies of agreements which are not published will be made available by the Department of State upon request.

The Senate amendment (sec. 738) is virtually identical.

The conference substitute (sec. 138) identical to the House bill.

The committee of conference notes that this section is intended to lighten the Secretary of State's burden and reduce the cost of printing certain international agreements. It is not intended, however, to shift the burden of making such agreements available to the public to individual members or committees of Congress. In fact, the committee of conference expects the Secretary of State to facilitate access to international agreements as necessary to further academic and scholarly research. Access to copies of international agreements exempted from the printing requirement by this section shall, of course, continue to be available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate upon request. The committee of conference expects the executive branch to provide the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate with lists of those international agreements which the Secretary has exempted from the printing requirement.

PART C—DEPARTMENT OF STATE ORGANIZATION

The House bill, in general, removes all organizational constraints from permanent law and permits the Secretary of State to organize the Department as deemed necessary. The Senate amendment, in general, amends permanent law only to the extent needed to implement the organizational changes already proposed by the Executive branch.

The conference substitute basically adopts the House construction. This provides a flexibility designed to allow the Department to respond organizationally to rapid changes in international relations without having to obtain legislation to do so. The committee of conference expects that this flexibility will be used not only to create new positions, bureaus and offices, but to abolish obsolete ones. The committee of conference notes that the Secretary's announced reorganization of last year was described at the time as a first step in an ongoing process, and intends that the flexibility provided by this Act permit further organizational change with a minimum of legislation.

Organizing principles

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 responsibility of the Secretary of State under 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) also provides that notwithstanding any other provision of law and except as provided elsewhere in this act, the Secretary 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-

thority of the Inspector General, the Chief Financial Officer, or any authority given expressly to diplomatic or consular officers. New section 1(a) also authorizes the Secretary of State to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary and the Department and allows the Secretary to delegate authority, including the authority to redelegate such functions, to perform any of the functions of the Secretary or the Department to officers or employees under the direction or supervision of the Secretary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 161) is virtually identical to the House bill, but specifies that the Secretary may delegate authorities unless otherwise specified in law.

New section 1(b) limits the number of Undersecretaries of State to 5, who shall be appointed with the advice and consent of the Senate.

The Senate amendment (sec. 131(a)) is similar.

The conference substitute (sec. 161) is identical to the House bill.

New section 1(c) limits the number of Assistant Secretaries of State to 21, who shall be appointed with the advice and consent of the Senate.

The Senate amendment (sec. 131(a)) limits the number of Assistant Secretaries of State to 20.

The conference substitute (sec. 161) is identical to the Senate amendment.

The committee of conference notes that the conference substitute authorizes the establishment of a total of up to 20 Assistant Secretary positions, but requires the maintenance of only three such positions, all of which are already required to exist under current law. The conference substitute would permit a net increase of two Assistant Secretary positions over the Department of State's existing total.

The committee of conference acknowledges that the authorized total of 20 is four less than the executive branch's original request. The committee of conference notes, however, that the Senate was sharply divided even on the agreed increase of two, which survived a Senate floor amendment to freeze the number at the current 18 positions by only one vote. The committee of conference encourages the Department to examine whether, given current budget constraints, it is imperative to fully utilize the authorized total of 20 positions. As an alternative, the committee of conference urges the Department to examine the possibility of employing the new flexibility permitted by the conference substitute to abolish one or more Assistant Secretary positions in order to permit the creation of new ones.

The committee of conference further notes widespread agreement with the proposal by the Department to use one of the additional authorized positions to create an Assistant Secretary for Population, Refugees and Migration. Beyond this, however, the committee of conference understands that the Department is planning to use the increased authority provided by this bill to propose the establishment of Assistant Secretaries both for Non-Proliferation and for the Newly Independent States.

Regarding the former proposal, the committee of conference is concerned that the new bureau's responsibilities may create duplication and overlap with the responsibilities envisaged for the Arms Control and Disarmament Agency under Title VII. The committee of conference further notes that a number of questions have been raised about the specifics of the planned division of the current Bureau of Political-Military Affairs which would be necessary to create the new bureau.

Regarding the latter proposal, the committee of conference agrees that the responsibilities of the existing Bureau of European and Canadian Affairs are too broad. The committee questions, however, whether appropriate alternative solutions to this problem, such as the transfer of responsibility for Canada to the Bureau of Inter-American Affairs or for Central Asia to the Bureau of South Asian Affairs, have been fully examined. The committee of conference notes that the deletion of references to specific countries from the existing statute governing the Bureau of South Asian Affairs, for example, is designed to permit consideration of one such alternative.

The committee of conference notes that such organizational changes will in any case be subject to the requirements and limitations of section 34 of the Basic Authorities Act of 1956, and urges the Department to consult with its authorizing committees before arriving at final determinations and submitting required notifications.

New section 1(d) limits the number of Deputy Assistant Secretaries of State to 66.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 161) is identical to the House bill.

New section 1(e) provides that in addition to other officials authorized to be appointed by the President, with the advice and consent of the Senate, and to be compensated at Executive Level IV, 4 other officers of the Department of State are authorized for similar appointments.

The Senate amendment (sec. 131(b)) is similar.

The conference substitute (sec. 161) is similar to the House bill, but makes technical and conforming changes.

The committee of the conference wishes to clarify that these are not intended to be four additional positions. The committee understands that currently the Department intends to use this authorization for the Director of the Office of Foreign Missions, the Chief of Protocol, the Legal Advisor, and the newly-downgraded Counselor position.

The House bill (sec. 132(b)) provides that the amendments made by this section shall apply with respect to officials, offices, and bureaus of the Department of State when executive orders, regulations, or departmental directives implementing such section become effective.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 161(c)) is similar to the House bill but makes technical and conforming corrections.

The House bill (sec. 132(c)) provides that any officer of the Department of State holding office on the date of enactment of this act shall not be required to be reappointed to any other office at the Department at the same level performing similar functions, as determined by the President, by reason of the enactment of the amendments made under by this section.

The Senate amendment (secs. 131(e), 132(c), and 133(b)) contains similar provisions for specific positions within the Department of State.

The conference substitute (sec. 161) is identical to the House bill.

The House bill (sec. 132(d)) provides that a reference in any other provision of law to an official or office of the Department of State affected by the amendment made by this section shall be deemed to be a reference to the Secretary of State or the Department of State as may be appropriate.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 161) is identical to the House bill.

The Senate amendment (sec. 135) amends section 35 of the State Department Basic Authorities Act to delete the statutory requirement for the establishment within the Department of an Office of the Coordinator for International Communications and Information Policy, and redefines the role of the Secretary of State in the conducting of foreign policy with respect to telecommunications functions. The Senate amendment also provides that nothing in the amendments made by this section shall affect the nature or scope of the authority, that is on the date of enactment, vested by law or executive order in the Department of Commerce, the Office of the United States Trade Representative, the Federal Communications Commission, or any officer thereof.

The House bill (sec. 132(e) and 133(l)) is similar and provides that nothing in this section reassigns any function that is, on the date of enactment of this act, vested by law or executive order in the Department of Commerce, the Federal Communications Commission, or any officer thereof.

The conference substitute (sec. 161) is identical to the Senate amendment.

The committee of conference notes that this section is intended to codify the authority of the Department of State set forth in Executive Order 12046, in particular section 5-201, with respect to the telecommunications functions transferred among executive branch agencies by that executive order. As the conference substitute specifies, nothing in this section affects the nature or scope of the authority vested by law or executive order in other executive branch agencies, such as the authority provided in the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) or in the NTIA Organization Act of 1992 (Public Law 102-538). The committee of conference notes that, to demonstrate fully that the telecommunications function at the Department of State is not being downgraded by the reorganization of the Department, once this legislation is enacted, the person filling the position of Coordinator will be appointed to the rank of Ambassador, with the advice and consent of the Senate.

Technical and conforming amendments

The House bill (sec. 133(a)) repeals the Act of May 26, 1949 which established the authority of the Secretary of State and the organization of the Department.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is identical to the House bill.

The House bill (sec. 133(b)) amends section 115 of the Foreign Relations Authorization Act, Fiscal Year 1979 to eliminate the statutory requirement for the Bureau of International Narcotics Matters at the Department of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is identical to the House bill. The committee of conference notes that the Department of State has communicated its intent to retain a Bureau with one of its primary focuses on international narcotics matters. The committee of conference also notes that this Bu-

reau will have responsibility for international crime matters.

The Senate amendment (sec. 131(c)(1)) makes a technical amendment to section 9 of Public Law 93-126 to remove a reference to the Act of May 6, 1949, which is repealed by this act.

The House bill (sec. 133(c)) amends section 9 of Public Law 93-126 to repeal the statutory requirement for the Bureau of Oceans and Environment at the Department of State.

The conference substitute (sec. 162) is identical to the Senate amendment.

The House bill (sec. 133(d)) amends section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 to repeal the statutory requirement for the Bureau of South Asian Affairs.

The Senate amendment contains no comparable provision.

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 House bill (sec. 133(e)) makes conforming amendments to sections 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 correction and changes the number of Assistant Secretaries eligible to be paid at executive level IV to 20.

The House bill (sec. 133(f)) amends the Foreign Assistance Act of 1961 to delete references to the Assistant Secretary for Human Rights and repeals the statutory requirement for the Bureau of Human Rights.

The Senate amendment (sec. 132) amends the Foreign Assistance Act of 1961 to change references to the Assistant Secretary for Human Rights to references to the Assistant Secretary for Democracy, Human Rights, and Labor to reflect the Department's proposed reorganization plan.

The conference substitute (sec. 162) establishes within the Department of State a Bureau of Democracy, Human Rights, and Labor, to be headed by an Assistant Secretary. The conference substitute also repeals section 624(f) of the Foreign Assistance Act.

The House bill (sec. 133(g)) amends section 5(d)(1) of the Arms Export Control Act to replace a reference to the Assistant Secretary for Human Rights to a reference to the Secretary of State.

The Senate amendment (sec. 132(b)) is similar.

The conference substitute (sec. 162) is identical to the House bill.

The House bill (sec. 133(h)) amends the Omnibus Diplomatic Security Act of 1986 to delete the statutory requirement for a Bureau of Diplomatic Security at the Department of State and to make other technical and conforming changes. The House bill also delineates the security responsibilities of the Secretary of State.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is identical to the House bill.

The House bill (secs. 133(i)) makes technical and conforming amendments to the Immigration and Nationality Act and the Refugee Act of 1980 and deletes references to the Assistant Secretary for Consular Affairs.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is identical to the House bill.

The House bill (sec. 133(k)) amends section 8125 of the Department of Defense Appropriations Act, Fiscal Year 1989 to repeal the requirement for an Ambassador-at-Large for Burdensharing.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the House bill, but adds a requirement that the Secretary of State establish an Ambassadorial-rank Deputy Assistant Secretary position for Burdensharing.

The committee of conference believes the Ambassador for Burdensharing will play a critical role in ensuring that U.S. allies will pay a more equitable share of the costs of maintaining United States bases overseas and provide the United States with residual value payments as we turn military facilities over to host nations. The Committee of Conference urges the President to submit the nomination of the Ambassador for Burdensharing in sufficient time to permit confirmation before adjournment sine die of the 103rd Congress.

The House bill (secs. 133(m) and (n)) amends the Refugee Act of 1980 and the Immigration and Nationality Act to delete references to the Coordinator for Refugee Affairs and makes other technical and conforming amendments.

The Senate amendment (sec. 136) is similar, but includes guidelines for the coordination of overall U.S. refugee assistance policy.

The conference substitute (sec. 162) is identical to the House bill.

The House bill (sec. 133(o)) amends the State Department Basic Authorities Act to delete the statutory requirement for an Office of Foreign Missions at the Department of State and delineates the responsibilities of the Secretary of State with respect to foreign missions.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 162) is virtually identical to the House bill but makes technical and clarifying changes.

Director General of the Foreign Service

The House bill (sec. 134) amends the Foreign Service Act of 1980 to make the appointment of a Director General of the Foreign Service discretionary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 163) requires that the Secretary appoint a Director General and that the Director General be a current or former career member of the Foreign Service.

Administrative expenses

The Senate amendment (secs. 134) amends section 482 of the Foreign Assistance Act of 1961 to allow personnel funded with international narcotics control assistance to provide administrative support to personnel assigned by the Secretary to the Bureau to replace the Bureau of International Narcotics Matters, except where to do so would result in a reduction of funds available for antinarcotics assistance to foreign countries. The Senate amendment (sec. 136(c)) also allows personnel funded with refugee and migration assistance authorized to carry out the purposes of the Migration and Refugee Assistance Act to provide administrative assistance to personnel assigned to the bureau charged with carrying out the act.

The House bill contains no comparable provision.

The conference substitute (sec. 164) is identical to the Senate amendment.

Office of Counterterrorism

The House bill (sec. 132(f)) requires the Department of State to maintain a separate Office of Counterterrorism, to be headed by a Coordinator, which shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism had on January 20, 1993.

The Senate amendment (sec. 762) establishes within the Department of State a Coordinator for Counterterrorism who shall be appointed by the President, who shall have the rank and status of an Assistant Secretary. The Senate amendment also expresses the sense of the Senate that there shall be in the Department a Deputy Assistant Secretary with the rank of Ambassador whose sole responsibility shall be the day-to-day management of counterterrorism activities at the Department of State.

The conference substitute (sec. 161) requires the Department of State to maintain a separate Office of Counterterrorism, to be headed by a Coordinator, which shall have the same responsibilities and functions as the Office of the Coordinator for Counterterrorism had on January 20, 1993. The requirement of this section shall cease to have effect one year after the date of enactment of this act.

PART D—PERSONNEL

Labor-Management relations

The House bill (sec. 141) prohibits management officials or confidential employees of the Department of State, or any individual who has served in such a capacity in the preceding two years, from participating in the management of a labor organization for purposes of collective bargaining or acting as a representative of a labor organization for such purpose. The House bill also prohibits individuals who have participated in the management of a labor organization in the previous two years from serving as a management official or confidential employee of the Department. The House bill exempts chiefs of mission, principal officers, and their deputies, as well as administrative and personnel officers abroad from this prohibition.

The Senate amendment (sec. 141) contains a similar provision, but does not include the prohibition on labor organization management from serving as a management official or confidential employee of the Department.

The conference substitute (sec. 171) is virtually identical to the House bill but makes a technical correction.

Voluntary Retirement Incentive Program

The House bill (sec. 142) authorizes the Secretary of State, the Administrator of AID, and the Director of USIA to establish and administer for fiscal years 1994 and 1995 a program to provide financial incentives for retirement of members of the Foreign Service who are eligible for retirement. No more than $25,000 may be paid as such an incentive to any eligible individual. The House bill also requires the Secretary of State to ensure that the total cost of the incentives does not exceed the total that the Department would have incurred for pay and personnel benefits.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference notes that a Government-wide bill providing for retirement incentives has been enacted since the adoption of the House provision.

Waiver of limit for certain claims for personal property damage or loss

The Senate amendment (sec. 142) allows the Secretary of State to waive the $40,000 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.

The conference substitute (sec. 172) is virtually identical to the Senate amendment.

Salaries of chiefs of mission

The House bill (sec. 144) 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 make the treatment of salaries of chiefs of mission consistent with other Federal employees.

The conference substitute does not include either provision. Rollover restrictions for Chiefs of Mission in current law remain in place. The committee of conference notes that the executive branch requested the provision included in the House bill. However, since the time of the adoption of this provision, several questions have been raised about the effect of the provision. The committee of conference has decided to defer this issue until a more in-depth examination of pay-related issues 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 until 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 1980 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 USIA, the Administrator of the Agency for International Development and the Director of ACDA from awarding or paying performance awards to members of the Senior Foreign Service in fiscal years 1994 and 1995 unless such awards are made to Senior Executive Service employees for such fiscal years.

Reassignment and retirement of former presidential employees

The House bill (sec. 146) requires that members of the Foreign Service who complete assignments in positions to which they were appointed by the President and who are not otherwise eligible for retirement must be reassigned within 90 days after the termination of such assignment and any period of authorized leave. If such person is eligible for retirement and not reassigned within 90 days after the termination of such assignment and any period of authorized leave, such person shall be retired from the Service and receive retirement benefits in accordance with sections 806 or 855 of the Foreign Service Act, as appropriate.

The Senate amendment (sec. 145) is similar.

The conference substitute (sec. 174) generally follows the House construction, but adds provisions restricting retirement benefits to employees separated under this section who return to government.

Report on classification of senior foreign service positions

The Senate amendment (sec. 146) requires the Comptroller General of the United States to conduct a classification audit of all Senior Foreign Service positions in Washington, D.C., assigned to the Department of State, USIA, and AID not later than 180 days after enactment of this act.

The House bill (sec. 147) is virtually identical.

The conference substitute (sec. 175) is virtually identical to the Senate amendment, but requires the report to be submitted not later than December 31, 1994.

Limitation on number of limited career extensions

The House bill (sec. 148) requires that, effective September 30, 1995, the number of members of the Senior Foreign Service serving under limited career extensions may not exceed 25 percent of the total number of members of the Foreign Service who are eligible to serve under a limited extension.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position.

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 unfeasible. Such allowance may not exceed the travel 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 expenses to the cost of travel to and from the school in the United States.

The House bill (sec. 149) 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 House bill (sec. 150) is similar but does not allow the Board to extend the one-year limit.

The conference substitute (sec. 177) is identical to the Senate amendment.

Inapplicability of rollover authority

The Senate amendment (sec. 148) excludes Department of State employees from the application of the provisions of title 5 of the United States Code which relate to the ability to carryover from year to year certain allowances.

The House bill contains no comparable provision.

The conference substitute is the House position. The committee of conference notes that this provision, along with section 144 of the House bill and section 143 of the Senate amendment, raise issues which the committee of conference 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 maximum extent practicable, women and minority applicants to the Foreign Service who are participants in previously established mid-level placement programs of other defense and national security-related agencies that have been impacted by downsizing. The Senate amendment also requires a report not later than 180 days after enactment on the implementation of this program.

The House bill contains no comparable provision.

The conference substitute (sec. 178) is virtually identical to the Senate amendment, but makes a technical clarification.

Employment assistance referral system

The Senate amendment (sec. 151) requires the Secretary of State to establish an employment referral program for employees who are separated because of a reduction in force action at the Department of State.

The House bill contains no comparable provision.

The conference substitute (sec. 179) allows members of the Foreign Service who hold career or career candidate appointments to 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 and to the same extent as those employees participating in such a program as of the effective date of this act.

U.S. citizens hired abroad

The Senate amendment (sec. 747) allows the Secretary of State greater flexibility in hiring U.S. citizens, particularly family members of U.S. Government employees, at embassies and consulates abroad.

The House bill contains no comparable provision.

The conference substitute (sec. 180) is virtually identical to the Senate amendment, but does not include a provision allowing the Secretary of State to prescribe the conditions under which to make U.S. family members eligible to participate in the Federal Employees Retirement System (FERS).

The committee of conference recognizes the contributions that private U.S. citizens living and working abroad make to the promotion and protection of the interests of the United States throughout the world, and in particular, their vital role in making the United States more competitive in the world economy. To ensure that everything possible is being done to enable American citizens abroad to compete on a most favored competitor basis, the committee of conference urges the Department of State to undertake, in cooperation with other relevant Departments of the U.S. Government and with 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 committee of conference further believes that a process should be established so that American citizens abroad can contribute their ideas and suggestions for improving the promotion and protection of the interests of the United States throughout the world. The committee of conference urges the Department of State to, consistent with available personnel and resources, consult American citizens abroad at embassy and consulate locations.

Reductions in force

The Senate amendment (sec. 229) allows the Secretary of State to conduct reductions in force and to prescribe regulations for the separation of members of the Foreign Service under such reductions in force.

The House bill contains no comparable provision.

The conference substitute (sec. 181) is similar to the Senate amendment, but makes technical and conforming changes. The committee of conference provided this authority in hopes that the Secretary of State would employ RIF in order to meet the executive branch's goals for reducing the number of federal employees. It has been provided to achieve equitable distribution of downsizing efforts across all classifications of employees at the Department of State.

Restoration of withheld benefits

The Senate amendment (sec. 734) clarifies the intent of section 1058, title 10, United States Code, regarding the military service of retired members of the United States Armed Forces with newly democratic nations. The Senate amendment restores withheld benefits, effective as of January 1, 1993, for any person approved for such employment by the Secretary of State and the Secretary of Defense before the date of enactment of this Act.

The House bill contains no comparable provision.

The conference substitute (sec. 182) is identical to the Senate amendment.

Foreign language competence

The Senate amendment (sec. 152) amends section 161(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, to ensure that assignment of personnel to foreign language competence posts does not disadvantage or otherwise discriminate against non-designated posts seeking or requiring language qualified personnel. The Senate amendment also amends section 164(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 to require the suspension of payment of language differentials to employees who do not maintain the required proficiency level until proficiency is regained and directs agencies to recommend that such employees seek remedial training to regain proficiency.

The House bill contains no comparable provision.

The conference substitute (sec. 191) requires the Secretary of State within 180 days of enactment to 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 norm that employees will not receive long-term training in more than three languages, and requiring that employees achieve full professional proficiency in one 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 two tours in jobs requiring that language, with exceptions for certain limited-use 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; (5) requiring the identification of appropriate Washington, D.C. positions as language-designated; and (6) requiring remedial training and suspension of language differential payments for employees receiving such payments who have failed to maintain required levels of proficiency. The conference substitute also repeals section 164 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 of conference view that a comprehensive approach is needed to the problem of enhancing the language proficiency of our Foreign Service Officers which gives positive weight to language proficiency in the Foreign Service recruitment and assignment processes, as well as in respect to promotions.

