

Public Law 101-246  
101st Congress

An Act

To authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes.

Feb. 16, 1990

[H.R. 3792]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1990 and 1991”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

- Sec. 101. Administration of foreign affairs.
- Sec. 102. International organizations and conferences.
- Sec. 103. International commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Other programs.
- Sec. 106. Reduction in earmarks if appropriations are less than authorizations.
- Sec. 107. Availability of funds.
- Sec. 108. Restriction on funds for negotiations with certain Palestine Liberation Organization representatives.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

- Sec. 111. Authorization of certain operational activities.
- Sec. 112. Working capital fund for Office of Foreign Missions.
- Sec. 113. Authority of Diplomatic Security Service.
- Sec. 114. Access to criminal records.
- Sec. 115. Enhancement of evacuation capability and procedures regarding major disasters and incidents abroad affecting United States citizens.
- Sec. 116. Acquisition of domestic property as interim step to acquiring property abroad.
- Sec. 117. Debt collection.
- Sec. 118. Munitions control registration fees.
- Sec. 119. Fees and reimbursements.
- Sec. 120. International Center.
- Sec. 121. Closing of diplomatic and consular posts in Antigua and Barbuda.
- Sec. 122. Submission of annual country reports on terrorism.
- Sec. 123. Consular officer duties.
- Sec. 124. Opening a United States consulate in Bratislava.
- Sec. 125. Construction of United States embassy in Ottawa.
- Sec. 126. Voluntary pilot program for increased participation by economically and socially disadvantaged enterprises in foreign relations activities.
- Sec. 127. Report on reorganization of the Department of State.
- Sec. 128. Prohibition on exclusion or deportation of nonimmigrant aliens on certain grounds.

PART C—DIPLOMATIC IMMUNITY, RECIPROCITY, AND SECURITY

- Sec. 131. Exclusion of aliens previously involved in serious criminal offenses committed in the United States.
- Sec. 132. Modification of preference for United States contractors in diplomatic construction program.
- Sec. 133. Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad.

Foreign  
Relations  
Authorization  
Act, Fiscal Years  
1990 and 1991.  
22 USC 2651  
note.

- Sec. 134. United States-Soviet reciprocity in matters relating to embassies.
- Sec. 135. Construction security certification.
- Sec. 136. Increased participation of United States contractors in local guard contracts abroad under the diplomatic security program.

#### PART D—PERSONNEL

- Sec. 141. Authority to transfer retirement contributions for Foreign Service nationals to local plans.
- Sec. 142. Disqualification for service on Foreign Service selection boards.
- Sec. 143. Separation for cause; judicial review.
- Sec. 144. Visiting scholars program for the Foreign Service Institute.
- Sec. 145. Credit for service at unhealthful posts.
- Sec. 146. Former spouses of United States Information Agency and Agency for International Development employees.
- Sec. 147. Child care facilities at certain posts abroad.
- Sec. 148. Travel, leave, and other benefits.
- Sec. 149. Foreign Service internship program.
- Sec. 150. Grants for institutions and students for training in international affairs.
- Sec. 151. Danger pay allowance.
- Sec. 152. Judicial review of certain Foreign Service grievances.
- Sec. 153. Broadening the cultural, geographic, and ethnic representation of the Foreign Service and the Department of State.
- Sec. 154. Report to Congress concerning polygraph program.
- Sec. 155. Study of sexual harassment at the Department of State.
- Sec. 156. Limitation on housing benefits.

#### PART E—FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE

- Sec. 161. Expansion of model foreign language competence posts.
- Sec. 162. Report on foreign language entrance requirement for the Foreign Service.
- Sec. 163. Foreign Service promotion panels.
- Sec. 164. Language proficiency in the Employee Evaluation Report.

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

#### PART A—UNITED STATES INFORMATION AGENCY

- Sec. 201. Authorization of appropriations.
- Sec. 202. Dissemination of information within the United States.
- Sec. 203. Distribution within the United States of United States Information Agency film entitled "Long Journey Home".
- Sec. 204. The J. William Fulbright Foreign Scholarship Board.
- Sec. 205. USIA satellite and television.
- Sec. 206. United States Advisory Commission on Public Diplomacy.
- Sec. 207. Foreign language services.
- Sec. 208. Use of certain fees and payments.
- Sec. 209. Debt collection.
- Sec. 210. USIA network for dissemination of information concerning United States programs to combat narcotics and other controlled substances.
- Sec. 211. Afghanistan country plan.
- Sec. 212. General Accounting Office study of the National Endowment for Democracy.
- Sec. 213. Report to Congress on the acquisition and use of public programming materials.

#### PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

- Sec. 221. Authorization of appropriations.
- Sec. 222. Citizen exchanges.
- Sec. 223. Programs to promote international youth understanding.
- Sec. 224. United States-Soviet exchanges.
- Sec. 225. Scholarships for Tibetans and Burmese.
- Sec. 226. Sense of Congress concerning the Humphrey Fellowship Program.

#### PART C—VOICE OF AMERICA

- Sec. 231. Authorization of appropriations.
- Sec. 232. Voice of America hiring practices.
- Sec. 233. VOA public service announcements to promote child survival.
- Sec. 234. Voice of America broadcasts to Tibet.
- Sec. 235. Voice of America's Thailand radio facilities.
- Sec. 236. Voice of America broadcasts to the People's Republic of China.
- Sec. 237. Voice of America equipment abroad.

## PART D—TELEVISION BROADCASTING TO CUBA

- Sec. 241. Short title.
- Sec. 242. Findings and purposes.
- Sec. 243. Television broadcasting to Cuba.
- Sec. 244. Television Marti Service of the United States Information Agency.
- Sec. 245. Amendments to the Radio Broadcasting to Cuba Act.
- Sec. 246. Assistance from other government agencies.
- Sec. 247. Authorization of appropriations.
- Sec. 248. Definitions.

## TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

- Sec. 301. Authorizations of appropriations.
- Sec. 302. Requirement for authorization of appropriations.
- Sec. 303. Procurement of legal services.
- Sec. 304. Radio Free Afghanistan.

## TITLE IV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

- Sec. 401. United States membership in International Sugar Organization and International Tropical Timber Organization.
- Sec. 402. Authorization for membership in the International Union for the Conservation of Nature and Natural Resources.
- Sec. 403. Authorization of appropriations for membership in wildlife conventions.
- Sec. 404. Authorization of appropriations for the Commission on the Ukraine Famine.
- Sec. 405. Reform in budget decision-making procedures of the United Nations and its specialized agencies.
- Sec. 406. Annual