In mandating hiring preferences for Foreign Service Officer candidates who are competent in particular languages, the committee of conference has in mind languages used in two or more substantial posts in which the Foreign Service has, and is likely to have, deficits of qualified personnel in comparison with current and projected numbers of language-designated positions to be filled. The committee of conference believes that language proficiency preference should be a factor 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 reports including the 1986 Stearns report and the 1993 IG report, accenting the need for higher levels of required proficiency than the current 3/3 level. In providing for exceptions for priority needs of the Service, the committee of conference believes exceptions including those necessary: to staff, in a manner consistent with orderly management of the personnel system, "hard to fill" positions and positions at posts receiving a differential allowance for danger or at which personnel must be unaccompanied by family members; to staff posts using Finnish, Danish, Slovak, Hungarian, and other limited-use languages in which the Foreign Service has a very limited number of language-designated positions, when officers with the appropriate skills and language competence are unavailable; to make tandem assignments possible when one member of the couple has already had long-term training in three languages.

The committee of conference believes that critical needs of the Service exceptions should include the staffing of "hard-to-fill" positions and posts receiving a differential allowance for danger or at which personnel must be unaccompanied by family members.

The committee of conference also believes that, all other factors being equal, a bidder 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 164 of Public Law 101-246 on a basis of regulation, promotion panels for Foreign Service Officers of the Department of State, Agency for International Development, and the United States Information Agency should be instructed to take account of language ability and, all matters being equal, to give precedence in promotions to officers with demonstrated outstanding language proficiency.

The committee of conference believes 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, just as some officers working on NATO affairs should speak French which is one of NATO's two working languages.

Foreign language resource coordinator

The Senate amendment (sec. 153) contains congressional findings regarding the insufficient coordination within the Federal government of foreign language assets and expresses the sense of Congress that the Secretary of State should take the lead in coordinating such assets and should call upon other Federal agencies to share in the joint management and coordination of foreign language resources. The Senate amendment also requires the Secretary of State to appoint a Foreign Language Resource Coordinator who shall be responsible for coordinating the efforts of the appropriate agencies of the U.S. Government to strengthen mechanisms for sharing foreign language resources and to identify Federal foreign language resource requirements, and 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.

The House bill contains no comparable provision.

The conference substitute (sec. 192) is similar to the Senate amendment, but deletes the findings and makes technical and clarifying changes.

The committee of conference believes that the absence of a single interagency mechanism to coordinate Federal foreign language resources represents a significant weakness in the United States Government's ability to mobilize and direct existing foreign language assets in support of national foreign policy goals. The committee of conference believes there is a growing need for coordination of all Federal agencies maintaining and utilizing foreign language resources, to increase cost-effectiveness through sharing of resources, to identify foreign language needs and priorities required to support foreign policy objectives, and to identify foreign language resources capable of supporting global economic competitiveness and to facilitate private sector access to those resources.

The committee of conference encourages the Secretary of State to undertake additional initiatives to improve language proficiency in the Foreign Service and foreign affairs agencies, including: retaining an academic expert or recently-serving career ambassador to get a sharper focus on current and prospective foreign language needs of the Foreign Service; developing and implementing a viable proficiency retesting pro-

gram as was recommended by the 1993 IG report; annually documenting the compliance rate for filling language designated positions with language-qualified personnel, as was recommended by the 1993 IG report; taking steps to fund and reinvigorate post language programs, as was recommended by the 1993 IG report, at posts where inadequate language proficiency is a problem; language-designating certain chiefs of mission positions in the spirit of Section 304(a)(1) of the Foreign Service Act of 1980; language-designating some positions overseas at levels higher than SR/R3 (general professional proficiency), as has been recommended by the 1986 Stearns report, numerous ambassadors, and the 1993 IG report; and developing appropriate language proficiency criteria for non-Foreign Service employees of the Department of State, Agency for International Development, and United States Information Agency.

Foreign language translator and interpreter—career service program

The Senate amendment (sec. 154) requires the Secretary of State to establish a program to obtain the services of additional translators and interpreters trained at institutions of higher learning in the United States. The Senate amendment requires the Secretary of State to pay the costs of tuition for eligible U.S. citizens who pursue professional training in translation or interpretation in foreign languages for which the Secretary determines there is a shortage of qualified Government personnel. Individuals who successfully complete training shall agree to perform such services for a period of not less than one year for each year of academic tuition paid. The Senate amendment establishes eligibility criteria for participation in the program and allows the Secretary to levy a surcharge for providing other executive branch agencies with foreign language translation and interpretation services.

The House bill contains no comparable provision.

The conference substitute (sec. 193) allows the Secretary of State to levy a surcharge for providing other executive branch agencies with foreign language translation and interpretation services.

Assignment of Foreign Service Officers with advanced proficiency in foreign languages

The Senate amendment (sec. 155) contains congressional findings regarding foreign language proficiency and requires the Secretary of State to direct the establishment and apportionment of a certain number of overseas positions 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 S4/R4 level, and for missions using hard or incentive languages with more than nine Foreign Service Officer positions assigned by the Department of State, 4% of positions and not less than one position. 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 House bill contains no comparable provision.

The conference substitute is the same as the House position.

Reimbursement of State and local governments

The Senate amendment (sec. 733) authorizes the Secretary of State to reimburse Seattle and the State of Washington up to a total of $440,000 in fiscal year 1994 and $500,000 in fiscal year 1995 for security costs associated with the Asian Pacific Economic Cooperation conference held in Seattle in November, 1993.

The House bill contains no comparable provision.

The conference substitute (sec. 101(b)(4)) authorizes $940,000 of the amounts made available for the protection of foreign missions to be available on a one time only basis to reimburse Seattle and the State of Washington for security costs associated with the Asian Pacific Economic Cooperation conference held in Seattle in November, 1993 and authorizes $1 million to be available for fiscal year 1995 to reimburse state and local government agencies for the security costs associated with the Western Hemisphere summit scheduled to be held in Miami in December, 1994.

U.S. citizens victimized by Germany during World War II

The House bill (sec. 190) contains congressional findings and expresses the sense of Congress that U.S. 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.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 535) is virtually identical to the House bill, but deletes the findings.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL AND CULTURAL PROGRAMS

Changes in administrative authorities

The House bill (sec. 231) allows the United States Information Agency to use funds for security construction and improvements at USIA facilities abroad which are not collocated with Department of State facilities.

The Senate amendment (sec. 211) is virtually identical.

The conference substitute (sec. 222) is identical to the House bill.

Buying power maintenance account

The Senate amendment (sec. 212) establishes a buying power maintenance fund for USIA, similar to the one established for the Department of State, in order to maintain appropriate levels of program activities despite foreign currency fluctuations.

The House bill (sec. 233) is virtually identical.

The conference substitute (sec. 224) 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. 225) is identical to the House bill.

Permanent authorizations

The House bill (sec. 236) repeals section 105(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 105(a) of the Mutual Educational and Cultural Exchange Act of 1961 to allow funds for U.S. educational and cultural exchange activities to be available until expended.

The committee of conference notes that section 236 of the House bill was not intended to make funds for exchange programs 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 all 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 Bureau, and requires an additional report from the Director of USIA within 180 days of enactment outlining the range of exchange programs conducted by USIA, identifying possible areas of duplication or inefficiency, and recommending program consolidation and administrative restructuring as warranted.

The conference substitute (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 major exhibit at any international exposition or world's fair in excess of amounts expressly authorized and appropriated for such purpose.

The House 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 provision.

The conference substitute (sec. 231) is identical to the House bill. The committee of conference notes that this section is not intended 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. 218) 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. 232) is identical to the Senate amendment.

African participation in exchange programs

The Senate amendment (sec. 223) contains congressional findings regarding the need for

enhanced participation by Africans in exchange programs and requires USIA to expand exchange program allocations for Africa, particularly Fulbright Academic Exchanges, International 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. 249) is similar to the Senate amendment, but does not include the congressional findings.

The committee on the conference notes that USIA programs with African countries have continued to decrease over the past three years, occurring at a time when economic reform and the expansion of democratic governments and institutions are taking place in more than 25 countries across Africa. The committee of conference notes that African institutions are now attempting to reform their education sector to adjust population and budget pressures, and to revitalize existing infrastructure to restore quality. In addition, the committee of conference notes that higher education is one of the cornerstones of economic and political development, and will help improve the well-being of African citizens. Finally, the committee of conference believes that USIA programs in Africa are insufficient to meet the expanding needs for educational development and to help strengthen democratic, educational, and free market institutions in Africa.

Employment authority

The House bill (sec. 232) amends section 804(6) of the United States Information and Educational Exchange Act of 1948 to allow the Director to employ individuals or organizations for services to be performed in the United States or abroad, who shall not, by virtue of such employment, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

The Senate amendment 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, except for real estate leases and waiver 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 is identical to the Senate amendment.

U.S. transmitter in Kuwait

The Senate amendment (sec. 215) prohibits the use of any funds authorized to be appropriated to be obligated or expended for 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 radio transmitter in Kuwait.

Appropriations authorities

The House bill (sec. 235) amends section 701 of the United States Information and Educational Exchange Act of 1948 to expand and make permanent certain authorization transfer authorities enacted in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The Senate amendment contains no similar provision.

The conference substitute (sec. 201) is identical to the House bill.

American studies collection

The House bill (sec. 238) provides for the establishment of collections of American studies materials at university libraries abroad to enhance and support American studies at the undergraduate level. The Director of the United States Information Agency is authorized to establish an endowment fund and to make deposits to the fund in amounts appropriated to the fund under section 201(7) of the House bill ($1,650,000 for fiscal year 1994 and $1,950,000 for fiscal year 1995 to fund the endowment; $450,000 for each fiscal years 1994 and 1995 for administrative costs). The Director may also accept, use, and dispose of gifts of donations of services or property to carry out the purposes of this section.

The Senate amendment (sec. 226) contains the identical provision authorizing the program, but omitting the authority for the endowment.

The conference substitute (sec. 235) is virtually identical to the House bill. Because the conference substitute does not explicitly authorize appropriations for the endowment, the conference substitute provides for funds appropriated for the American Studies Collections program or otherwise available for it to be deposited in the endowment fund. Authorizations of appropriations for the program 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 scholarly organizations is intended to ensure that the program has available to it the most current thinking about how to best design such collections. The committee of 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 conferees expect USIA to consult closely with those committees.

South Pacific exchange programs

The House bill (sec. 239) creates a program: (1) to support academic scholarships to qualified students from the South Pacific region to pursue undergraduate and postgraduate studies at institutions of higher learning in the United States; (2) to make grants to United States scholars and experts to teach, pursue research, or offer training in nations of the South Pacific; and (3) 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 House bill. Because the authorization of appropriations for educational and cultural programs under section 201 assumes $1 million only for the activities described in (1) and (2) above, the conferees understand that no funds will be available in fiscal year 1994 for youth exchanges described in (3), but provide the authority for such exchanges subject to appropriations in future years. In adopting this provision, the conferees intend to encourage exchanges with the Cook Islands, Fiji, Kiribati, Niue, Papua New Guinea, the Solomon Islands, Tonga, Tuvalu, Western Samoa and Vanuatu. The conferees note with satisfaction that USIA conducts substantial exchanges with Australia and New Zealand, and do not intend by this provision to enhance those, but rather to encourage attention to the smaller nations listed above.

Educational and cultural exchanges with Tibet

The House bill (sec. 243) directs the United States Information Agency to establish programs of educational and cultural exchange between the United States and the people of Tibet.

The Senate amendment contains no such provision.

The conference substitute (sec. 236) is identical to the House bill. The people of Tibet intended to be the beneficiaries of such programs are people of Tibetan heritage, within Tibet and in exile, rather than Chinese immigrants or temporary Chinese workers in Tibet. The conferees recognize that the USIA has already established a Fulbright program for 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 not for Chinese immigrants or temporary Chinese workers in Tibet.

USIA office in Lhasa, Tibet

The Senate amendment (sec. 219) directs the Director of the United States Information Agency to establish an office in Lhasa, Tibet for the purposes of disseminating information about the United States, promoting discussions on conflict resolution and human rights, facilitating private sector involvement in educational and cultural activities in Tibet, and advising the United States Government with respect to Tibetan public opinion.

The House bill contains no such provision.

The conference substitute (sec. 221) is similar to the Senate amendment, but states that the Secretary of State and the Director of the United States Information Agency shall seek to establish such an office and requires an annual report on developments relating to the implementation of this section.

The committee of conference believes that a U.S. presence in Lhasa and other Tibetan areas is an important policy priority, for it permits more accurate understanding of the situation in Tibet and facilitates Tibetans'

exposure to information about the United States and participation in USIA activities. The committee on the conference urges the Director of USIA to make every effort to establish the office, and even in advance of the opening of a Lhasa office, to enhance the Agency's programming for Tibet.

Scholarships for East Timorese

The Senate amendment authorizes the Bureau of Educational 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 the undergraduate 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 scholarship program to enable Cambodian college students and postgraduate 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 to foreign students who have completed their 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 conferees recognize that the term "sustainable development" is subject to different interpretations and that, as a result, the fields of study that may be considered eligible for purposes of this section are exceptionally broad.

In authorizing the establishment of this section, the conferees consider the following, non-exclusive examples of the educational programs these fellowships are intended to support: environmental economics, for example natural resource accounting; natural resource management, for example forestry or fisheries management; and engineering, for example in pollution prevention technology.

In authorizing the establishment of this exchange, the committee of conference expects the United States Information Agency to consult with the Committees of jurisdiction in establishing the parameters of eligible programs.

Vocational Exchange Program

The Senate amendment (sec. 225) amends the Mutual Educational and Cultural Exchange Act of 1961 to authorize the President to conduct vocational exchanges by financing visits and interchanges of professionals and skilled workers in the fields of government, business, and finance.

The House bill contains no similar provision.

The conference substitute is the same as the House position.

Near and Middle East research and training

The Senate amendment (sec. 227) amends section 228(d) of the Foreign Relations Authorization Act, fiscal years 1993 and 1993, by expanding the definition to include providing graduate grants and grants for post-doctoral studies to United States scholars on Turkey.

The House bill contains no similar provision.

The conference substitute (sec. 233) is identical to the Senate amendment.

Distribution of USIA film

The Senate amendment (sec. 228) allows the Director of the United States Information Agency to make available for distribution within the United States the USIA film "Crimes Against Humanity."

The House bill contains no similar provision.

The conference substitute (sec. 234) amends the Senate amendment to allow the Director of the United States Information Agency to also make available for distribution within the United States the United States Information Agency's Thomas Jefferson Paper Show, which commemorates the 250th anniversary of the birth of Thomas Jefferson.

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 for the promotion of educational, medical, and scientific meetings, training, research, visits, interchanges, 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 2452(b)), the President shall promote the inclusion of persons with disabilities, as well as persons involved in disability-related matters.

PART B—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 the Japanese political economy and a second year in which each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, with the approval of the Center, a nongovernmental Japanese institution. Fellowships are to be known as "Mansfield Fellowships" and individuals awarded fellowships as "Mansfield Fellows." Grants may be made to the Center only if the Center agrees to comply with the program requirements established in section 253 of the House bill. The Director of USIA is authorized to enter into a private agreement with the Japanese Government for the purpose of negotiating an agreement on the placement of Mansfield Fellows in the Japanese Government. The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Board.

The Senate amendment (sec. 232) differs from the House bill in that it authorizes the Center to accept gifts and donations of services from private sources but does not condition the Center's acceptance of these sources as being subject to the review and approval of the Board.

The conference substitute (sec. 252) makes acceptance by the Center of gifts and donations from private sources subject to the review and approval of the Director of USIA.

Program requirements

The House bill (sec. 253) establishes the following requirements: U.S. citizens eligible for fellowships shall be employees of the Federal Government for a period of at least two years with a strong career interest in United States-Japan relations. Not less than 10 scholarships shall be awarded each year. Mansfield Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan and shall return to the Federal Government for further employment for a period of at least two years at the end of their fellowships unless the Fellow is unable to find reemployment in the Federal Government. The Center shall provide each Fellow with a stipend equal to the pay rate the individual was receiving when he or she entered the program, cost of living adjustments, and certain allowances and benefits the individual would have been entitled to as a United States Government civilian employee overseas. For the first year of each fellowship, the Center shall provide intensive Japanese language training and courses in the political economy of Japan in the Washington, D.C. area. The Center may waive any or all of the training requirements to the extent the Fellow has language skills or knowledge of Japan's political economy. Mansfield Fellows not complying with the requirements of this section of the House bill shall reimburse USIA 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 bill except for the following: The House bill requires that each Fellow, in addition to maintaining satisfactory progress in language training, must maintain appropriate behavior in Japan. The Senate amendment does not list appropriate behavior as a program requirement. The Senate amendment does not require the accounts of the Center to be audited annually

whereas the House bill requires an annual audit of the Center's accounts.

The conference substitute (sec. 253) includes appropriate behavior as a program requirement. It also requires that the financial records of the Center be audited annually and the report of the audit be submitted to the Director of USIA.

Mansfield fellowship review board

The House bill (sec. 255) establishes the Mansfield Fellowship Review Board to consist of the following 11 individuals or their designees: Secretary of State, Secretary of Defense, Secretary of the Treasury, Secretary of Commerce, United State Trade Representative, Chief Justice of the United States, Majority Leader of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and Director of the United States Information Agency. The Board shall review the administration of the program. Each year at the time of the submission of the President's budget request to Congress, the Board shall submit to the President and Congress a report completed by the Center with the approval of the Board on the conduct of the program during the preceding year. The Director of USIA is authorized to provide secretarial and staff assistance to the Board. The Federal Advisory Committee Act shall not apply to the Board to the extent the provisions of this section are inconsistent with that Act.

The Senate amendment (sec. 235) authorizes the Director of USIA to review the administration of the program. Each year at the time of the submission of the President's budget request to Congress, the Director of USIA shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a report completed by the Center on the conduct of the program during the preceding year.

The conference substitute (sec. 253) is identical to the Senate amendment.

Definitions

The House bill (sec. 256) provides for the purposes of the Mike Mansfield Fellowship Act the following definitions: "Agency of the United States Government" includes any agency of the legislative branch, any court of the judicial branch, as well as any agency of the executive branch. The terms "agency head" means: in the case of the executive branch of government or an agency of the legislative branch, other than Congress, the head of the representative agency; in the case of the judicial branch, the chief justice of the respective court; in the case of the Senate, the President pro tempore, in consultation with the Majority and Minority Leaders; in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority and Minority Leaders of the House; the term "Board" means the Mike Mansfield Fellowship Review Board; the term "Center" means the Mansfield Center for Pacific Affairs.

The Senate amendment (sec. 236) is virtually identical to the House bill but omits the definition of the term "Board."

The conference substitute (sec. 257) is identical to the Senate amendment.

The committee of conference believes that the Mansfield Fellowship Program will serve as a tribute to Senator Mike Mansfield, in recognition both of his long career of public service and of his contributions to U.S.-Japan relations and to mutual understanding between the American and Japanese peoples. The committee also believes that, by making it possible for United States Government employees to live in Japan and work in Japanese Government agencies, the Program will enhance the capacity of the U.S. Government to manage the important, yet complex, U.S.-Japan relationship.

TITLE III—INTERNATIONAL BROADCASTING ACT

This part, which constitutes the International Broadcasting Act, establishes a new structure for the operation of U.S. Government non-military broadcast services in response to new political conditions in the post Cold War world, technological advances in broadcasting and changing budget realities. This title consolidates United States Government non-military broadcast services in the United States Information Agency under the authority of a Presidentially appointed and Senate confirmed Broadcasting Board of Governors.

The committee of conference notes the enormous impact and success of U.S. international broadcasting services over the past fifty years. The committee of conference also commends the President for ordering a review of United States Government international broadcasting activities to ensure the most effective broadcasting in the post-Cold War era and to achieve savings. Since World War II, the Voice of America (VOA), and Radio Free Europe and Radio Liberty (RFE/RL), have provided accurate news and facilitated the free flow of information to millions of people around the world.

While changing circumstances in countries to which the United States broadcasts will necessitate adjustments in programming content, hours and languages, the committee of conference believes that continued broadcasting by these services remains important to the national interests of the United States.

The political realities of the post Cold War order necessitate a complete and thorough review of U.S. broadcast operations. The social, economic, and political upheavals associated with the collapse of the former Soviet Union have had, and continue to have, a profound impact at least as significant as events that led to the creation of the mission and structures of our current international broadcast operations. These changes have not resulted in smooth or inevitable transitions to democracy. Rather, the nature and direction of current developments in these regions of tremendous importance to the United States are confusing and unclear. Broadcast services that were designed, in part, to undermine the legitimacy of outwardly stable totalitarian regimes now have to adapt to remain relevant, flexible and useful at a time of enormous political, economic and social volatility.

The committee of conference notes that throughout the Cold War it was virtually impossible to obtain accurate audience data from many of the countries where the United States had the greatest interest in broadcasting. In the new broadcasting environment, the committee of conference urges those involved in planning and managing U.S. international broadcasting to utilize comprehensive and definitive audience research in order to ensure that, within limited resources, taxpayer funds are used to maximize the reach and impact of U.S. broadcast services.

The committee of conference acknowledges the particular importance of international broadcasting in countries and regions undergoing democratic transition. The committee of conference recognizes the important role played by VOA in informing voters during the recent Cambodian election and recommends that such special and expanded coverage, including candidate forums, on the street interviews and programming about democratic principles and process be an integral part of broadcasts to regions during electoral undertakings. The committee of conference believes that U.S. Government international broadcasting services should in the years ahead give high priority to covering issues related to the establishment of democratic institutions.

Short title

The Senate amendment (sec. 301) establishes a short title of this part as the "United States International Broadcasting Act of 1994".

The House bill (sec. 211) establishes a short title of this part as the "United States International Broadcasting Act of 1993".

The conference substitute (sec. 301) is identical to the Senate amendment.

Findings and declarations

The Senate amendment (sec. 302) makes the following congressional findings: that it is the policy of the United States to promote the right of opinion and expression in accordance with Article 19 of the Universal Declaration of Human Rights; that open communication of information and ideas contribute to peace and international stability; that United States support for VOA, RFE/RL, and broadcasting to Cuba has been prominent in the implementation of U.S. policy; that the creation of a new broadcast service to the People's Republic of China and other communist countries in Asia would promote the goals of U.S. foreign policy; and that reorganization and consolidation of broadcast services will achieve important economies and enhance U.S. policy in a changing international environment.

The House bill (sec. 212) contains the following congressional findings: that it is the policy of the United States to promote the free flow of information; that open communication among the peoples of the world is in the interests of the United States; and that it is in the interest of the United States to support broadcasting to other nations.

The conference substitute (sec. 302) contains the following congressional findings and declarations of purpose: that it is the policy of the United States to promote the right of freedom of opinion and expression; 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 of the PRC 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.

Standards and principles

The House bill (sec. 213) establishes the following standards for international broadcasting activities supported by U.S. funds: that it be consistent with U.S. foreign policy and international telecommunications policy and treaty obligations; that it complement the activities of private U.S. broadcasters and government supported broadcasters of other democratic nations; that it be conducted according to the highest professional standards; that it be based on reliable information about its potential audience; and that it be designed to reach a significant audience.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 303(a)) (Broadcasting Standards) is virtually identical to the House amendment, but contains technical and conforming changes. These standards are applicable to all international broadcasting supported by the U.S. Government.

The House bill (sec. 214) establishes the following requirements for U.S. international broadcasting: that it be accurate and objective; that it present a balanced and comprehensive view of the diversity of American thought and opinion; that it clearly and effectively present the policies of the U.S. Government; that its programming meet the unserved information needs of the broadcast audience; that it be a forum for a variety of opinions; that it be a source of information about developments in each significant region of the world; that it be a forum for a variety of opinions and voices from within nations that suffer from censorship of free speech and opinion; that it maintain reliable research capacity and transmitter and relay capacity to support its activities; that it be a source of information about developments in Asia; and that it provide training and technical support for independent indigenous media.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 303(b)) (Broadcasting Principles) is virtually identical to the House bill.

The committee of conference notes that it is not intended that each broadcasting operation supported by the U.S. government must meet the requirements of every standard and function contained in this subsection, but rather that the totality of nonmilitary U.S. government international broadcasting should accomplish these functions.

Broadcasting Board of Governors

The Senate amendment (sec. 303) establishes within USIA a Broadcasting Board of Governors. The Board shall consist of 8 members. 6 shall be voting members and appointed by the President, with the advice and consent of the Senate. The Director of the USIA shall also serve as a voting member. The Director of the International Broadcasting Bureau shall be an ex-officio member of the Board but may not vote in the determinations of the Board. The President 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 of the Board for his or her respective term of service. Of the other 6 voting board members, the initial terms of office of 2 members shall be 1 year, and the initial terms of office of 2 other members shall be 2 years, so that the terms of office of one-third of the voting members of the Board expires each year. 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 the level IV of the Executive Schedule. The Director of USIA and the Director of the International Broadcasting Bureau shall not be entitled to such compensation, except for travel expenses.

The House bill contains no comparable provision.

The conference substitute (sec. 304) increases the number of members of the Broadcasting Board of Governors from 8 to 9 and eliminates the Director of the International Broadcasting Bureau from the Board. The Director of USIA shall be a member of the Board for his or her term of office. The President shall designate 1 member, other than the Director of USIA, as the Chairman. The conference substitute increases from 6 to 8 the number of voting members who shall be appointed by the President, by and with the advice and consent of the Senate. Exclusive of the Director of USIA, not more than 4 members appointed by the President shall be of the same political party. The term of office of each member of the Board shall be 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 USIA, and to remain a member 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 are to be made 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 Senate amendment (sec. 304) authorizes the Board to provide guidance to, and oversight of, the International Broadcasting Bureau; to review and evaluate the mix of VOA and surrogate programming; to make grants to RFE/RL, to review engineering activities; to undertake efficiency studies, to appoint staff personnel to the Board; to submit to the President an annual report on its activities to the President; to procure supplies, services, and personal property; and to make available for its own use official reception and representation expenses. The Director of the Board shall also, in carrying out its functions, respect the independence and professional integrity of the International Broadcasting Bureau and its broadcasting services.

The House bill contains no comparable provision.

The conference substitute (sec. 305) authorizes the Board to direct and supervise all non-military broadcasting activities supported by the U.S. Government; to review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all programming within the broad foreign policy objectives of the United States; to review, evaluate and determine the addition or deletion of language services; to assure that all U.S. international broadcasting is conducted in accordance with the standards and principles contained in this Act; to review engineering activities; to make and supervise grants for broadcasting by Radio Free Europe, Radio Liberty and Radio Free Asia; to allocate funds appropriated for international broadcasting activities; to undertake studies that identify areas in which the broadcasting activities under its authority can be made more efficient and economical; to submit an annual report to Congress on its activities, including information on the amount of funds expended on administrative and managerial services by each of the broadcasting services; to review engineering activities for quality and cost-effectiveness; to procure supplies and services; to appoint staff personnel to the Board whose job classifications and compensation shall be determined by General Schedule pay rates and guidelines; to make available for its own use official reception and representation expenses; to respect the independence and professional integrity of the International Broadcasting Bureau, its broadcasting services, and grantees; and to provide for use of USG transmitter capacity for relay of Radio Free Asia. The Director of the Bureau and all grantees shall submit proposed budgets to the Board. The Board shall forward its budget recommendations to the Director, USIA, as part of the Agency's submission to OMB.

The committee of conference clarifies the ultimate authority of the Broadcasting Board of Governors over all broadcasting activities pursuant to this Act and the Radio and TV Broadcasting to Cuba Acts.

Foreign policy guidance

The Senate amendment (sec. 305) authorizes the Secretary of State, acting through the Director of USIA, to provide information and guidance on foreign policy issues to the Board.

The House bill contains no similar provision.

The conference substitute (sec. 306) is identical to the Senate amendment. The committee of conference believes that it is of essential importance that the Board be informed of all relevant foreign policy guidance in carrying out its mandate under the terms of this Act. The committee of conference is also mindful of the need for journalists and broadcasters to maintain their professional independence in order to produce factual, unbiased and balanced work products. For these reasons, all relevant foreign policy guidance provided to the Board should be transmitted by the Secretary of State, acting through the Director of USIA, and no other channel.

International Broadcasting Bureau

The Senate amendment (sec. 306) establishes an International Broadcasting Bureau within USIA to include the following elements: VOA, Office of Surrogate Broadcasting, Worldnet Television and Film Service, Engineering and Technical operations, and other elements established by the Director of International Broadcasting in concurrence with the Director of USIA. The Office of Surrogate Broadcasting shall administer the grants for Radio Free Europe, Radio Liberty, Radio Free Asia, and administer the Office of Cuba Broadcasting and other surrogate services that may be established. The Director of the Bureau shall be appointed by the Chairman of the Board in consultation with the Director of USIA and with the concurrence of a majority of the Board. Section 5315 of title 5, United States Code is amended to include the position of Director of International Broadcasting Bureau, USIA. Funding for the Board and the Bureau shall be made out of a single appropriations account. The Director of the Bureau shall submit proposals on appropriation of broadcasting funds to the Board. The Board shall forward its recommendations to the Director, USIA. The recommendations of the Board shall be included in the Director's submission of the proposed broadcasting budget to OMB. The

Board shall allocate funds among the separate elements of the International Broadcasting Bureau, subject to limitations established in 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 Director of USIA and with the concurrence of a majority of the Board. Section 5315 of title 5, United States Code, is amended to include the position of 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 specify in detail the structure, organization, and responsibilities of the Bureau, believing that these issues can be more thoroughly and adequately addressed by the newly constituted Broadcasting Board of Governors. The committee of conference requests the Board to submit to Congress at the earliest possible date a detailed description of and justification for the organization, responsibilities, and activities of the International Broadcasting Bureau.

Limits on grants for Radio Free Europe & Radio Liberty

The Senate amendment (sec. 307) authorizes the Board to make annual grants to RFE/RL for the purpose of operating RFE/RL and Radio Free Asia. No grant may be made to RFE/RL unless RFE/RL's certificate of incorporation has been amended to provide that: the Board of Directors of RFE/RL shall consist of the members of the Broadcasting Board of Governors; the Board shall make all policy determinations with respect to RFE/RL, including compensation of employees; and the name of RFE/RL shall be amended to include reference to Radio Free Asia. No grant shall be made to RFE/RL unless it agrees to locate the headquarters of its corporation and senior staff within the metropolitan Washington, D.C. area. Not later than 90 days after enactment of this Act, the Board shall submit a report to Congress on the number of staff that will be located in the Washington, D.C. metropolitan area. Grants made after September 30, 1995, for the operating costs of 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 $8,000,000. 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 outlined in this Act.

The Senate amendment (sec. 309) provides that grants authorized under this section shall be made available to make annual grants to carry out the same functions as were carried out by RFE/RL before the date of enactment of this Act. Grants to RFE/RL shall be made subject to an agreement between the Board and RFE/RL, which requires that grant funds will only be used for purposes the Board determines 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 reduce overlapping language and broadcasting services. The grant agreements shall require RFE/RL to justify in detail each proposed expenditure of grant funds. Grants may not be used for any other purpose unless the Board 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 will not be imposed prior to January 1, 1995; to influence the defeat or passage of legislation in Congress; to enter into contract to pay severance payments beyond those required by United States law or the laws of the country where the person is stationed; to pay for first class travel; and to compensate freelance contractors without the written approval of the Director. Not later than March 31 and September 30, the Inspector General of USIA shall submit to the Board, the Director of USIA, and Congress a report on management practices of RFE/RL. The Inspector General of USIA shall establish a special unit within the Inspector General's office to monitor and audit RFE/RL. The financial transactions of RFE/RL may be audited by the General Accounting Office. The GAO shall have access to all books, accounts, records, reports, and files of RFE/RL. The Inspector General of USIA is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL. Before relocating the activities of RFE/RL, the Board for International Broadcasting or the Board, if established, shall submit a detailed plan to the Comptroller General and the appropriate congressional committees. Not later than 3 months after enactment of this Act the Board for International Broadcasting shall submit a report to the Office of Personnel Management on personnel classifications and salaries. Not later than 9 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. 308) combines Senate amendment sections 307 and 309 in recognition that both of these sections address grant limitations for RFE/RL. This section of the conference substitute provides that no grant may be made to RFE/RL, Incorporated, unless RFE/RL's certificate of incorporation has been amended to provide that the Board of RFE/RL shall consist of the members of the Broadcasting Board of Governors and that the Board shall make all major policy determinations governing the operation of RFE/RL, including making determinations on compensation levels of RFE/RL employees. Compliance with these requirements shall not be construed to make RFE/RL a Federal agency or instrumentality.

The conference substitute modifies the Senate amendment requirement that senior staff headquarters for RFE/RL be located in the metropolitan area of Washington, D.C.; instead, the conference substitute requires that RFE/RL's senior staff and senior management headquarters be located in a place which ensures economy, operational effectiveness, and accountability to the Board. The committee of conference is mindful that placement of all senior staff in the Washington metropolitan area could lead to management and operational inefficiencies. The Board shall be required to submit a report to Congress 90 days after confirmation of the Board that describes the number of administrative, managerial, and technical staff of RFE/RL who will be located within the metropolitan area of Washington, D.C.

The conference substitute provides that grants for operating costs made to RFE/RL after September 30, 1995 may not exceed $75,000,000 in any fiscal year. The Board at any time may award grants to carry out these functions to an entity other than RFE/RL if the Board determines that RFE/RL is not fulfilling its mandate in an effective and economical manner.

The conference substitute provides that grants made to RFE/RL shall be available for the purpose of carrying out similar functions by RFE/RL before 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 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 without fiscal obligation to the United States. The grant agreement shall impose conditions as the Board determines necessary to reduce overlapping language and broadcasting services. The grant agreements shall require RFE/RL to justify in detail each proposed expenditure of grant funds. Grants may not be used for any other purpose unless the Board gives its approval.

The conference substitute provides that no grant funds may be used for the following purposes: to pay any salary or compensation in excess of rates established for comparable positions under title 5 of the United States Code and that such 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 voluntary separation for employees hired after December 1, 1990 beyond those required by United States law or the laws of the country where the employee is stationed; to pay for first class travel for any employee of RFE/RL; and to compensate freelance contractors without the written approval of the Director. Not later than March 31 and September 30 of each calendar year, the Inspector General of USIA shall submit to the Board, the Director of USIA, and Congress a report on management practices of RFE/RL. The Inspector General of USIA shall establish a special unit within the Inspector General's office to monitor and audit RFE/RL. The financial transactions of RFE/RL may be audited by the General Accounting Office. The GAO shall have access to all books, accounts, records, and reports. Upon repeal of the Board for International Broadcasting Act, the Inspector General of USIA is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL. Until such time, the Board for International Broadcasting Inspector General shall continue to exercise his or her responsibilities.

The conferees underscore that the mandate of the Inspector General is not so broad as to encompass investigation of editorial practices. The conferees are concerned that journalistic independence of broadcasters would be endangered if the Inspector General were to second guess working journalists. Such review should be undertaken by the managers of the respective services, with proper oversight of the Board.

The conference substitute provides that no funds authorized for fiscal years 1994 and 1995

be available for relocating the activities of RFE/RL, unless specifically provided for in an appropriation Act or pursuant to a reprogramming notification, and the relocation is approved by the Board and the Board submits a detailed plan to the Comptroller General and the appropriate congressional committees or, prior to the confirmation of the Board, the relocation is authorized by the President, the President certifies that there is a significant national interest that requires the decision to be made prior to the confirmation of the Board and upon the submission of a detailed plan to the Comptroller General of the United States and the appropriate congressional committees.

This section reflects the belief of the committee of conference that any decision to relocate RFE/RL Inc. from Munich should be taken by the Broadcasting Board of Governors after the Board has conducted its own independent review of such proposals and presented a detailed report that includes all relevant materials that justify a recommendation to relocate. This section is designed expressly to forestall a fait accompli before the Board has been confirmed but which, nevertheless, constrains the Board thereafter on an issue of immense significance to the future not just of RFE/RL but all broadcasting under the aegis of the Board. The conferees recognize that the government of the Czech Republic has offered to provide a new headquarters for RFE/RL Inc. However, the conferees make no judgement as to the propriety of the relocation itself.

Not later than 90 days after confirmation of the Board, the Board shall submit to Congress a report on personnel classifications and salaries. The report shall include a comparison of the rates of salaries, other compensation and classifications of RFE/RL employees with those of VOA employees stationed overseas in comparable positions and shall identify disparities and steps being taken to eliminate any disparities. It is the intention of the committee of conference that the full range of employee benefits and salaries should be taken into consideration when determining comparability between employees of the U.S. government and RFE/RL Inc. For example, salaries, allowances, tax liabilities and privileges should be included within the review. The committee of conference notes that the Board, in preparing this report, should consult closely with the Office of Personnel Management. Congress, in assessing the report submitted to it by the Board, will rely closely on the Office of Personnel Management for technical expertise in its evaluation of the report submitted by the Board.

The conference substitute removes from this section all references to Radio Free Asia. The committee of conference acknowledges the fundamental differences and challenges facing RFE/RL and Radio Free Asia. Tasking RFE/RL with the responsibility of overseeing the creation and management of a new surrogate broadcast service would be unwise since RFE/RL is undergoing a period of unprecedented consolidation and reorganization of its own operations. The committee of conference also recognizes the need for Radio Free Asia to be allowed maximum flexibility to create and implement appropriate broadcast services for the Asian continent.

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 and be a forum for a variety of opinions. No grant may be awarded to Radio Free Asia until the Board has submitted to Congress and the Comptroller General of the United States a detailed plan for the establishment and operation of Radio Free Asia. The plan shall be submitted no later than 120 days after enactment of this Act. If the Board determines that Radio Free Asia may not be operated effectively within the funding limitations, it may present an alternative plan and propose changes in legislation to the appropriate congressional committees. Not later than 3 years after the date funds have been provided to RFE/RL for the purpose of operating Radio Free Asia, the Board shall submit a report on the performance, feasibility and the future viability of Radio Free Asia. The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President determines that it is in the national interest to fund Radio Free Asia for one additional year. The Board shall notify the appropriate congressional committees before entering into any agreements utilizing VOA transmitters and equipment. Grants may only be made to RFE/RL if the principal place of business of Radio Free Asia is within the Washington, D.C. metropolitan area, unless the Board determines that another location within the United States is more cost-effective. The Senate amendment also provided that grants made for the operating costs of Radio Free Asia may not exceed $22,000,000 in any fiscal year and that total grant funds made available for one-time capital costs of Radio Free Asia may not exceed $8,000,000.

The House bill contains no similar provision.

The conference substitute (sec. 309) is similar to the Senate amendment but makes the following changes: Radio Free Asia is established as an independent grantee rather than being a separately funded activity of RFE/RL. No grant may be awarded to Radio Free Asia until the Board has submitted a detailed plan on Radio Free Asia to Congress that shall include a description of the manner in which Radio Free Asia would meet the funding limitations established in the Act, a description of the numbers and qualifications of employees it proposes to hire, and how Radio Free Asia proposes to meet the technical requirements for carrying out its responsibilities under this section. The conferees note that, for purposes of this plan, "technical requirements" include a statement that the authority to utilize existing transmitters has been obtained for the broadcasting of Radio Free Asia to countries or regions proposed in the plan, and that existing transmitters meet the technical needs of the new service. The conference substitute maintains the requirement that the detailed plan for the establishment and operation of Radio Free Asia, which the Board must submit to the Director of USIA, be submitted to Congress but deletes the requirement that the report also be submitted to the Comptroller General.

The conference substitute deletes all references to RFE/RL in this section in recognition that RFE/RL's and Radio Free Asia's mandates are different and, therefore, that the two broadcast entities should remain independent of each other.

After reviewing start-up and operating cost estimates for initiating Radio Free Asia and other technical issues, the committee of conference expresses its strong concern that Radio Free Asia may not receive adequate funding in this or future fiscal years and could face significant technical problems that delay initiation of the service in 1995 or thereafter. For this reason, the conferees agree that Congress will have to review this issue again after the Board's submission of the feasibility plan required by this title. If it is apparent that Radio Free Asia, in the form provided by this section, is not feasible, the conferees agree that alternative means for meeting the goals of Radio Free Asia, such as a grant or technical assistance program to non-government organizations for broadcasting purposes, will have to be considered.

The committee of conference wishes to emphasize its expectation that Radio Free Asia will be a credible source of news and information about developments within the target countries and developments within the East Asian region. The committee of conference underscores that Radio Free Asia is not being created with the objective of broadcasting propaganda. Indeed, the committee of conference expects Radio Free Asia to adopt appropriate editorial policies to ensure the highest professional standards.

The conferees also expect that the State Department and the USIA will use their best efforts in seeking permission to use U.S. transmission facilities overseas for Radio Free Asia broadcasts.

Transition

The Senate amendment (sec. 310) authorizes the transfer of all activities from the Board for International Broadcasting to the USIA, the Board, or the Bureau. The Director of USIA and the Chairman of the Board for International Broadcasting shall prepare a report for the President on implementation of the transition, not later than 120 days after the date of enactment of this Act. The report shall include a detailed cost analysis to implement fully the recommendations of such a plan. The plan shall identify all costs in excess of those authorized for the transition and shall provide that all excess costs be derived from the "salaries and expenses" account of USIA. The Director of USIA may assign employees of the Agency for service with RFE/RL. All Board for International Broadcasting personnel shall be transferred to the USIA, the Board, or the Bureau. The Board for International Broadcasting Act of 1973 is repealed effective September 30, 1995 or when the Board is appointed, whichever is later. All legal documents which have been issued, made or granted in the performance of functions transferred under this title, and which are in effect at the time this title takes effect, shall continue in effect until modified, terminated, set aside or revoked by the President, the Director of USIA, or other authorized official. The provisions of this title shall not affect any proceeding pending before the Board for International Broadcasting or suits or other proceedings commenced before the effective date of this title. No suit, action, or other proceeding commenced by or against the Board for International Broadcasting shall abate by reason of enactment of this Act.

The House amendment contains no similar section.

The conference substitute (sec. 310) modifies the Senate amendment's reporting requirement that directs the Director of USIA and the Chairman of BIB to submit a report to the President describing how the transition will be implemented and further demonstrating how any excess costs associated with the transition are to be derived from

funds authorized to the salaries and expenses account (section 201(a)(1)) for USIA. The conference substitute deletes any reference to "report" and replaces it with "plan" and deletes language requiring the plan to demonstrate how any excess costs associated with the transition are to be derived with funds specifically authorized to USIA's salaries and expenses account. The conference substitute now requires the Director of USIA and the Chairman of BIB to submit a transition plan describing how the transition will be implemented and how excess costs associated with the transition are to be derived from all accounts in Title II (Section 201).

The committee of conference is concerned that any delay in submitting names to the Senate for confirmation to the Broadcasting Board of Governors, thereby delaying the Board from assuming its authorities under this title, could greatly impede the success of broadcast consolidation. For this reason, the conferees expect that the President shall nominate Board members as promptly as possible and no later than 120 days after the enactment of this Act.

Preservation of American jobs

The Senate amendment (sec. 311) contains congressional findings that the consolidation and reorganization of overseas broadcasting should limit, to the maximum extent feasible, the elimination of any United States-based positions and should seek to transfer as many positions to the United States.

The House amendment contains no similar section.

The conference substitute (sec. 311) is identical to the Senate amendment.

Privatization of Radio Free Europe and Radio Liberty

The Senate amendment (sec. 312) contains congressional findings that funding for Radio Free Europe and Radio Liberty should be assumed by the private sector not later than December 31, 1999 and that funding for Radio Free Europe and Radio Liberty Research Institute should be assumed by the private sector at the earliest possible time. The President 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 congressional committees a report, and periodic reports thereafter, on steps being taken to transfer the RFE/RL Research Institute to the private sector.

The House bill contains no similar section.

The conference substitute (sec. 312) is identical 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 committee on conference notes efforts already undertaken by RFE/RL Inc. to terminate the Czech and Polish Broadcast Departments and establish new nonprofit private entities in Warsaw (RWE Inc.) and Prague (RSE Inc.) The committee on the conference expects that the BIB and the Broadcasting Board of Governors (BBG) will do everything possible, within available resources, to support this privatization effort. It is not anticipated that the BIB or, if confirmed, the board will make grants to these entities after September 30, 1995.

Requirement for authorization of appropriation

The House bill (sec. 218) prohibits the obligation of any funds appropriated for non-military international broadcasting activities unless such funds are appropriated pursuant to an authorization of appropriations. The House bill also prohibits the appropriation of funds for broadcasting that are in excess of the authorized level. This limitation does not apply to the extent that an authorization is enacted after the appropriation of such funds. These provisions may not be superseded, except by a provision of law that specifically repeals, modifies or supersedes the provision. These provisions shall not apply, or affect in any manner, permanent appropriations, trust funds, and other similar accounts authorized by law or administered under U.S. non-military international broadcasting.

The Senate amendment contains no similar provision.

The conference substitute (sec. 313) is identical to the House bill, with a technical change to reflect changes made to other provisions of this title.

The committee of conference notes the potential for cost-savings as part of this consolidation plan. The committee of conference notes that the Administration projects the following five year budget for broadcasting activities conducted pursuant to this Act: fiscal year 1995: $637,349—1995 authorized amount; fiscal year 1996: $494,627; fiscal year 1997: $500,055; fiscal year 1998: $510,956; fiscal year 1999: $522,168. The committee on conference anticipates working closely with the Administration to meet the aggregate savings goals anticipated under these projections. The committee on conference recognizes that delays in authorizing or appropriating needed funding for certain consolidation costs may delay savings in the outyears.

Report on advertising

The House bill (sec. 219) requires U.S. Government agencies and entities, which carry out broadcasting with U.S. Government funding, to report to Congress, within a year of enactment of this Act, on efforts to sell advertising. The report shall include information on advertising sold, revenue generated, and an evaluation of future potential advertising.

The Senate amendment contains no similar provision.

The conference substitute is the same as the Senate position.

Definitions

The Senate amendment (sec. 312) provides the following definitions for the purposes of this title: The term "appropriate congressional committees" means 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. The term "RFE/RL, Incorporated" includes reference to Radio Free Asia (sec. 307(b)(3)) and alternative grantees to which the Board may choose to award grants (sec. 307(e)). The term "salary and other compensation" includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

The House bill contains no similar section.

The conference substitute (sec. 315) is the same as the Senate amendment except that it deletes section 307 (b)(3) of the Senate amendment that amends RFE/RL's certificate 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 Israel.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 315) repeals section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, terminating the joint BIB/VOA transmitter project in Israel, repeals section. 503 of PL 80-402, United States Information and Educational Exchange Act of 1948, and repeals the "VOA Charter" which is now incorporated in section of the conference substitute.

TITLE IV—INTERNATIONAL ORGANIZATIONS AND UNITED STATES PARTICIPATION IN UNITED NATIONS PEACEKEEPING OPERATIONS

PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS

United Nations Office of Inspector General

The Senate amendment (section 166) requires that ten percent of funds authorized for U.S. assessed contributions to the United Nations 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 makes a certification to the Congress. That certification must state the following: that the United Nations has established an independent Inspector General (I.G.) to conduct and supervise audits relating to the programs and operations of the United Nations and each of the specialized agencies of the United Nations; that the Secretary-General has appointed an I.G., with the consent of the General Assembly, solely on the basis of the integrity of that individual and his or her demonstrated ability in relevant fields of expertise; that the I.G. is authorized to make investigations and reports on the United Nations and its specialized agencies, have access to all records and documents, and have direct and prompt access to any official of the United Nations and its specialized agencies; that the I.G. is keeping UN officials, members of the Security Council, and members of the General Assembly fully informed of the I.G.'s findings; that the United Nations has established measures to protect the identity, and prevent reprisals against, any staff member providing information to the I.G.; and that the United Nations has enacted procedures to ensure compliance with the I.G.'s recommendations.

The Senate amendment further requires (section 170D), 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 establishment of an independent I.G. at the United Nations.

The conference substitute (sec. 401) is similar to the Senate amendment. The substitute withholds 10 percent from fiscal year 1994 U.S. contributions to the U.N. regular budget, 20 percent from fiscal year 1995 U.S. contributions to the U.N. regular budget, and 50 percent from the $670 million authorized for supplemental peacekeeping funds for fiscal years 1994 and 1995, subject to a Presidential certification. The President must certify that: (1) the U.N. has established an independent office of Inspector General; (2) the Secretary General has appointed an I.G., with the approval of the General Assembly, based principally on the appointee's integrity and demonstrated expertise in relevant areas; (3) the I.G. is authorized to make investigations and reports, have access to all

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 (6) the U.N. has procedures in place to ensure that all annual and other relevant reports submitted by the I.G. are made available to the General Assembly without modification.

The substitute does not require that the U.N. specialized agencies establish separate I.G.s, and does not require withholding from U.S. contributions to those agencies' budgets. The substitute does state that U.S. representatives to the United Nations should promote complete access by any I.G. established at the U.N. to all records and officials of the U.N. specialized agencies, and should strive to achieve such access no later than fiscal year 1996. Finally, the substitute defines the term "Inspector General", for purposes of this part, as 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.

The committee of conference strongly supports the administration's policy of establishing an independent I.G. for the United Nations and urges it to define the relation of this office to other existing U.N. offices with oversight functions. In addition, the committee of conference supports the administration's efforts to ensure that the entire U.N. system is subject to the appropriate form of Inspector General review. The committee of conference notes that there are legal and technical obstacles to an immediate extension of a central I.G.'s authority to the U.N. specialized agencies. In some cases, those obstacles, sound policy, or the requirements of effective oversight, may suggest that certain agencies retain separate Inspectors General.

The committee of conference notes that while this Act refers in numerous sections to an "office of the Inspector General" at the United Nations, this does not require that such an oversight office established at the United Nations have precisely this title. The committee is aware that the title "Inspector General" has negative connotations for many members of the United Nations. The committee's legislative intent is not that such an office be named "Inspector General", but that such office have sufficient authority and means to implement effectively a strong oversight role.

The conference substitute requires that the President certify that the United Nations has procedures in place to ensure that "all annual and other relevant reports" submitted by the I.G. are made available to the General Assembly without modification. The committee of conference intends that the phrase "all relevant reports" does not include reports on ongoing criminal investigations, or those portions of reports on internal U.N. personnel matters the publication of which would clearly violate an individual's right to privacy. "Relevant reports" should include but not be limited to reports that in the I.G.'s judgment should be made available to the General Assembly in order to serve the objective of reducing fraud, waste, theft, malfeasance, and mismanagement at the United Nations.

United States participation in management of the United Nations

The Senate amendment (section 167) withholds funds authorized for United States assessed contributions to the United Nations for fiscal year 1995 until the Secretary of State certifies to Congress that the position of Under Secretary-General of the United Nations for Administration and Management is held by a United States citizen as of October 1, 1994. The Senate amendment further provides a waiver for this requirement if certain conditions are met, and states the sense of the Congress that the specified United Nations position should be held by a United States citizen.

The House bill contains no comparable provision.

The conference substitute (sec. 402) states the sense of the Congress that, consistent with the 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 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, 1995, Department of Defense funds shall be available for U.S. assessed or voluntary contributions to U.N. peacekeeping activities, or for the unreimbursable incremental costs associated with U.S. Armed Forces 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. 403) is the same as the Senate amendment.

Assessed contributions for United Nations peacekeeping operations

The Senate amendment (section 170C) states that the U.S. Permanent Representative to the United Nations should make every effort to ensure that the United Nations completes a review and reassessment of each nation's assessed contributions for U.N. peacekeeping activities, and should make every effort to obtain agreement by the United Nations to a U.S. assessed contribution for U.N. peacekeeping which is no greater a percentage of such contributions by all countries than the U.S. percentage of assessed contributions for other U.N. activities. The Senate amendment states that Congress declares that, effective for fiscal year 1996, it does not intend to provide funds for U.S. assessed or voluntary contributions for U.N. peacekeeping activities that exceed 25 percent of the total amount of the contributions of all countries for such activities, unless after the date of enactment of this Act the Congress enacts a statute specifically authorizing a greater percentage. The Senate amendment also amends the United Nations Participation Act to add certain reporting requirements on budget matters, and to add definitions to that Act.

The House bill (sections 163 and 167) contains numerous findings on the costs of U.N. peacekeeping and the level of the U.S. assessment for U.N. peacekeeping, and prohibits the use of funds contained in the Contributions for International Peacekeeping Activities account to pay U.S. assessments for U.N. peacekeeping at a rate higher than 30.4% of the total costs.

The conference substitute (sec. 404) retains modified Senate language on efforts by the Permanent Representative relating to the U.N. review of peacekeeping assessments. The conference substitute includes the House provision prohibiting payment of the U.S. peacekeeping assessment at a rate higher than 30.4% for fiscal years 1994 and 1995. The conference substitute also prohibits payment at a rate higher than 25% for any fiscal year after fiscal year 1995. Finally, 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 as part of a peacekeeping operation. The Senate amendment states the sense of the Congress that the President should take immediate steps to assure that U.S. military personnel serving in peacekeeping operations who are captured are accorded the protection accorded to prisoners of war, and should take all steps to bring to justice all individuals responsible for the mistreatment, torture or death of U.S. military personnel who are captured. The Senate amendment contains reporting requirements on the status under international law of members of peacekeeping forces, the risk to U.S. personnel who are captured, and the specific steps taken to protect U.S. military personnel under such circumstances. The Senate amendment also requires reporting on efforts by the United Nations to investigate and take appropriate action in cases of alleged human rights violations committed by U.N. peacekeeping forces.

The House bill contains no comparable provision.

The conference substitute (sec. 405) retains the Senate provision stating the sense of the Congress on this issue, and includes the Senate reporting requirements as part of the annual reports required by section 407(b).

The committee of conference notes that although United States military personnel have not served in numerous United Nations peacekeeping operations, U.S. personnel serving in such operations nonetheless have been captured, tortured, and murdered, such as Colonel William Higgins in Lebanon. The committee of conference stresses the importance of clarifying the status under international law of personnel serving in U.N. peacekeeping operations.

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 transmit 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 are to be transmitted not later than 72 hours after adoption by the Security

Council, and the Permanent Representative also shall promptly transmit to Congress any report prepared by the United Nations containing assessments of any proposed, ongoing, or concluded United Nations peacekeeping activities. The Senate amendment also amends the United Nations Participation Act to provide additional definitions.

The House bill contains no comparable provision.

The conference substitute (sec. 406) is similar to the Senate amendment, but expands the resolutions required to be transmitted to all resolutions adopted by the Security Council, and changes the time by which they must be transmitted from 72 hours to three working days. The committee of conference notes that the term "supporting documents", as used in this section, includes reports submitted by the Secretary General to the Security Council prior to votes on resolutions in the Security Council which contain proposals, assessments, and recommendations on peacekeeping operations, as well as reports published by other United Nations authorities such as the General Assembly and its constituent organs that are available prior to a vote in the Security Council.

Consultations and reports

The Senate amendment contains several notification and reporting requirements.

The Senate amendment (section 1501) requires that at least fifteen days before (1) any obligation of funds for U.S. participation in international peace operations, or (2) any vote by the Security Council to take action under Article 42 of the U.N. Charter which would involve the use of U.S. Armed Forces, the President shall submit to Congress a report containing a cost assessment of the participation of U.S. Armed Forces in those operations. Section 1501 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 timely manner.

The Senate amendment (section 1502) requires that at least fifteen days before any U.S. Government agency makes available armed forces, assistance, or facilities to the United Nations under Article 43 of the U.N. Charter, the President shall so notify Congress. Section 1502 also provides a waiver of the 15 day reporting requirement if the President determines that an emergency exists which prevents making a notification in a timely manner.

The Senate amendment (section 1503) requires that not later than 90 days after the date of enactment of this Act, and each year thereafter at the time of the President's budget submission to Congress, the Secretary of State shall submit to Congress a report on U.S. contributions to U.N. peacekeeping activities. Such report shall include (1) the overall cost of all peacekeeping operations as of the date of the report, (2) the costs of each peacekeeping operation, (3) the amount of U.S. contributions (assessed and voluntary) on an operation by operation basis, and (4) an assessment of the effectiveness of ongoing peacekeeping operations, their relevance to U.S. national interests, efforts by the United Nations to resolve relevant armed conflicts, and the projected termination dates for such operations.

The Senate amendment (section 1504) contains detailed Congressional findings and sense of Congress language on U.S. participation in U.N. peacekeeping operations and the need for consultation between the executive branch and the Congress when U.S. armed forces participate in such operations.

The Senate amendment also contains reporting requirements on discretionary withholding of U.S. assessments (section 165), U.N. peacekeeping funding issues (section 170C), treatment of U.S. personnel taken prisoner while serving in peacekeeping operations (section 170E), human rights observance in U.N. peacekeeping activities (section 170E), and access of U.S. contractors to U.N. peacekeeping contracts (section 190).

The House bill contains no comparable provisions.

The conference substitute (sec. 407) modifies and consolidates reporting and notification requirements contained throughout the House bill and the Senate amendment.

Section 407(a)(1) through (4) of the conference substitute establishes consultation procedures, and information and reporting requirements. It requires that the President consult with designated congressional committees each month on the status of U.N. peacekeeping operations. In connection with these consultations, certain information shall be provided each month to those committees. In the case of ongoing peacekeeping operations, the required information includes: a list of all U.N. Security Council resolutions anticipated to be voted on during that month which would extend or change the mandate of any U.N. peacekeeping operation; for each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the resolution's adoption; an estimate of the total cost to the U.N., and an estimate of the amount of that cost that will be assessed to the U.S., for each such operation for the period covered by the resolution; and, any anticipated significant changes and the estimated costs to the U.S. of such changes, in U.S. participation in or support for each such operation during the period covered by the resolution. The list of Security Council Resolutions and the cost estimates must be provided in written form to the designated congressional committees no later than the tenth day of that month. With respect to each new U.N. peacekeeping operation anticipated to be authorized by a Security Council resolution during that month, the required information includes (for the period covered by the Security Council resolution): the anticipated duration, mandate, and command and control arrangements of such operation; an estimate of the total cost to the U.N. of the operation, and an estimate of the amount of that cost that will be assessed to the U.S.; and, a description of the functions that would be performed by any U.S. Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the U.S. of such participation or support. Information on the first two categories of information must be provided in written form to the designated congressional committees no later than the tenth day of that month. If, during the period between the required monthly consultations, the United States learns that the U.N. Security Council is likely to vote on a resolution authorizing a new U.N. peacekeeping operation that was not previously reported, the President must submit to the designated congressional committees a written interim report. The report shall include information on the anticipated duration, mandate, and command and control arrangements of such operation and an estimate of the total costs to the U.N. and the U.S. of the operation. The written interim report must be submitted not less than 5 days before the vote of the Security Council, unless the President determines that exceptional circumstances prevented compliance with the five day advance reporting requirement. In that case, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and must include the determination and a description of the exceptional circumstances that were the basis of the determination.

Section 407(a)(5) establishes prior notification requirements for U.S. assistance to the United Nations. The President must notify designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations, when that assistance exceeds $3 million in nonreimbursable assistance or $14 million in reimbursable assistance. This prior notification requirement does not apply to assistance provided to the United Nations for peacekeeping operations under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961. The conference substitute further requires the President to submit quarterly reports on all assistance provided by the United States to the United Nations during the preceding calendar quarter to support peacekeeping operations. Each report must describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required elsewhere in this Act and shall include cumulative information for the preceding calendar year.

The committee of conference notes that these prior notification and reporting requirements are established to enhance congressional understanding of the full range of support provided by the United States to the United Nations for peacekeeping operations. The committee of conference does not wish to limit unduly the President's flexibility to provide such assistance and has therefore established thresholds of assistance to be notified in advance of $3 million for grant assistance and $14 million for reimbursable assistance. The committee of conference likewise does not intend that the quarterly, retrospective reports on assistance provided to U.N. peacekeeping operations include temporary duty assignments of U.S. personnel in support of peacekeeping operations of less than twenty personnel in any one case, or less than $100,000 in financial assistance. The committee is prepared to alter these thresholds based on experience.

The conference substitute also requires the President to submit an annual report to Congress on a wide range of issues, pursuant to section 407(b) of the substitute.

On funding issues, the information required in the annual report includes: a description of all U.S. assistance provided to the United Nations to support peacekeeping operations during the previous calendar quarter and during the previous year; for both United Nations and other multinational peacekeeping, the aggregate cost of all such operations for the prior fiscal year, the cost of each operation for the prior fiscal year, and the amount of U.S. contributions (both assessed and voluntary) on an operation by operation basis for the prior fiscal year; a projection of U.S. costs for U.N. peacekeeping activities for fiscal years 1996 and 1997; an assessment of the effectiveness of ongoing peacekeeping operations; and the dollar value and percentage of total peacekeeping

contracts awarded by the U.N. to U.S. contractors during the previous year.

The substitute also requires annual reporting on U.N. reform issues, including: the status of efforts to establish and implement an independent Inspector General; if an I.G. has been established, a discussion of whether that official is keeping the Secretary General and the members of the General Assembly fully informed of the I.G's activities; the status of efforts to reduce the U.S. peacekeeping assessment rate; and the status of other U.S. efforts to achieve financial and management reform at the United Nations.

The substitute requires annual reporting on the status under international law of members of multinational forces, the extent of risk for U.S. military personnel captured while participating in such forces, and the specific steps that have been taken to protect U.S. military personnel participating in such 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 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.

The conference substitute specifies that the President may not provide any excess defense articles (EDA) to international or regional organizations 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 section shall be credited against U.S. assessed contributions to that organization.

The conference substitute also establishes a procedure under which both the State Department and the Defense Department may receive credits against U.S. assessed contributions for U.N. peacekeeping operations. Any credits provided as a result of this new authority shall be counted against U.S. assessed contributions that are payable from the State Department's "Contribution to International Peacekeeping Activities" account, unless an account is established within the Department of Defense for payment of a portion of U.S. assessed contributions for U.N. peacekeeping operations. If such an account is established, EDA is transferred under this section for a U.N. peacekeeping operation, and the U.S. assessed contribution for that operation is payable from that account, then the credit for those excess defense articles shall be counted against DOD's portion of U.S. assessments (until the value of the articles transferred exceeds the amount payable from DOD's account, at which point any excess credits shall apply to the State Department's account).

The conference substitute establishes limitations on EDA transfers under this new 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 applicable under section 505 of the Foreign Assistance Act of 1961, as amended, which ensure those articles will be used only for purposes that have been agreed to by the United States.

The conference substitute requires that EDA transfers under this section be notified to designated congressional committees not less than 15 days before the transfer occurs, unless the President determines that an unforeseen emergency requires the immediate transfer 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 Committee on Foreign Relations, 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 new authority, 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 committee of conference emphasizes its clear and unequivocal intent that the U.S. government shall not provide any excess defense articles to an international or regional organization without first securing a written agreement which specifies not only the amount of the credit the U.S. is to receive against U.S. assessed contributions as a result of such transfers, but which also includes provisions which are comparable to those under section 505 of the Foreign Assistance Act of 1961, as amended (regarding requisite end-use, retransfer and security agreements) and such other 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 committee further intends that the use of term "value (as defined in section 644(m)(1))" throughout this section is to be interpreted by the executive branch to mean "current value" 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. 165) authorizes the President to withhold 20% of the funds appropriated for assessed contributions to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any of its specialized agencies has failed to implement or continued to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are major financial contributors. The Senate amendment also requires that the President notify Congress when a decision is made to withhold any share of U.S. assessed contributions to the United Nations or its specialized agencies pursuant to this section and authorizes payment of prior year assessed contributions if such payment would further U.S. interests in that organization. The Senate amendment also requires the President to submit a report not later than February 1 of each year concerning payment of assessed contributions to the United Nations or any of its specialized agencies in the preceding calendar year. Finally, the Senate amendment repeals similar provisions contained in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

The House bill (sec. 163) is virtually identical.

The conference substitute (sec. 410) is virtually identical to the Senate amendment.

Permanent members of the U.N. Security Council

The Senate amendment (sec. 170A) expresses the sense of the Senate that the United States should, in principle, support the efforts of Japan and Germany to become permanent members of the United Nations Security Council.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

U.N. Security Council membership

The Senate amendment (sec. 162) contains congressional findings regarding the use of informal regional groups as the sole means for election of the nonpermanent members of the United Nations Security Council, which has resulted in discrimination against Israel, and expresses the sense of the Congress that the Secretary of State should request the Secretary General of the United Nations to seek immediate resolution of this problem. The Senate amendment also requires the President to inform Congress at the time of the annual budget submission of any progress in resolving this situation.

The House bill (sec. 184) is virtually identical.

The conference substitute (sec. 411) is identical to the Senate amendment.

Reforms in the World Health Organization

The Senate amendment (sec. 163) expresses the sense of Congress with respect to the use of U.S. contributions to the World Health Organization and requires the President to direct the U.S. representatives to the World Health Assembly, the Executive Board, and the World Health Organization (WHO) to monitor the activities of WHO to ensure that such organization achieve the timely implementation of reforms and management improvements and the effective and efficient utilization of resources. The Senate amendment also requires the Secretary of State to submit a report not later than 180 days after enactment of this act assessing WHO's progress in implementing management reforms.

The House bill contains no comparable provision.

The conference substitute (sec. 412) is similar to the Senate amendment, but deletes the reporting requirement.

Reforms in the Food and Agriculture Organization

The House bill (sec. 185) expresses the sense of the Congress that the United States should use the opportunity of the 1993 election of a new Director General of the Food and Agriculture Organization (FAO) to press for organizational and management reform and that it should be the policy of the United States to promote specific reforms in the FAO, including decentralization of the ad-

ministrative structure, reform of the FAO Council, limitations on the term of the Director 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 reference to the 1993 elections 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. 195) 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 will comply with Article 100 of the U.N. Charter, that neither the U.N. Secretary General nor his staff should 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 on various United Nations and peacekeeping issues.

The House bill contains no comparable provisions.

The conference substitute (sec. 415) states that, for purpose 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. 740) authorizes the President to bring into force for the United States the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations which exempts certain employees 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 1 of the Conference on Security and Cooperation in Europe's Council of Ministers Decision 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. 164) authorizes the U.S. Commissioner to 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 House bill also expands the authority of the International Boundary and Water Commission to take emergency actions to protect against health-threatening surface and ground water pollution problems along the U.S.-Mexico boundary. Finally, the House bill creates the Falcon and Amistad Operating and Maintenance Fund, to be administered by the Administrator of the Western Area Power Administration, for use by the U.S. Commissioner of the International Boundary and Water Commission to defray operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad dams. Revenues collected in connection with the generation of electric power at the Falcon and Amistad dams would be deposited in the U.S. Treasury, to be used to fund operation and maintenance expenses.

The Senate amendment (sec. 171) is virtually identical.

The conference substitute (sec. 423) is virtually identical to the House bill, but clarifies that emergency actions to address health-threatening surface and ground water pollution problems should be taken consistent with the Safe Drinking Water Act.

Sewage treatment along the United States-Mexico border

The Senate amendment (sec. 764) authorizes the Secretary of State, acting through the U.S. Commissioner to the International Boundary and Water Commission, to enter into an agreement with the Government of Mexico to address pollution problems from sewage originating in Mexico and specifies the types of recommendations to be included in such an agreement. The Senate amendment also allows the Secretary of State, through the U.S. Commissioner, to act jointly with the Government of Mexico to supervise the planning, construction, operation, and maintenance of a sewage treatment works specified in the agreement. The Secretary of State shall consult with the Administrator of the Environmental Protection Agency and other appropriate U.S. Government agencies in carrying out this section. The Senate amendment also requires the Secretary to submit an annual report on the implementation of this section.

The House bill contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes that the International Boundary and Water Commission already has sufficient authority to carry out the project required by the Senate amendment. In addition, the committee of conference notes that the Border Environmental Commission established under the implementing legislation for the North American Free Trade Agreement will be responsible for oversight of border projects addressing environmental problems.

Membership in the International Copper Study Group

The Senate amendment (sec. 743) authorizes the President to maintain U.S. membership in the International Copper Study Group (ICSG) and allows the U.S. assessed contribution to the ICSG to be paid from funds appropriated for contributions to international organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 425) 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. 426) is identical to the Senate amendment.

The committee of conference notes that the conference substitute is intended to grant limited coverage to the IUCN for three purposes. The first is to ensure the IUCN's tax-exempt status in the United States with respect to both state and Federal taxes. The committee of conference notes that this does not extend to the IUCN a status it does not already enjoy. IUCN is recognized by the Federal and District Governments as a nonprofit organization and, as such, is exempt from taxation. The second purpose of the conference substitute is to allow IUCN the benefits of the International Organizations Immunities Act with respect to the hiring of foreign nationals. As an international organization, the IUCN frequently has call to bring to the United States individuals who work at its offices overseas. The conference substitute would facilitate such hiring. The third purpose of the conference substitute is to facilitate IUCN's ability to work with Federal agencies. The committee of conference does not intend for the conference substitute to be used as a basis for extending to the IUCN and its employees immunity from civil or criminal prosecution.

Inter-American organizations

The Senate amendment (sec. 174) contains a congressional finding and expresses the sense of Congress that the Secretary of State, in allocating resource levels for international organizations, should pay particular attention to funding levels of inter-American organizations.

The House bill contains no comparable provision.

The conference substitute (sec. 427) is virtually identical to the Senate amendment, but deletes the finding.

International Coffee Organization

The Senate amendment (sec. 175) prohibits the use of funds authorized by this or any other act to pay any U.S. contribution to the International Coffee Organization.

The House bill contains no comparable provision.

The conference substitute (sec. 428) prohibits the use of funds authorized by this act to pay any U.S. contribution to the International Coffee Organization. The committee of conference notes that the United States

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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 to pay any U.S. 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, to indicate 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) $101,929,000 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 $7,000,000 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 this provision any 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 these 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 committee 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 lend the appearance of legitimacy to 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 restriction 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. The conference substitute also provides that of the funds available for fiscal year 1994, $11,000,000 is made 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, $27,600,000 is available only if the President certifies one of the following: (a) that UNDP has approved or initiated no new programs or new funding for existing programs in Burma since June 1993; (b) that new programs that are introduced address unforeseen urgent humanitarian concerns; or (c) that a democratically elected government in Burma has agreed to such programs.

The committee of conference intends that section 431(b)(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) reflect the concern of the committee of conference that UNDP programs in Burma have been abused by the SLORC for the purpose of attempting to create an appearance of legitimacy, and strengthen its hold over Burma, including building infrastructure which was useful in its brutal military campaigns against ethnic minorities. 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 1990 elections in Burma, and less with the SLORC military regime which failed to honor the election results and which has remained in power solely through force and repression.

Because of these concerns, under section 431(a) of the conference substitute, the United States voluntary contribution to UNDP must be reduced by the United States proportionate share of any UNDP program in Burma, notwithstanding any certification provided to the Congress under section 431(b). If, however, the President cannot make the certifications required in section 431(b), even deeper, specified reductions of $11,000,000 and $27,600,000 must be made in the United States contributions to UNDP in fiscal years 1994 and 1995.

In adopting the position that the deeper reduction of fiscal year 1995 funds otherwise mandated by section 431(b) may be avoided under the certification provision, the committee of conference recognizes that notwithstanding the proportionate reduction required under section 431(a), UNDP might choose to provide limited and carefully controlled assistance to address unforeseen urgent humanitarian concerns, such as providing support for a voluntary, internationally accepted resettlement of refugees from Bangladesh which is fully consistent with international refugee standards and monitored by the United Nations High Commissioner for Refugees. In addition, the committee of conference substitute does not mandate the specified deep reduction in 1995 funds if UNDP activities in Burma are expressly approved, officially or unofficially, by a democratically elected government of Burma. This may occur if a democratic government takes office in Burma or if new UNDP programs or new funding for programs are approved by the internationally recognized winners of the 1990 elections in Burma.

TITLE V—FOREIGN POLICY

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 and migration 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 exchanges

The House bill (sec. 186) reduces the two-year authorization for the U.S.-Canada Interparliamentary Exchange by $20,000 and increases 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 directs 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 requires that the Assistant Secretary responsible for human rights and humanitarian affairs shall also be responsible for promoting increased respect internationally for those rights. The House bill also expresses the sense of Congress that a major effort should be made to strengthen the right to food in international law and toward that end, the Secretary of State, through the U.S. Representative to the United Nations, should propose to the United Nations General Assembly that a declaration and convention concerning the right to food be adopted and submitted to the countries of the world for ratification.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 503) is similar to the House bill, but urges the United States to promote increased respect internationally for the rights to food and medical care, and deletes references to an international convention on such rights.

Transparency in armaments

The House bill (sec. 191) expresses the sense of Congress that no sale of defense articles or

services should be made, and no license issued for the export of such articles or services, and no agreement to transfer such articles or services in any way, should be made to any nation that does not fully furnish all pertinent data to the U.N. Register of Conventional Arms. The House bill also expresses the sense of Congress that if a nation has not submitted the required information by the reporting date in any given year, but subsequently notifies the U.N. that it intends to provide that information before the next reporting date, agreements may be negotiated with that country for the provision of such articles or services, but actual delivery should not occur until such nation submits the required information.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 504) is similar to the House bill, but also 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.

Revitalization of the "Permanent Five" process

The House bill (sec. 192) contains congressional findings regarding the Perm-5 talks on guidelines for conventional arms sales to the developing world and expresses the sense of the 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 committee of conference notes that the operative clauses of section 192 of the House bill are incorporated in section 504 of the conference substitute.

Report on the impact of conventional weapons proliferation

The House bill (sec. 193) amends section 36(b) of the Arms Export Control Act to require that each certification required for letters of offer to sell any defense articles or services for $50 million or more, any design and construction services for $200 million or more, or any major defense equipment for $14 million or more, provide an evaluation of the manner in which the proposed sale would meet legitimate defense needs of the foreign country or international organization to which the sale would be made, increase regional tensions or instability, or introduce new or more sophisticated military capabilities into the region.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate position.

Inspector General Act

The Senate amendment (sec. 189) 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. 705) 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 1949 to add a new section which allows 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 or 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 underlying contractual obligations based on such letters of credit before the declaration of a national emergency pursuant to IEEPA.

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 Iraqi Claims Act of 1993 during the upcoming session. 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 encourage the United Nations Security Council to reaffirm its support for the people of northern Iraq and consider selectively lifting the embargo on those areas, advocate a unified, democratic Iraq, takes steps to design a multilateral assistance program for the Kurds, and intensify discussions with the Government of Turkey on these matters.

The House bill contains no comparable provision.

The conference substitute (sec. 507) is similar to the Senate amendment but deletes the findings, changes the focus of the provision from Iraqi Kurdistan to policy toward Iraq, and adds provisions calling on the President to encourage the United Nations Security Council to maintain the embargo against the Iraqi regime, consider extending protection to the marsh Arabs of southern Iraq, and pursue prosecution of Iraqi officials for war crimes. The conference substitute also calls upon the President to continue to support the territorial integrity of Iraq and encourage the provision of humanitarian assistance to people fleeing the marshes in southern Iraq. Finally the conference substitute deletes provisions from the Senate amendment detailing the type of multilateral assistance envisioned for the Kurds.

High level visits to Taiwan

The Senate amendment (sec. 720) expresses the sense of Congress that the executive branch should send cabinet-level U.S. officials on missions to Taiwan to promote U.S. interests and to ensure the continued success of U.S. business in Taiwan and that the President should take steps to show clear U.S. support for Taiwan both in bilateral relationships and multilateral organizations of which the United States is a member.

The House bill contains no comparable provision.

The conference substitute (sec. 508) is identical to the Senate amendment. The committee of conference urges the executive branch to take this into consideration as it completes its interagency review of Taiwan policy.

Report on economic relations with Taiwan

The Senate amendment (sec. 707) requires the President to submit an annual report on U.S. economic relations with Taiwan.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Transfer of obsolete war reserve stockpiles

The Senate amendment (section 722) provides for the transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea. The Senate amendment specifies the authorities through which the Secretary of Defense is authorized to transfer obsolete and surplus war reserve stockpiles to the Republic of Korea and specifies that acceptable concessions that must be agreed to in association with the transfer of obsolete or surplus war reserve stockpiles to the Republic of Korea. The Senate amendment also requires thirty day prior notification to Congress of any proposed transfer of obsolete or surplus war reserve stockpiles to the Republic of Korea and sunsets the authority to transfer obsolete or surplus war reserve stockpiles to the Republic of Korea two years after the date of enactment of this Act.

The House bill contains no comparable provision.

The conference substitute (sec. 509) is virtually identical to the Senate amendment, but clarifies 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 1998.

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 foreign government assets that have been blocked or frozen by the United States Government, particularly Haitian, Iranian, and Iraqi 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. 748) 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 aliens who are or were nationals or residents of an independent state of the former Soviet Union or Estonia, Latvia, or Lithuania and who are Jews or evangelical Christians. The provision would also extend until October 1, 1996 the Attorney General's ability to adjust the status of aliens who are 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

aliens lawfully admitted for permanent residence.

The House bill contains no comparable provision.

The conference substitute (sec. 512) is identical to the Senate amendment.

Material support for terrorists

The Senate amendment (sec. 704) establishes new criminal penalties for persons in the United States convicted of providing material support or resources, or concealing or disguising the nature location, source, or ownership of material support or resources that are to be used in preparation for, or in carrying out, certain acts of terrorism. The offenses covered include aircraft sabotage, acts of violence at airports, acts against various U.S. officials, acts against foreign officials and diplomats, acts against federal property, hostage-taking, maritime terrorist acts, and terrorist acts against U.S. nationals abroad.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

The Senate conferees believe this to be an important provision and note that its enactment would deter those providing material support by creating a single Federal standard for aiding and abetting terrorism, since in many jurisdictions the standard varies widely. Under some statutes, specific intent to commit the underlying offense is required before a person could be convicted of aiding or abetting. The Senate conferees note that this provision would provide a cause of action against those who knowingly provide assistance in advance as well as stiffer penalties for those who become accessories after the fact.

The committee of conference agreed not to include the Senate provision because of jurisdictional concerns of the committee of jurisdiction in the House. It is the understanding of the committee of conference that this matter will be addressed fully during the upcoming conference on the crime bill. The committee of conference notes that this provision has previously passed both the Senate and the House of Representatives, although in different legislative vehicles. The Senate conferees urge its enactment as part of this year's crime bill.

Pilot visa waiver program

The Senate amendment (sec. 723) requires the Secretary of State to explore the procedures necessary to begin a pilot visa waiver program which would reduce the time needed to permit South Korea to be an eligible visa waiver country. The Senate amendment also requires the Secretary of State to permit Koreans to travel to Alaska and Hawaii without visas.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Asylum reform

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 documents and make a non-credible 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 House bill contains no comparable provision.

The conference substitute is the same as the House position.

The committee of conference strongly supports efforts to reform U.S. asylum laws and procedures. In the last decade, applications for asylum have increased dramatically, with the current backlog of cases exceeding 370,000. Genuine refugees have suffered long delays in obtaining asylum. The delays have also encouraged fraudulent applications. Together, this has led to an erosion of support for asylum.

The committee of conference believes asylum reforms should include procedures for the expeditious processing of asylum applications, including exclusion of those who do not qualify. The committee of conference supports the efforts of the President to reduce the backlog of applications and expedite the processing of legitimate claims for asylum, as well as the complementary efforts by Congress to address this growing problem.

Report on Bosnian refugees

The Senate amendment (sec. 751) contains 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 all cases of Bosnian 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 such refugee status.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Chinese fleeing coercive population control

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 give asylum to those nationals of the PRC who demonstrate that they have experienced severe harm on account of their refusal to comply with Chinese government directives. The Senate amendment also 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.

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 who entered 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 with such application a sum equalling five times the fee usually required for adjustment of status. 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.

Conditions on MFN for China

The Senate amendment (sec. 752) contains congressional findings regarding conditions for renewal of most-favored-nation (MFN) status for the People's Republic of China and expresses the sense of the Senate that the President should use all appropriate opportunities, in particular more high level exchanges with the Chinese Government, to press for further concrete progress towards meeting the standards for continuation of MFN status as contained in the Executive Order of May 28, 1993.

The House bill contains no comparable provision.

The conference substitute (sec. 513) is identical to the Senate amendment.

Implementation of Partnership for Peace

The Senate amendment (sec. 753) requires the President to submit a report every six months, beginning six months after the date of enactment of this act, on the implementation of the "Partnership for Peace" initiative, including an assessment of the progress made by former members of the Warsaw Treaty Organization in meeting the criteria 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 urged the President to enunciate a clear policy towards Burma.

The House bill contains no comparable provision.

The conference substitute (sec. 515) is similar to the Senate bill, but includes 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 Burma and the Hmong from Laos.

The committee of conference strenuously objects to the action of elements of the Gov-

ernment of Thailand in early April 1994 to repatriate forcibly Cambodian women, children, and elderly into an area of Cambodia controlled by the Khmer Rouge. The committee of conference notes that this action was taken despite intercessions by the United Nations High Commissioner for Refugees and is contrary to the spirit of the October 1991 peace agreement on Cambodia. Such actions do not contribute to close cooperative relations between the United States and Thailand.

The committee of conference is also concerned about the apparent continued support extended by elements of the Royal Thai military to the Khmer Rouge in their recent offensive against 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 within the appropriate bureau 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 and 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 Elimination of All Forms of Discrimination Against Women (CEDAW) has not been submitted to the Senate within 90 days of enactment 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 for congressional consideration and approval.

The Senate amendment (sec. 137) contains a similar provision.

The conference substitute (sec. 142) expresses the sense of Congress that the Department 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 conference substitute also requires the Secretary of State to notify Congress within 180 days of enactment of the steps taken to fulfill the objective of integrating fully women's human rights issues into U.S. foreign policy.

Policy toward the establishment of an International Criminal Court

The Senate amendment (sec. 168) contains congressional findings regarding the establishment of an international criminal court and expresses the sense of Congress that the establishment of such a court would greatly strengthen 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 Nations 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 criminal court.

The House bill contains no comparable provision.

The conference substitute (sec. 517) is virtually 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 consent to the ratification of a treaty providing for participation in an international criminal court which permits representatives of any terrorist organization, nationals, or residents of any country which has been designated by the Secretary of State as a state sponsor of international terrorism, to sit in judgment on U.S. citizens.

The House bill contains no comparable provision.

The conference substitute (sec. 518) is identical to the Senate amendment.

Protection of first and fourth amendment rights

The Senate amendment (sec. 170) states that the United States Senate will not consent to the ratification of a treaty providing for participation in an international criminal court 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 Amendments of the Constitution of the United States, as interpreted by the United States.

The House bill contains no comparable provision.

The conference substitute (sec. 519) is identical 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 embargo of the government of Bosnia-Hercegovina. The Senate amendment also stipulates that the President should provide appropriate military assistance to the government of Bosnia-Hercegovina.

The House bill contains no comparable provision.

The conference substitute (sec. 520) is virtually identical to the Senate amendment, but changes the Sense of the Senate to the Sense 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 expeditiously, and the two countries should move towards the normalization of relations.

The House bill contains no comparable provision.

The conference substitute (sec. 521) is identical to the Senate provision. The committee of conference notes that the inclusion of this provision does not constitute an endorsement by the House conferees or the House of Representatives of the President's decision to lift the embargo against Vietnam. As the House has not addressed this issue, the committee of conference included only the original sense of the Senate provision on this issue.

Report on sanctions on Vietnam

The Senate amendment (sec. 761) requires that 30 days after the modification or termination of any economic sanctions on Vietnam, the President should submit a report to the Senate and the House of Representatives on achieving the fullest possible accounting of U.S. personnel unaccounted for from the Vietnam War.

The House bill contains no comparable provision.

The conference substitute (sec. 522) is identical to the Senate amendment.

People's Mujahaddin of Iran

The Senate amendment (sec. 732) contains congressional findings regarding the alleged terrorist activities of the People's Mujahaddin of Iran, and requires the Secretary of State to include information on the People's Mujahaddin of Iran in the Department's annual report on terrorism. If the Secretary elects not to include such information, the Secretary is required to submit a report to Congress detailing the structure, current activities, and external support of the People's Mujahaddin of Iran within 60 days after the submission of the annual report.

The House bill contains no comparable provision.

The conference substitute (sec. 523) requires the President to submit a report to Congress detailing the structure, current activities, and external support of the People's Mujahaddin of Iran within 180 days of the enactment of this act, including any information on current direct or indirect support by the PMI for acts of international terrorism. The conference substitute also requires the President to consult with all appropriate agencies in compiling such report.

The committee of conference notes that nothing in this section is intended to prejudge whether or not the People's Mujahaddin of Iran is currently engaged in acts of terrorism and urges those preparing the report to consult and talk with the widest range of people possible when compiling the report.

PLO commitments compliance reporting requirements

The Senate amendment (sec. 728) amends section 804 (b) of the PLO Commitments Compliance Act of 1989 to change the reporting requirement of that act from every 120 days to every 180 days, and allows the report to be submitted in conjunction with the written policy justification required in the Middle East Peace Facilitation Act of 1994. The Senate amendment also updates the reporting requirement to include information on the PLO's compliance with the commitments it made in September 1993.

The House bill contains no comparable provision.

The conference substitute (sec. 524) is similar to the Senate amendment, but it does not include a provision which would have deleted two items from the President's written policy justification. The conference substitute also makes appropriate technical changes to reflect actions taken by the committee of conference on part E of this title.

Free trade in ideas

The Senate amendment (sec. 755) expresses the sense of the Congress that the President should not restrict informational, educational, religious, or humanitarian exchanges, or exchanges for public performances or exhibitions, or travel for any such exchanges, activities, performances or exhibitions, between the United States and any other country.

The House bill contains no comparable provision.

The conference substitute (sec. 525) amends the Senate language.

The House bill had in its original form included a Part entitled Facilitation of Private Sector Initiatives (the "Free Trade in Ideas Act"), dealing with all these issues. This provision was withdrawn in committee at the request of the Secretary of State, whose letter "endorse[d] the underlying objectives 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 provisions of the conference substitute seek to protect the constitutional rights of Americans to educate themselves about the world by communicating with peoples of other countries in a variety of ways, such as by sharing information and ideas with persons around the world, traveling abroad, and engaging in educational, cultural and other exchanges with persons from around the world. Such activities can also significantly promote the foreign policy objectives of encouraging democracy and human rights abroad, and improving understanding of and goodwill toward the United States abroad, thus enhancing the declining U.S. government resources available for such purposes. The committee of conference notes that private initiatives represent the lion's share of U.S. exchanges with the world, and that private citizens engaged in private activity are frequently the best purveyors of the values of American civilization.

The committee of conference believes that these protections should be broadly recognized and apply universally. While the statutory amendments made by this section do not include amendments to the U.N. Participation Act, the committee of conference has acted on the assurance of the executive branch that it intends to work to exclude limits on the free flow of information and restrictions on travel from multilateral embargoes.

Subsection (a) is a sense of the Congress resolution that the President should not in any way restrict travel or exchanges for informational, educational, religious, cultural, or humanitarian purposes or for public performances or exhibitions between the United States and any other country, whether such restrictions are imposed pursuant to the Trading with the Enemy Act, the International Emergency Economic Powers Act, the United Nations Participation Act, the Immigration and Nationality Act, or any other authority. The committee of conference understands that it is the policy of the executive branch to now undertake to incorporate this principle through regulatory and administrative changes, including issuance of visas for these purposes, and removal of currency restrictions for such activities, in all existing and future embargoes.

Subsection (b) amends Section 5(b)(4) of the Trading with the Enemy Act (TWEA), 50 U.S.C. App. §5(b)(4), to clarify it by eliminating some of the unintended restrictive administrative interpretations of it.

The first part of paragraph (1) of Subsection (c) amends Section 203(b)(3) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§1702(b)(3), in identical terms and to the same effect.

These provisions in their original form, identical in terms in each statute, were adopted in 1988, (the Berman Amendment to the Omnibus Trade and Competitiveness Act), and established that no embargo may prohibit or restrict directly or indirectly the import or export of information that is protected under the First Amendment to the U.S. Constitution. The language was explicitly intended, by including the words "directly or indirectly," to have a broad scope. However, the Treasury Department has narrowly and restrictively interpreted the language in ways not originally intended. The present amendment is only intended to address some of those restrictive interpretations, for example limits on the type of information that is protected or on the medium or method of transmitting the information.

The committee of conference intends these amendments to facilitate transactions and activities incident to the flow of information and informational materials without regard to the type of information, its format, or means of transmission, and electronically transmitted information, transactions for which must normally be entered into in advance of the information's creation.

The committee of conference further understands that it was not necessary to include any explicit reference in the statutory language to "transactions incident" to the importation or exportation of information or informational materials, because the conferees believe that such transactions are covered by the statutory language.

The second part of paragraph (1) of subsection (c) amends the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. §§1702(b) to add a new subsection (4) that would prohibit restrictions of any kind, including currency restrictions, on travel and transactions ordinarily incident to travel by Americans under embargoes implemented pursuant to the IEEPA. This section does not apply to restrictions that are currently in place under existing IEEPA embargoes against Libya and Iraq. Because the embargoes on Cuba and North Korea are imposed not under IEEPA but under TWEA, this change would also not apply to either of those embargoes. The new paragraph 203(b)(4) would apply to new restrictions on travel under existing or future embargoes imposed under IEEPA. This is a further effort to protect Americans' constitutional rights and to facilitate international freedom of movement.

Embargo against Cuba

The conference substitute (sec. 526) expresses the sense of Congress that the President should advocate and seek a mandatory international U.N. Security Council embargo against the dictatorship of Cuba.

Expropriation of American property

The Senate amendment (secs. 744 and 759) revises section 620(e) of the Foreign Assistance Act, section 21 of the Inter-American Development Bank Act, section 18 of the Asian Development Bank Act, and section 12 of the International Development Association Act regarding the prohibition of assistance to governments which expropriate the property of American citizens.

The House bill contains no similar provisions.

The conference substitute (sec. 527) combines and revises current law, known as the Hickenlooper and Gonzalez amendments, to state clearly the steps which must be undertaken by a foreign government to ensure that U.S. bilateral and multilateral aid is not terminated when the property of an American is expropriated.

The committee of conference believes that existing law has not been adequately applied by the executive branch in successive administrations and has included the Helms amendment to address this problem. The Hickenlooper law, which is intended to prohibit bilateral U.S. foreign assistance to nations which confiscate Americans' property, has been applied only twice since 1962 (and not once in the past 15 years). Similarly, the Gonzalez law, which requires that the U.S. vote against multilateral bank loans to governments which expropriate American property, has only been applied against two countries in 23 years. The committee of conference, however, is aware that the expropriation of Americans' property by foreign governments is a growing problem; there are currently more than 1,400 such cases in Central America alone.

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, but the American person 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 terminated.

The committee of conference recognizes the unique problems facing many of the new nations of the former Soviet Union and Eastern and Central Europe and have 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. Nor is it intended to deny assistance to the poorest of the poor through Basic Human Needs loans from the multilateral development banks. The committee of conference believes 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 no longer 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 the borders of the Russian Federation 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 content of that report.

The House bill has no comparable provision.

The conference substitute (sec. 528) 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. 760) requires that the report required by section 1207 of Title XII (Cooperative Threat Reduction with States of the Former Soviet Union) of Public Law 103–160 (National Defense Authorization Act for Fiscal Year 1994) and due on April 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, the cost of each activity, the agencies responsible, obstacles hindering the effective use of funds and how they might be overcome, the impact of United States funds on such dismantlement, and a classified appendix detailing actual reductions in weapons and capabilities.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Policy toward North Korea

The Senate amendment (secs. 709, 717, 726, and 749) regarding the crisis on the Korean peninsula was provoked by North Korea's failure to honor commitments to the international community concerning its nuclear program. The Senate amendment (sec. 709) provides that, notwithstanding any other provision of law, no license, instruction, rule, regulation or order issued under section 5 of the Trading With the Enemy Act may authorize any transaction involving the commercial sale of any good or technology to North Korea or authorize any transaction involving the provision of services for travel to North Korea which was not authorized as of January 2, 1989. The President may waive this prohibition 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 the Senate that the President should not engage in negotiations on the normalization of relations with North Korea until it meets its full obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and provides definitions for the purposes of this section. The Senate amendment (sec. 726) also expresses the sense of Congress that if North Korea continues to resist efforts of the international community to allow IAEA to conduct regular inspections and refuses to return to and fully comply with the NPT, the President should coordinate with allies in the region and act to defend U.S. security interests on the Korean peninsula. Finally, the Senate amendment (sec. 749) expresses the sense of Congress that North Korea must halt its nuclear weapons program and fully comply with the NPT, and that the President should seek international consensus to isolate North Korea economically, support U.S.-South Korean joint military exercises, and ensure that sufficient U.S. military forces are deployed in the region to defend effectively South Korea against any offensive action by North Korea.

The House bill contains no comparable provisions.

The conference substitute (sec. 529) combines most of the North Korea-related language from the Senate amendment and expresses the sense of Congress concerning U.S. policy regarding the crisis on the Korean peninsula. The conference substitute stresses that in addressing the crisis the United States: should pursue a diplomatic strategy while remaining militarily prepared and vigilant, but recognizes that all options, including the appropriate use of force, remain available. The U.S. should work closely with U.S. allies, the International Atomic Energy Agency, and other parties; should be prepared to pursue an internationally supported policy of isolation of North Korea if that country does not comply with all its international obligations; should, if unable to obtain international consensus, employ all unilateral means of leverage over North Korea; and should judge, in part, future relations with China on its cooperation on the North Korean nuclear issue.

The conference substitute includes a provision that expresses the sense of Congress that within the international community China has significant influence over North Korea and as such, Chinese cooperation on the North Korean nuclear issue will inevitably be a significant factor in U.S.-Chinese relations.

Enforcement of nonproliferation treaties

The Senate amendment (sec. 712) expresses the sense of Congress that the President should instruct the U.S. Permanent Representative to the United Nations to work for passage of a Security Council resolution which would apply international economic sanctions against any non-nuclear weapon state found to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement. The Senate amendment also prohibits U.S. assistance under the Foreign Assistance Act to any non-nuclear weapon state found to have terminated, abrogated, or materially violated an IAEA safeguards agreement or a bilateral U.S. nuclear cooperation agreement entered into after the date of enactment of the Nuclear Non-Proliferation Act (March 10, 1978).

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 termination of U.S. assistance would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security of the United States. The President must report such a determination to the Congress at least 15 days in advance of any resumption of U.S. assistance.

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 3(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 House bill contains no comparable provision.

The conference substitute (sec. 531) makes the following Congressional statements, in view of the self-defense needs of Taiwan:

(a) Sections 2 and 3 of the Taiwan Relations Act are reaffirmed;

(b) Section 3 of the Taiwan Relations Act takes primacy over statements of U.S. policy, including communiques, regulations, directives, and policies based thereon.

(c) In assessing the extent to which the People's Republic of China is pursuing its "fundamental policy" to strive to peacefully resolve the Taiwan issue, the United States should take into account both PRC capabilities and intentions;

(d) The President should on a regular basis assess changes in PRC capabilities and intentions and consider whether it is appropriate to adjust arms sales to Taiwan accordingly.

With this provision, the committee of conference expresses its continued concern for the security of Taiwan. It reaffirms the commitments made in the Taiwan Relations Act (TRA) to enable Taiwan to maintain a sufficient self-defense capability. Among the policy statements over which Sections 3(b) of the TRA takes precedence is the communique concluded between the United States and the People's Republic of China on August 17, 1982.

The congressional statement reflects concern on the part of the committee of conference over the effect on stability in the Asia-Pacific region of China's military modernization, its increased military spending, and its territorial claims. If the President, in consultation with the Congress as provided in Section 3(b) of the TRA, finds that PRC capabilities and intentions have increased the threat to Taiwan, then a compensating adjustment in the transfer of defense articles and services to Taiwan should be seriously considered. Pursuant to the TRA, U.S. policy on arms sales to Taiwan should be based on Taiwan's defense needs and be formulated jointly by the Congress and the President.

The Taiwan Relations Act is explicit that the nature and quantity of defensive articles and defensive services to be transferred to Taiwan shall be based solely upon the judgment of the President and Congress of the needs of Taiwan, in accordance with procedures established by law. Consequently, the transfer of particular defense articles and services—such as advanced ballistic missile defense systems and conventionally powered coastal patrol submarines—should be based on Taiwan's needs and not on arbitrary principles, such as prohibiting the incorporation of U.S. equipment on defensive platforms produced by other nations or the exclusion of entire classes of defensive weapons. The committee of conference calls on the Executive Branch to streamline and rationalize the procedures for implementation of U.S. policy concerning arms sales to Taiwan.

FOIA exemption

The Senate amendment (sec. 721) exempts certain data collected by sensors during observation flights conducted in connection with the Treaty on Open Skies, including flights conducted prior to entry into force of the Treaty, from disclosure under the Freedom of Information Act or any other Act. Such data shall include data with respect to a foreign country if the country has not disclosed the data to the public and if the country has not, acting through the Open Skies Consultative Commission or any other diplomatic channel, authorized the United States to disclose the data to the public. In the case of data collected with respect to the United States, such data shall be exempt if it could be reasonably expected to cause substantial harm to the national defense of the United States as determined by the Secretary of Defense or to the foreign relations of the United States as determined by the Secretary of State.

The House bill contains no comparable provision.

The conference substitute (sec. 533) is similar to the Senate amendment, but makes technical and clarifying changes, and limits the exemption to data collected with respect to foreign countries.

The Freedom of Information Act (FOIA) provides a general exemption for information that is properly classified pursuant to an executive order. The committee of conference believes that this provision is adequate to safeguard the types of information which may be generated under the Open Skies Treaty, and that representatives of the Department of State, the National Security Council and the Director of Central Intelligence believe may need protection from disclosure. However, because the Treaty was negotiated with the apparent understanding of the strict safeguarding of foreign country data, the committee of conference agreed to a blanket FOIA exemption for such data.

Effectiveness of democracy programs

The Senate amendment (sec. 719) contains congressional findings regarding U.S.-funded democracy programs overseas and requires the President to establish a commission to study U.S. Government funded democracy support activities. The commission established by the Senate amendment is required to submit a report to the President and the Congress not later than 180 days after its establishment on a streamlined, cost-effective organization of U.S. democracy. The Senate

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 promotion programs.

The House bill contains no comparable provision.

The conference substitute (sec. 534) is similar to the Senate amendment. Instead of a presidential commission, the President is required to submit a report on a streamlined, cost-effective organization of democracy support activities funded by the U.S. Government including a review of all activities funded through 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 in 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 committee on conference finds: the National Endowment for Democracy will fund $35 million in democracy development programs overseas in fiscal year 1994; agencies of the U.S. Government including AID, USIA and the State Department also fund, directly or by grants, significantly larger shares of democracy programs than NED alone; it is in the interest of the United States to have a coordinated approach to the funding of international democracy programs supported by States Government funds; with the end of the Cold War, the United States needs to consider 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 advantages; and U.S. Government democracy support programs have overlapped in the same country. The committee of conference notes that the executive branch has recently conducted an interagency review of democracy—PRD 26—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 GAO 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 GAO.

Restoration of withheld benefits

The Senate amendment (sec. 734) makes the approval by the Secretary of State and the Secretary of Defense of the employment or the holding of a position pursuant to the provisions of section 1058 of title 10 of the United States Code effective as of January 1, 1993.

The House bill contains no comparable provision.

The conference substitute (sec. 182) is identical to the Senate amendment.

Policy on sustainable development

The Senate amendment (sec. 736) expresses the sense of the Senate with respect to sustainable development as a goal of U.S. foreign assistance and expresses the sense of the Senate that domestic producers of environmental goods and services should, to the maximum extent practicable, be notified of potential business opportunities which result from U.S. bilateral and multilateral assistance programs and negotiations.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

Sanctions against Croatia

The Senate amendment (title XIV) contains congressional findings and expresses the sense of the Senate that the President should consider taking the following actions with respect to Croatia: instructing the U.S. Executive Director or representative at all international financial institutions of which the United States is a member to vote against all loans except for loans directed at programs which serve basic human needs; providing no assistance except for humanitarian and refugee assistance; making no sales of military equipment; prohibiting the licensing of commercial military sales; providing no credits or guarantee of credits; prohibiting the sale or transfer of any item subject to export controls by any agency of the United States; directing the Secretary of Transportation to revoke the right of any air carrier designated by the Government of Croatia to provide service to 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.

PART B—THE SPOILS OF WAR ACT OF 1993

The Senate amendment (title V) establishes the Spoils of War Act of 1993. The Senate amendment specifies the terms and conditions through which the United States may transfer the spoils of war. The Senate amendment stipulates that the United States may not transfer the spoils of war to any country that supports international terrorism pursuant to section 40 of the Arms Export Control Act. The Senate amendment also requires the President no later than ninety days after the date of enactment of this Act to submit a report to the appropriate congressional committees describing any spoils of war obtained subsequent to August 2, 1990, that have been transferred to any party, government group or person before the date of enactment of this Act. Finally, the Senate amendment establishes the definitions of terms used in Title V and delineates spoils of war not considered to be subject to the specifications of Title V.

The House bill contains no comparable provision.

The conference substitute (secs. 551–556) is identical to the Senate amendment.

PART C—ANTI-ECONOMIC DISCRIMINATION ACT SHORT TITLE

The Senate amendment (sec. 901) provides a short title of the Anti-Economic Discrimination Act of 1994 for purposes of this title.

The House bill contains no comparable provision.

The conference substitute (sec. 561) is identical to the Senate amendment.

Israel's diplomatic status

The Senate amendment (sec. 745) contains congressional findings regarding diplomatic recognition of Israel and expresses the sense of the Senate that the Secretary of State should make the issue of Israel's diplomatic status a priority and urge countries that receive U.S. assistance to immediately establish full diplomatic relations with the state of Israel.

The House bill contains no comparable provision.

The conference substitute (sec. 562) is similar to the Senate amendment but deletes the findings and makes technical and conforming changes.

The committee of conference notes that the following states will receive direct or indirect U.S. foreign assistance during this fiscal year and have failed to establish full diplomatic relations with Israel: Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Burundi, Cape Verde, Chad, Djibouti, Ghana, Guinea, Guinea-Bissau, Indonesia, Jordan, Laos, Lebanon, Madagascar, Maldives, Mauritania, Morocco, Namibia, Niger, Oman, Pakistan, Rwanda, Senegal, Somalia, Sri Lanka, Tanzania, Tunisia, Uganda, and Yemen.

Policy on Middle East arms sales

The Senate amendment (sec. 703) amends section 322 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 to add to the list of issues the President should consider when making military sales to any country under the Arms Export Control Act or providing military assistance under the Foreign Assistance Act whether a country participates in the Arab League primary or secondary boycott of Israel. 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.

Prohibition on certain sales and leases

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, as a matter of policy or practice, is known to have sent letters to U.S. firms requesting compliance with, or soliciting compliance with, the secondary or tertiary Arab boycott of Israel unless the President determines and certifies to the appropriate congressional committees that country or international organization does not currently maintain a policy or practice of making such requests or solicitations. The Senate amendment provides that the President may waive this prohibition for a period of one year with respect to any country or international organization if he determines and reports to Congress that such waiver is 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. The Senate amendment also provides for additional one-year extensions of such waivers with notification to the appropriate congressional committees and provides an effective date of one year after enactment for purposes of this section.

The House bill contains no comparable provision.

The conference substitute (sec. 564) is identical to the Senate amendment.

Prohibition on discriminatory contracts

The Senate amendment (sec. 115) prohibits the Department of State from letting contracts with persons who either comply with the Arab League boycott of Israel or who discriminate on the basis of religion in letting subcontracts. The Senate amendment allows the Secretary of State to waive this prohibition on a country-by-country basis for a period of not more than one year if the Secretary determines to do so is in the national interest and is necessary to carry on diplomatic functions of the United States. The Senate amendment (sec. 213) also prohibits USIA from letting contracts with persons who either comply with the Arab League boycott of Israel or who discriminate on the basis of religion in letting subcontracts. The Senate amendment allows the Director of USIA to waive this prohibition on a country-by-country basis for a period of not more than one year if the Director determines to do so is in the national interest and is necessary to carry on diplomatic functions of the United States.

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 these countries.

PART D—CAMBODIAN GENOCIDE JUSTICE ACT

The Senate amendment (title VI) urges the President to take certain steps to bring to justice leaders and members of the Khmer Rouge who committed acts of genocide in Cambodia from 1975 to 1979; establishes an Office of Cambodian Genocide Investigation within the Department of State whose operations would occur solely in Cambodia; states the purposes of the office; and excludes specified Khmer Rouge national leaders from admittance to the United States.

The House bill contains no comparable provision.

The conference substitute (secs. 571–574) states that consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their genocidal acts and urges certain steps in furtherance of that policy. The conference substitute conditions expenditure during fiscal years 1994 and 1995 of funds authorized to be appropriated under this Act upon the establishment of the Office of Cambodian Genocide Investigation within the Department of State. The conference substitute states that the Office may carry out its duties inside or outside of Cambodia, but stipulates that no less than 75% of the funds made available for the office shall be used to carry out activities in Cambodia. The conference substitute also requires that the Secretary of State contract with appropriate individuals and organizations to carry out the Office's purpose of supporting efforts to bring to justice members of the Khmer Rouge. The conference substitute retains the reporting requirement of the Senate amendment.

The committee of conference believes that the international community retains an obligation, consistent with international law, to support efforts to bring to justice those leaders and members of the Khmer Rouge who caused the deaths of not less than one million Cambodians within a period of less than four years. This chapter of man's inhumanity to man is best brought to a close through the convening of a national or international tribunal which would call Khmer Rouge leaders to account for their crimes. Such a tribunal would offer some measure of justice to Cambodians living and dead who suffered, as well as serving as a deterrent against episodes of genocide in the future.

PART E—MIDDLE EAST PEACE FACILITATION ACT

The Senate amendment (title X) contains congressional findings regarding commitments made by the PLO, advances in the Israeli-Palestinian peace talks, and the U.S. dialogue with the PLO. The Senate amendment also authorizes the President to suspend for periods of 180 days, beginning July 1, 1994, various laws restricting the U.S. ability to conduct a dialogue with the PLO, provided the President submits a written policy justification to the Congress 30 days before the suspension goes into effect. The policy justification must certify that the suspension is in the national interest of the United States and that the PLO has complied with its commitments of September 1993 regarding Israel and the use of violence, and its commitments in and resulting from the implementation of the Declaration of Principles of September 13, 1993. Finally, the Senate amendment authorizes the Congress to cancel the suspension if it determines by Joint Resolution that the PLO has not complied with its relevant commitments.

The House bill contains no comparable provision.

The conference substitute (secs. 581–583) grants the President authority to suspend laws restricting U.S. contacts with the PLO in six month increments starting July 1, 1994, and ending July 1, 1995. The conference substitute also includes the expectation of Congress that future waivers will be conditioned on the PLO's renunciation and efforts to dismantle the Arab League boycott of Israel, and its renunciation of individual acts of terrorism and violence. The conference substitute also requires that the President's written policy justification will report on the PLO's response to individual acts of terrorism and violence, its actions concerning the Arab League boycott of Israel, and the status of the PLO office in the United States.

The committee of conference remains deeply concerned and so looks forward to receiving the PLO Commitment Compliance Act report twice a year. It is the intent of the committee of conference that future extensions of the waiver authority of the Middle Peace Facilitation Act be considered on a periodic basis as long as a dialogue between the United States and the PLO is maintained. The committee of conference expects that any extensions of waiver authority beyond July 1, 1995 will be considered by the relevant authorizing committees as necessary, pending enactment of the next State Department or foreign aid authorization legislation.

Reporting requirements on occupied Tibet

The Senate amendment (Sec. 702) expresses the sense of Congress that the United States should seek to establish a dialogue with the Dalai Lama and the Tibetan Government-in-Exile; requires that, six months from the date of enactment of the Act and every 12 months thereafter, the Secretary of State shall transmit a report to Congress on such dialogue; and requires that whenever a report is transmitted to the Congress on a country-by-country basis there shall be included in such report, where applicable, a separate report on Tibet listed alphabetically with its own state heading.

The House bill contains no comparable provision.

The conference substitute (sec.) is similar to the Senate amendment except that it states that it is the sense of Congress that Tibet should be the subject of a separate report in reports compiled on a country-by-country basis.

TITLE VI—PEACE CORPS

The Senate amendment (sec.) 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 (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, makes funds available for the Peace Corps for fiscal years 1994 and 1995 available for two fiscal years, extends the Peace Corps contracting authority from 36 months to five years, and allows Peace Corps to extend liability coverage to individuals employed under personal services contracts to furnish medical services abroad pursuant to section 10(a)(5) of the Peace Corps Act.

The committee of conference notes that Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate, in their reports to accompany foreign assistance authorization legislation for fiscal years 1994 and 1995, urged the executive branch to transfer to the Peace Corps an additional $15 million in fiscal year 1994 from funds available to assist the independent states of the former Soviet Union. This transfer was designed to cover the additional costs of programs in those countries. In view of this legislative history, the committee of conference considers that the authorization contained in the conference substitute for fiscal year 1995 maintains current funding levels for the Peace Corps. This authorization level represents a decision by the committee of conference to include the $15 million recommended for transfer in fiscal year 1994 in the Peace Corps' base authorization for fiscal year 1995. Consistent with this decision, the committee of conference expects that the authorization of appropriations for assistance to the independent states of the former Soviet Union will be reduced by $15 million in the fiscal year 1995 foreign assistance authorization process.

TITLE VII—ARMS CONTROL

PART A—ARMS CONTROL AND NONPROLIFERATION ACT OF 1994

Congressional declarations; purpose

The Senate amendment (sec. 802) declares arms control, nonproliferation, and a world in which the use of force is subordinated to the rule of law to be fundamental goals of the United States, particularly in the turbulent post-Cold War era. The Senate amendment listed two purposes: to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of ACDA.

The House bill (sec. 301) contains similar language but adds the purpose of improved oversight of the operating budget of ACDA.

The conference substitute (sec. 702) is almost identical to the Senate amendment, and adds oversight of ACDA's operating budget from the House bill.

Purposes

The Senate amendment (sec. 803) amends section 2 of the ACDA Act to insert new responsibilities for ACDA: the preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field, and, when directed by the President, in the nonproliferation field; the conduct, coordination, and support of research related to these three fields; the preparation for, operation of, or, as appropriate, direction of, United States participation in control systems related to these three fields; and the dissemination and coordination of public information concerning these fields.

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 impact information 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 repeals as the Senate amendment, except with respect to the General Advisory 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 President and other executive branch officials on matters relating to arms control, nonproliferation, and disarmament.

The House bill contains no comparable provision.

The conference substitute (sec. 705) 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 to appoint, with the advice and consent 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 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, whenever directed by the President. The Senate amendment stipulates further that the Special Representatives for Nonproliferation shall, as directed by the President, serve as United States representatives to 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 agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, and to report to Congress by January 31, 1995 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 degree to which arms control, nonproliferation, or disarmament agreements can be verified, any significant degradation or alteration in the capacity of the United States to verify compliance, and the amount and percentage of research funds expended by the Agency to analyze issues relating to verification.

The House bill contains no comparable provision.

The conference substitute (sec. 712) is identical to the Senate amendment.

Authorities with respect to nonproliferation matters

The Senate amendment (sec. 813) amends the Arms Export Control Act in several of its provisions to assure the Director's participation in licensing decisions and to assure his assessment as to whether the issuance of an export license is detrimental to the national security of the United States. It further amends the Nuclear Non-Proliferation Act of 1978 to assure the Director's receipt of information necessary to his participation in licensing decisions.

The House bill (sec. 304) contains a similar provision and includes the Director's assessment as to extent to which a sale under the AECA aids in the development of weapons of mass destruction.

The conference substitute (sec. 714) 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 rate payable for positions of equivalent difficulty or responsibility, or exceeding 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. 716) 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 Director no later than December 31 of each year, and mandates a report by December 31, 1995 to Congress on the actions taken to revitalize the Arms Control and Disarmament Agency.

Funding

The Senate amendment (sec. 816) authorizes to be appropriated $57.5 million for fiscal year 1994 and $59.375 million for fiscal year 1995, as well as such sums as may be necessary for each year 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. The Senate amendment authorizes the transfer of funds appropriated pursuant to this section to any agency for carrying out the purposes of this Act.

The House bill (sec. 107) is similar to the Senate amendment, but authorizes $62.5 million for fiscal year 1994 and $55.356 million for fiscal year 1995. The House bill also requires an authorization for any appropriation of funding to ACDA.

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.

Notification to Congress of proposed reprogrammings by ACDA

The House bill (sec. 305) amends the ACDA Act to require 15 day advance notification to the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate of proposed reprogrammings of funds appropriated that would create or eliminate a program, project, or activity; would increase funds or personnel by any means for any program, project, or activity for which funds have been denied or restricted by Congress; would relocate an office or employees, or would reorganize offices, programs, projects, or activities; 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) and would augment existing programs, projects, or activities, or 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 reduction in personnel that would result in a change in existing programs, activities, or projects approved by Congress.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 718) is identical to the House bill.

The conference substitute Arms Control and Nonproliferation Act of 1994 will effectively serve the goal shared with the executive branch of strengthening and revitalizing the Arms Control and Disarmament Agency. This conference substitute draws upon studies of ACDA done by the Inspector General of the Department of State and of ACDA and by the Stimson Center and others, as well as the efforts of the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs. The conference substitute reflects the common feeling of the two bodies as to what needs to be done to get the Arms Control Agency back in the forefront of national and international arms control, nonproliferation and disarmament efforts. With the support of the executive branch, the committee of conference believes that goal can be achieved.

The conference substitute makes it clear that the Director of ACDA shall be the principal adviser to the President, the National Security Council and the Secretary of State and other senior officials on matters relating to arms control, nonproliferation and disarmament. The legislation makes it clear that the Director shall have primary responsibility within the government for matters relating to arms control and disarmament and, whenever directed by the President, primary responsibility for matters related to nonproliferation.

By putting the matter of nonproliferation into a category differentiated from arms control and disarmament the committee of conference was attempting to recognize that the Director and the agency will not always be in a leading position on complex nonproliferation matters. Nonetheless, the committee of conference is united in its belief that ACDA should have the lead in nonproliferation matters whenever appropriate and that the presumption should be, unless there are compelling reasons otherwise, that ACDA will, indeed, receive the President's direction to have the primary responsibility.

ACDA has the lead in the U.S. Government, for example, on matters relating to the Nuclear Nonproliferation Treaty (NPT). A derivative of the NPT is the Zangger Group, founded in 1971 to develop guidelines for implementation of Article III.2 of the NPT. That article requires IAEA safeguards to be placed on exports of nuclear material and equipment to non-nuclear-weapon-states. Given ACDA's long involvement with the Zangger Group and the central ACDA role in nonproliferation diplomacy as contained in the ACDA revitalization provisions of this Act, the committee of conference concludes that matters related to NPT implementation should be centralized within ACDA and that consideration should be given by the President to placing United States involvement in the IAEA under the direct control of ACDA. An analogous situation exists with the Chemical Weapons Convention and the multilateral chemical export control regime, the Australia Group.

The bill does not spell out the specific involvement of ACDA in matters related to export administration. For the short term, the President's national security adviser has assured Chairman Pell that ACDA will be fully involved with other agencies with regard to exports related to conventional weapons and weapons of mass destruction.

The Senate provision abolished the General Advisory Committee, a group established in statute in 1961 to advise the Director on arms control and disarmament policy and activities. The Senate took this action in the belief that the record of the General Advisory Committee did not justify the continued expense of up to about $200,000 annually. The House bill had no comparable provision.

In its stead, the committee of conference decided to establish a Scientific and Policy Advisory Committee to advise the President, the Secretary of State and the Director regarding scientific, technical and policy matters affecting arms control, nonproliferation and disarmament. The committee on conference acted in the belief that ACDA requires top-flight scientific and technical arms control advice, particularly with regard to the scope and verification of treaties and agreements, as well as weapons evaluation. The Agency could benefit from a body of experts that could propose innovative technical and policy solutions to outstanding arms control problems. Unlike the abolished General Advisory Committee, which had 15 members nominated by the President, by and with the advice and consent of the Senate, the Chairman of the Scientific and Policy Advisory Committee is the only person to be confirmed by the Senate. All 15 members, of whom at least eight are to be scientists, are to be appointed by the President.

To underscore the importance the committee of conference attaches to the potential work of the new Committee, the conference considered it important that the new Chairman, as well as other members, be of very high caliber and specified that the Chairman should be a person of renown and distinction. It is the intention of the committee of conference that the Chairman will be conversant with a broad range of arms control, disarmament, and non-proliferation issues, and will have distinguished scientific and policy competence. The committee of conference hopes very much that this new Committee will play a valuable and significant advisory role and it intends to follow the Committee's activities closely. The committee of conference has decided to authorize the new policy Committee for a period of two years, with an eye to close examination before deciding whether to establish the Committee on a permanent basis.

The committee of conference is fully aware that ACDA, in its more that 30 years of existence, has many accomplishments to its credit. At the same time, ACDA has suffered from periods of neglect and disinterest. The committee of conference hopes that this legislation will serve to get ACDA on the right track to full revitalization in the Clinton Administration, as well as in administrations to follow. The committee of conference notes that as the Main State Building is renovated, consideration is being given to moving ACDA to the Columbia Plaza building. The committee of conference believes that ACDA should consider carefully the benefits of moving. The increased space thus provided should be weighed against the benefit of timely interaction derived from staying in the Main State Building. The House Committee on Foreign Affairs and the Senate Committee on Foreign Relations intend to follow ACDA activities closely to ensure that the implementation of this legislation is handled well and has the full support of the executive branch, and that ACDA takes the necessary steps on its own to fulfill the promise inherent in the new charter given it in this legislation.

PART B—AMENDMENTS TO THE ARMS EXPORT CONTROL ACT

Limitation on authority to transfer excess defense articles

The Senate amendment (sec. 756) amends sections 516(b), 517(f) and 519(b) of the Foreign Assistance Act, and sections 21 and 61(a) of the Arms Export Control Act. Section 756 of the Senate amendment specifies that the President must first consider the effects of the transfer of excess defense articles on the national technology and industrial base before entering into any agreement to transfer excess defense articles pursuant to sections 516(b), 517(f) and 519(b) of the Foreign Assistance Act, and Sections 21 and 61(a) of the Arms Export Control Act.

The House bill contains no comparable provision.

The conference substitute (sec. 731) is identical to the Senate amendment.

Reports under the Arms Export Control Act

The Senate amendment (sec. 715) amends section 36 of the Arms Export Control Act and requires that information on any offset agreement entered into in connection with the sale of any defense article or defense service subject to congressional notification pursuant to the Arms Export Control Act be included in the quarterly reports filed pursuant to section 36(a) of that Act and included

with the information provided to Congress pursuant to section 36(b) and 36(c) of that Act when the specific sale or commercial export license is being considered.

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 36(a) 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) and 36(c) 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 contractor 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 export license in 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 the certifications or at the time of a response to a request made by the respective committees.

Prohibition on incentive payments

The Senate amendment (sec. 716) 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 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 sanctions subject to the same terms and conditions as provided for pursuant to the Export Administration Act of 1979. The committee of conference notes that direct monetary compensation includes cash payments, payments made by checks and the extension of credit or inducements to encourage the extension of credit from a bank at lower interest rates.

The committee of conference notes for example, if company x, a United States person, were interested in buying a product, a defense contractor is prohibited from offering to company x a payment by cash or check as an incentive to purchase that product from a foreign company rather than an American company so that the defense contractor can satisfy an offset agreement made in connection with an arms sale. Similarly a defense contractor is prohibited from inducing or persuading a financial institution from extending a lower line of credit or reduced interest rates to company x with the intention of inducing or persuading company x to purchase a product from a foreign company to satisfy the defense contractor's offset agreement.

In citing this example, the committee of conference further notes that it is not the intent of this provision to prevent defense contractors from entering into offset agreements with foreign purchasers or to prevent defense contractors from retaining consultants or paying for legitimate services of brokers and agents or use of independent contractors to assist them in the lawful implementation of offset agreements. The conference substitute also permits the payment of "success fees" to consultants, brokers or agents who have been retained by defense contractors (as a bonus) for the lawful implementation of offset agreements. The committee of conference finally notes that defense contractors, their consultants, brokers or any other agents are subject to the prohibition of making incentive payments in the form of direct monetary compensation to induce or persuade prospective United States persons to purchase foreign goods and services to secure an offset credit against a previously agreed to offset agreement.

The conference substitute also levies strict civil penalties against violators of this section which are consistent with the penalties conferred upon departments, agencies 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 committee of conference 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) Annex to countries on the Terrorist 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 their exports in order to avoid sanctions by the U.S. government.

The House bill contains no comparable provision.

The conference substitute (sec. 735) 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) 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 notifications already required under 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 the export 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.

Although the committee of conference did not include the requirement that this report be submitted in advance of the admission of new MTCR members, the committee of conference expects the executive branch to consult with the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate in advance of such admissions.

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 transit across U.S. territory, transactions involving property, or entry into U.S. ports, with a number of permitted exceptions. With respect to sanctions on foreign countries, the President is urged to downgrade diplomatic relations, suspend trade agreements, revoke licenses for nuclear material, and suspend air carriers controlled by the government of that country from transportation to or from the United States. The amendment provides further for the waiver, termination, or stay of such sanctions.

The House bill contains no comparable provision.

The conference substitute is the same as the House position.

TITLE VIII—THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994

PART A—REPORTING ON NUCLEAR EXPORTS

The Senate amendment (sec. 1311) amends section 601 of the Nuclear Nonproliferation Act (NNPA), which requires the President to submit an unclassified report to Congress on developments with respect to the global spread of nuclear weapons. The provision would expand this reporting requirement to include certain details concerning exports

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 Senate amendment establishes explicit presidential authority to prohibit U.S. government procurement from foreign or domestic firms that have "materially and with requisite knowledge" contributed to the proliferation of nuclear explosive devices or access to unsafeguarded bomb materials. The term "with requisite knowledge" derives from the use of 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-to-government consultations with respect to the sanction, a report to Congress, exceptions to the sanction, circumstances for termination of the sanction, waiver authority, and definitions.

The House bill contains no comparable provision.

The conference substitute (sec. 821) 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 has determined 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, but makes small technical changes.

Certain waiver authorities under the Foreign Assistance Act

The Senate amendment (sec. 1322(b)) limits the scope of the Presidential Determination No. 82-7 of February 10, 1982, which created an indefinite waiver of sanctions under sec. 670(a)(2) of the Foreign Assistance Act with respect to nuclear reprocessing activities 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 funds to promote certain 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 knowingly and materially 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 conferees in sec. 324 of the "Omnibus Export Amendments Act of 1992" (H.R. 3489, House Report 102-1025), 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 identical to that used in the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2). The committee of conference intends that "knowingly" be interpreted exactly as it is in the Foreign Corrupt Practices Act.

Amendment to the Export-Import Bank Act

The Senate amendment (sec. 1325) amends the Export-Import Bank Act to ensure that credits issued pursuant to that act are fully consistent with 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 "Glenn-Symington amendments," require sanctions under both Acts for activities related to the unsafeguarded transfer of uranium enrichment technology, any transfer of nuclear reprocessing technology, 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-weapon 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 *Chadha* 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.

Reward

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. 602(c) of the Nuclear Non-Proliferation Act, a summary of demarches 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 133(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 and legal standards for ensuring the physical protection of highly enriched uranium (HEU). Under international guidelines to which the U.S. subscribes (INFCIRC/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.

Definitions

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 NNPA, and includes dual-use items and all technical assistance authorized under sec. 57 b. of the Atomic Energy Act.

The House bill contains no comparable provision.

The conference substitute (sec. 830) is virtually identical to the Senate amendment, and expands on the definition of goods and technology.

Effective date

The Senate amendment (sec. 1331) provides that the subtitle concerning nuclear sanctions shall take effect 60 days after the date of enactment of this Act.

The House bill contains no comparable provision.

The conference substitute (sec. 831) is virtually identical to the Senate amendment, and makes a technical change.

PART C—INTERNATIONAL ATOMIC ENERGY AGENCY

Bilateral and multilateral initiatives

The Senate amendment (sec. 1341) expresses the sense of Congress with respect to measures to maintain and enhance confidence in the effectiveness of safeguards implemented by the International Atomic Energy Agency (IAEA).

The House bill contains no comparable provision.

The conference substitute (sec. 841) is similar to the Senate amendment, but changes "a prohibition on" to "the elimination of" in subsection (6).

IAEA internal reforms

The Senate amendment (sec. 1342) expresses the sense of Congress encouraging the adoption of thirteen reforms in the implementation of IAEA safeguards responsibilities.

The House bill contains no comparable provision.

The conference substitute (sec. 842) is identical to the Senate amendment.

Reporting requirement

The Senate amendment (sec. 1343) expands the presidential reporting requirement under section 601(a) of the Nuclear Non-Proliferation Act of 1978 to include specific information concerning steps to advance the Senate's twenty-four sense of the Congress recommendations with respect to the IAEA.

The House bill contains no comparable provision.

The conference substitute (sec. 843) is identical to the Senate amendment.

Definitions

The Senate amendment (sec. 1344) defines a number of terms in Part C.

The House bill contains no comparable provision.

The conference substitute (sec. 844) is identical to the Senate amendment.

PART D—TERMINATION

Termination upon enactment of the next Foreign Relations Authorization Act

The Senate amendment contains no termination date for the provisionsovisions of this title.

The conference substitute provides that the provisions of this title shall cease to be effective upon the enactment of the next Foreign Relations Act after this Act. Upon enactment of any such Act, the amendments made by this Parts A and B of title shall be repealed, and any provisions repealed by this title, including specifically the repeal of sections 669 and 670 of the Foreign Assistance Act of 1961, shall be reinstated into law. The committee of conference agrees that part C shall continue in effect indefinitely.

TITLE IX—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

SHORT TITLE

The Senate amendment (sec. 401) provides a short title of the Protection and Reduction of Government Secrecy Act for purposes of this title.

The House bill contains no comparable provision.

The conference substitute (sec. 901) is identical to the Senate amendment.

PURPOSE

The Senate amendment (sec. 402) 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 examine the implications of the extensive classification of information and make recommendations to reduce the volume of information classified.

The House bill contains no comparable provision.

The conference substitute (sec. 902) is similar to the Senate amendment but clarifies that the Commission will also examine and make recommendation concerning security clearances.

FINDINGS

The Senate amendment (sec. 403) contains a series of congressional findings regarding classification issues.

The House bill contains no comparable provision.

The conference substitute (sec. 903) is virtually identical to the Senate amendment.

FUNCTIONS OF THE COMMISSION

The Senate amendment (sec. 404) specifies that the functions of the Commission shall be to conduct, for not more than a period of two years, an investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to the access to or the classification of information or involving security clearances, and to make such recommendations concerning the classification of national security information as the Commission shall deem necessary, including proposing new legislation.

The House bill contains no comparable provision.

The conference substitute (sec. 905) is similar to the Senate amendment, but clarifies that the Commission will submit its report to Congress, will make recommendations regarding security clearances, and may recommend changes in any procedure, rule or regulation as well as proposing legislation.

COMPOSITION OF THE COMMISSION

The Senate amendment (sec. 405) establishes a commission to carry out the purposes of this title. Such Commission shall be composed of four members appointed by the President, two from the executive branch and two from private life, 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 elect a Chairman and Vice Chairman from among its members and that seven members of the Commission shall constitute 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 House bill contains no comparable provision.

The conference substitute (sec. 904) is similar to the Senate amendment, but clarifies that the Minority Leader of the Senate and the Minority Leader of the House of Representatives shall appoint Minority Members of the Commission. The conference substitute also allows the Commission to begin its operation 60 days after enactment of this Act provided that at least 7 members have been appointed.

POWERS OF THE COMMISSION

The Senate amendment (sec. 406) enumerates the powers of the Commission, including the holding of hearings and the issuance of subpoenas for testimony and/or documentary evidence. The Senate amendment also authorizes the Commission to secure directly information from any executive department, bureau, agency board, commission, office, independent establishment, or instrumentality of the U.S. Government to carry out the purposes of this title.

The House bill contains no comparable provision.

The conference substitute (sec. 906) is similar to the Senate amendment, but makes technical and conforming changes. The conference substitute also allows the Commission to accept and use gifts and use the mail in the same manner as departments and agencies of the U.S. Government. The conference substitute also authorizes the Secretary of State, the General Services Administration, and other agencies to provide assistance to the Commission to further the performance of the duties of the Commission.

STAFF OF THE COMMISSION

The Senate amendment (sec. 407) authorizes the Commission to appoint and fix the compensation of such personnel as it deems advisable without regard to various provisions of title 5 of the United States Code relating to appointments in the competitive service and to classification and General Schedule pay rates. The Senate amendment also authorizes the Commission to procure the services of experts and consultants.

The House bill contains no comparable provision.

The conference substitute (secs. 907, 908, 909) is similar to the Senate amendment, but makes technical and conforming changes and specifies that Federal employees may be detailed to the Commission without loss of rights and status of their regular employment. The conference substitute also directs appropriate departments and agencies of the U.S. Government to cooperate in expeditiously providing security clearances to members and staff of the Commission. The conference substitute clarifies that a person not otherwise qualified to receive access to classified information should not be granted a security clearance under this section.

Final Report of Commission; Termination

The Senate amendment (sec. 408) requires the Commission to submit its final report to the President and the Congress not later than two years after the date of enactment of this act and specifies that the Commission and all authorities of this title shall terminate two years after the date of enactment of this act or upon the submission of the Commission's final report, whichever occurs first.

The House bill contains no comparable provision.

The conference substitute (sec. 910) requires the Commission to submit its report within two years from the date of the first meeting of the Commission and terminates the Commission and the authorities of this

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 investigate all aspects of classifying and protecting information and granting security clearances. The Commission has the strong bipartisan 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 and 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 the House bill (except sections 163, 167, 188, and 190–93), and the Senate amendment (except titles V, VI, IX–XV and sections 162–170E, 189, 701–22, 724–28, 730–31, 734–36, 744–46, 748–61, and 763), and modifications committed to conference:

LEE H. HAMILTON,
HOWARD L. BERMAN,
ENI FALEOMAVAEGA,
M.G. MARTINEZ,
ROBERT 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–XIV, sections 163–64, 168–69, 189, 701–22, 724–26, 728, 730–31, 734–36, 744–46, 748–57, 759–61, and 763 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
TOBY ROTH,
DOUG BEREUTER,

From the Committee on Foreign Affairs, for consideration of title XII, sections 727 and 758 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
TOBY ROTH,
DANA ROHRABACHER,

From the Committee on Foreign Affairs, for consideration of sections 163 and 167 of the House bill, and title XV, sections 162, 165–67, 170A–E, and 190 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
ROBERT TORRICELLI,
HOWARD L. BERMAN,
G.L. ACKERMAN,
HARRY JOHNSTON,
ENI FALEOMAVAEGA,
BEN GILMAN,
BILL GOODLING,
DOUG BEREUTER,

As additional conferees from the Committee on Armed Services, for consideration of sections 170B, 170C(a), 170E(a), 721, 734, 749(b)(4), 760, 804, 810, and 1329 of the Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,
NORMAN SISISKY,
JOHN M. SPRATT, Jr.,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 759, 1003, 1104, and 1323–25 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
BARNEY FRANK,
STEPHEN NEAL,
JAMES LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 731 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
CARDISS COLLINS,
THOMAS J. MANTON,
CARLOS J. MOORHEAD,
CLIFF STEARNS,

As additional conferees from the Committee on Government Operations, for consideration of sections 189 and 721 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
GARY A. CONDIT,

As additional conferees from the Committee on the Judiciary, for consideration of section 133(n) of the House bill, and sections 136, 605, 704, 705, 723, 727, 748, 751, 758, 1201, and 1202 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
R.L. MAZZOLI,
JOHN BRYANT,
BILL MCCOLLUM,
LAMAR SMITH,

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,
PETER DEFAZIO,

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, 229, 234, 309(h), 405(e) 407, 734, 747, and 814 of the Senate amendment, and modifications committed to conference:

BILL CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN T. MYERS,
CONNIE MORELLA,

As additional conferees from the Committee on Public Works and Transportation for consideration of sections 764, 1104–05, and 1402(g) of the Senate amendment, and modifications committed to conference:

NORMAN MINETA,
JIM OBERSTAR,
DOUGLAS APPLEGATE,
BUD 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,
BUTLER DERRICK,
G. SOLOMON,

Managers on the part of the House.

JOHN F. KERRY,
CLAIBORNE PELL,
JOE BIDEN,
PAUL SARBANES,
CHRISTOPHER J. DODD,
PAUL SIMON,
D.P. MOYNIHAN,
JESSE HELMS,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,
LARRY PRESSLER,
FRANK H. MURKOWSKI,
HANK BROWN,

Managers on the part of the Senate.

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:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, 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, the Clerk received the following message from the Secretary of the Senate on Friday, April 22, 1994 at 12:05 p.m.: that the Senate agreed to the Conference Report on H.R. 2884.

With great respect, I am.

Sincerely yours,

DONNALD 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. KNOLLENBERG, 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. KREIDLER.

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.

3038. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-225, "Omnibus Budget Support Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3039. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-221, "Real Property Statutory and Filing Deadlines Conformity Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

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 [LAO] to Australia for defense articles (Transmittal No. 94-20), pursuant to 2776(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. 112b(a); to the Committee on Foreign Affairs.

3042. A letter from the Acting Archivist, National Archives and Records Administration, transmitting a report on records disposal, 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 calendar 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 Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(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 Rubicon 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 Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; 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 IV countries during 1993, pursuant to 19 U.S.C. 2440; 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. 2333. 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. 103-482). 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 severally referred as follows:

By Mr. SCHUMER (for himself, Mr. REYNOLDS, Mr. SYNAR, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BORSKI, Mrs. BYRNE, Mr. CARDIN, Mr. CASTLE, Mrs. CLAYTON, Mr. COPPERSMITH, Ms. DELAURO, Mr. DEUTSCH, Mr. ENGEL, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FINGERHUT, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. HARMAN, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. JOHNSTON of Florida, Mr. KENNEDY, Mr. LEWIS of Georgia, Ms. LOWEY, Mrs. MALONEY, Mr. MANN, Mr. MANTON, Mr. MARKEY, Mr. MAZZOLI, Mr. MORAN, Mr. NADLER, Mr. OWENS, Ms. PELOSI, Mr. RANGEL, Mr. SABO, Ms. SCHENK, Mrs. SCHROEDER, Mr. SERRANO, Ms. SHEPHERD, Ms. SLAUGHTER, Mr. STARK, Mr. STUDDS, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WAXMAN, Mr. WHEAT, Ms. WOOLSEY, and Mr. YATES):

H.R. 4296. A bill to make unlawful the transfer or possession of assault weapons; to the Committee on the Judiciary.

By Mr. MICHEL:

H. Res. 411. Resolution expressing the profound regret and sorrow of the House of Representatives on the death of Richard Milhous Nixon, former President of the United States of America; considered and agreed to.

By Mr. LAFALCE (by request):

H.R. 4297. A bill to amend the Small Business Act; to the Committee on Small Business.

H.R. 4298. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

354. By the Speaker: Memorial of the House of Representatives of the State of Alabama, relative to relations with the Repbulic of China on Taiwan; to the Committee on Foreign Affairs.

355. Also, memorial of the Senate of the Commonwealth of Virginia, relative to Medicare reimbursement to rural physicians; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 790: Mrs. SCHROEDER.

H.R. 1277: Mrs. FOWLER.

H.R. 1906: Mrs. MINK of Hawaii and Mrs. SCHROEDER.

H.R. 2050: Mr. RAVENEL and Mr. SWETT.

H.R. 3659: Mr. LEVY.

H.R. 3663: Mr. TORKILDSEN.

H.R. 3943: Mr. HANCOCK.

H.R. 4100: Mr. PALLONE.

H.R. 4109: Mrs. MALONEY and Mr. LAFALCE.

H.R. 4124: Mr. FILNER.

H.R. 4211: Mr. TORKILDSEN, Ms. SCHENK, and Mr. CUNNINGHAM.

H.J. Res. 305: Mr. SAWYER, Mr. BILIRAKIS, Mr. RUSH, Mr. SLATTERY, Ms. LOWEY, Mr. MCCOLLUM, Mr. ROBERTS, Mr. SPENCE, Mr. PALLONE, Mr. MANTON, Mr. SYNAR, Mr. RAVENEL, Mr. SMITH of Texas, Mr. SCOTT, and Mr. QUILLEN.

H. Con. Res. 122: Mr. MORAN and Mr. GUTIERREZ.

H. Con. Res. 179: Mr. GILMAN.

H. Con. Res. 186: Mr. MANTON.

EXTENSIONS OF REMARKS

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 26 million anesthetics given to patients each year in this country. They are the sole anesthesia providers 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 didactive 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 for paying 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 payments 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, parity 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 fee 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.—

(1) IN GENERAL.—The requirements of this subsection are that the conditions under which payment may be made for the medical direction or medical supervision of a certified registered nurse anesthetist—

(A) shall not restrict such nurse anesthetists working with anesthesiologists from performing all the components of the anesthesia service that such nurse anesthetists are legally authorized to perform in the State in which the service is furnished; and

(B) shall prevent fraud and abuse in payment for anesthesia services by requiring that the physician providing medical direction or medical supervision must be physically present in the facility where the certified registered nurse anesthestist's services are performed and be available in a timely manner for consultation or assistance if indicated.

(2) CONSULTATION REQUIRED.—The Secretary shall revise the regulations referred to in subsection (a)(2) after consultation with representatives from professional associations of certified registered nurse anesthetists and anesthesiologists.

(c) EFFECTIVE DATE.—The revisions to the regulations referred to in subsection (a) shall apply to anesthesia services furnished on or after January 1, 1995.

(d) TERMINATION OF REGULATIONS ON MEDICAL DIRECTION OR SUPERVISION.—The regulations referred to in subsection (a)(2) shall be repealed effective January 1, 1998.

SEC. 2. ENSURING PAYMENT FOR PHYSICIAN AND NURSE FOR JOINTLY FURNISHED ANESTHESIA SERVICES.

(a) PAYMENT FOR JOINTLY FURNISHED SINGLE CASE.—

(1) PAYMENT TO PHYSICIAN.—Section 1848(a)(4) of the Social Security Act (42 U.S.C. 1395w-4(a)(4)), as added by section 13516(a) of the Omnibus Budget Reconciliation Act of 1993 (hereafter referred to as "OBRA-1993"), is amended by adding at the end the following new subparagraph:

"(C) PAYMENT FOR SINGLE CASE.—Notwithstanding section 1862(a)(1)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 CRNA.—Section 1833(l)(4)(B) of such Act (42 U.S.C. 13951(l)(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 CONCURRENT CASES.—Section 1848(a)(4) of such Act (42 U.S.C. 1395w–4(a)(4)) and section 1842(b)(13) of such Act (42 U.S.C. 1395u(b)(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.

(c) 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.

While many of us work to strengthen the economy and impact family life in a positive way through legislation and bricks-and-mortar community development, Huntington counselors deal every day with the specific problems of people who can't take another step on their own. 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 teens—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.V. (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 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.

At the outset, Messrs. Chairmen, 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 mandates, which cover 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 combat-disabled 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 "to care for him who shall have borne the battle and for his widow and his orphan."

Although we miss Jesse, our management staff 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 236 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. We as a nation owe them—and all veterans—a great debt of gratitude.

These D–Day warriors—like the millions who served in our military before them and the millions who served in our military after them—gave their all, no questions asked, when our country needed them in its darkest hours.

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 once been introduced in the Congress by Veterans Affairs Committee Chairmen Rockefeller and Montgomery to clarify the tax exempt statute of VA benefits.

The issue of the concurrent receipt of VA disability compensation payments and military longevity retirement pay without a deduction from either payment continues to be 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 because 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 government that simply states: 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

miserably in meeting the terms of this contract. It is a great national travesty that we still have not accounted for nearly 90,000 American patriots since the end of World War II.

I assure you that every DAV member has a standing obligation to press our national leaders to develop policies consistent with this unwritten, unspoken, but unbreakable contract of the battlefield in order to ensure that American fighting forces are never again used as political pawns.

Messrs. Chairmen, recent revelations that our government conducted secret radiation 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 were taken, we're told, supposedly out of 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 this situation and to compensate these individuals fairly.

The DAV is also deeply concerned about the problems facing our Persian Gulf War veterans, especially those veterans who still suffer from the mysterious ailments commonly referred to as Persian Gulf Syndrome.

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 $340,000 to assist homeless veterans since 1988.

As a continuation of our deep concern about the unique problems facing women veterans, the DAV will soon be hosting 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 reform and reconfigure our entire health care delivery and financing systems. Clearly the VA—as the nation's single largest 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 actually mirrors, 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. 2248 and H.R. 4278.

The VA health care system is at a critical juncture and there is an 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 carefully consider and expeditiously act 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 fiscal house 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 dollars directly out of the wallets of America's veterans.

During the decade of the 80's, for instance, VA was required to identify more than $2 billion in savings.

Still unable to reduce the spiraling federal deficit, in 1990, the barons of the budget once again placed 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 1995.

Last year, veterans were wounded yet again by the deficit-reduction rifle when OBRA of 1993 was passed. This measure requires an additional $2.6 billion in cuts through 1998 and extends many of the OBRA 1990 cuts. Among other things, this law eliminated the Montgomery GI Bill COLA for Fiscal Year 1994 and reduces it by one-half for Fiscal Year 1995. It also freezes discretionary spending over the next five years at the FY 1993 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 further erode 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 and their families. They must stop the ever increasing delays veterans must endure to receive their earned compensation benefits. In some cases, we no longer measure claims decision delays in terms of months but in terms of years. This is an outrage!

These 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 are not the cause 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.

I found it ironic that such a proposal 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 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 those 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 and adamantly reject calls from the barons of the budget to take earned compensation payments away from our service-connected disabled veterans.

Please do not misconstrue our opposition to cutting and eliminating veteran's 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 money so that the VA may continue to 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 is the equivalent of VA having an additional 1,200 full-time employees with an estimated value of $28 million dollars. Monetary donations during the same period totaled nearly $3 million dollars and other hospital and service related donations came to $16.5 million dollars.

The DAV also employs 170 Hospital Service Coordinators at 171 VA facilities. With more than 4,000 volunteer drivers, DAV's National Transportation Network will log nearly 18 million miles and transport more than 400 thousand veterans to VA health care facilities this year alone. DAV departments and chapters, together with the national organization, have also donated 317 transportation vans to VA Medical Centers across the country at a cost of nearly 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 veterans and their families. Thanks to our dedicated cadre of National Service Officers, the DAV has made a tremendous impact on the lives of thousands of veterans and their families.

It's obvious that the members of the DAV are pitching in and giving more than their fair share because we know first-hand 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's observations regarding the state of veterans' affairs in America. I have noted some criticisms of the way veterans have been treated over the past dozen years.

I have expressed the willingness on the part of DAV and Auxiliary members to give of their time and resources so that other sick and disabled veterans may receive a degree of increased service at VA health care facilities. And I have quantified the service provided to veterans and their families by DAV National Service Officers, Hospital Service Coordinators and our volunteers.

But I must tell you in all candor that America's veterans will no longer be pushed around by the barons of the budget. And no longer will our nation's veterans tolerate elected officials who would rather blindly

cut every federal program—regardless of the program's value or impact on the national debt—than make the difficult political choices necessary to right our nation's financial ship of state.

Let me assure you that the DAV deeply appreciates the efforts members of your Committees have made to persuade those holding the power of the purse of the value of veterans' programs and our nation's statutory and moral obligation to provide adequate funding for those programs.

May God bless each and every one of you as you deliberate the fate of America's veterans and their families. And may God bless America.

NATIONAL LIBRARY WEEK

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1994

Mr. MANTON. 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 services and resources 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 the Reader's Digest, entitled "How Stupid Can We Get?" by William Ecenbarger. This article discusses the financial constraints that libraries are faced 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 will attend storybook hour, to immigrants who will attend English class, to young adults who will attend amateur drama group. 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?

(By William Ecenbarger)

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 1959.

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 Marcum 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; hours shortened, staff reduced, book-buying curtailed, magazine subscriptions canceled, 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 nationwide and affects all sorts of neighborhoods—rich and poor; rural, urban, suburban.

What in the name of Benjamin Franklin is going on here?

Hardly anyone is against libraries. The problem is often lack of information on the part of patrons, and misunderstanding 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 jobseekers, students and immigrants have pushed library use to an all time high. About 1.4 billion items—books, audio cassettes, films, computer software—were borrowed at U.S. public libraries last year, a 30-percent increase over 1980.

NO ENGLISH, NO WORK.

To enable its children to compete in a complex world, America desperately needs improvements in its education system. Yet, here we are removing some of the most basic tools. "Ours 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 Hardy R. 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—come to 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, literacy and English for immigrants.

Historically, few groups have benefited more from the American free public library than immigrants. It has been their bootstrap for generations. For many of them today, the Queens Library provides an introduction to the language and culture of America.

When Elise Gbado 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 82 nations and 51 languages. There are hundreds of others who desperately want to enroll but can't. There's not enough money to hire teachers and train staff.

Other signs of financial trouble in Queens abound. There are gaping spaces on magazine racks from unrenewed subscriptions. Most branches are closed on Sundays, and there are long waits on Saturdays to check out books. With so many school libraries in Queens closed, when a teacher assigns reading, 30 children may show up asking 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 public library. 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 centennial there were nearly 4000 public libraries in the country. In 1887 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 $50 million for public-library construction. Bequests 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 they 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 ragged with missing pages or are obsolete. Current holdings include Getting to Know the Two Chinas (1960) and Life Saving and Water Safety (1937). "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 $19 to $45, as did the average yearly subscription price of magazines. Powell's annual book-buying budget is $8000; she has $4000 for magazine subscriptions. "I'm always juggling money from one 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 there were 255 patrons 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 unimagined a generation ago. Infotrac and other on-line-article research databases are faster and more up-to-date than the standard book references.

Some critics suggest that expensive online 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, the other an obsolete research tool 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 1993 study by the Colorado Department of Education. Yet in California, the number of school libraries has decreased by half since 1986.

EVERY 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 58 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 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, the library is 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—of the time, place, and 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 28

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. 648, S. 993, and S. 1604.

SD–342

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.

SD–430

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

SR–301

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.

SD–192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD–106

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.

S–146, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation relating to housing and community investment.

SD–538

Finance

To hold hearings to examine the tax treatment of organizations providing health care services, and excise taxes on tobacco products, guns, and ammunition.

SD–215

Judiciary

Business meeting, to consider pending calendar business.

SD–226

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.

SD–628

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.

SD–138

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 the Defense Business Operations Fund and the military construction program.

SR–232A

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. 1639, to provide for the management of the portions of the Presidio under the jurisdiction of the Secretary of the Interior.

SD–366

Judiciary

To hold hearings on pending nominations.

SD–226

Indian Affairs

To hold oversight hearings on water and sanitation issues in rural Alaska.

SR–485

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.

SD–116

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

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 conusmer protection and quality assurance.

SD–215

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Peter R. Chaveas, of Pennsylvania, to be Ambassador to the Republic of Malawi, Edmund T. DeJarnette, Jr., of Virginia, to be Ambassador to the Republic of Angola, Irvin Hicks, of Maryland, to be Ambassador to Ethiopia, Robert Krueger, of Texas, to be Ambassador to the Republic of Burundi, and Johnny Young, of Pennsylvania, to be Ambassador to the Republic of Togo.
SD–419

MAY 3

9:30 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To hold 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–215

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the United States Coast Guard.
SR–253

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 plan, focusing on the Department of Energy's weapons and materials support and other defense programs.
SR–222

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 environmental programs and the implementation of the Base Closure Acts.
SR–232A

Indian Affairs
To hold hearings on provisions of H.R. 6 and S. 1513, bills authorizing funds for programs of the Elementary and Secondary Education Act of 1965.
SR–485

10:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations.
SD–419

Veterans' Affairs
To hold oversight hearings on dangerous exposures in the Persian Gulf War.
SD–106

2:00 p.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1945, to authorize funds for fiscal year 1995 for certain maritime programs of the Department of Transportation.
SR–253

MAY 5

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title III, Subtitle B (Staffing, Administration, and Support Agencies), and Subtitle C (Abolishing the Joint Committees).
SR–301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.
SD–138

2:00 p.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 additions to the National Parks System, and S. 528, 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–418

MAY 10

10:00 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 Administraion, 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 11

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

9:30 a.m.
Energy and Natural Resources
To hold hearings on the Environmental Protection Agency's proposed renewable oxygenate standard.
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

9:30 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

MAY 15

9:00 a.m.
Office of Technology Assesment
Board meeting, to consider pending business.
EF-100, Capitol

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.
SD-192

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.
SD-192
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

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 Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD-138

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.
S-128, Capitol

MAY 26

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

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.
SD-192

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.
SD-366

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.
SH-216

1:30 p.m.
Labor and Human Resources
Children, Family, Drugs and Alcoholism Subcommittee
To hold hearings on emerging issues regarding child abuse.
SD-430

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.
SR-253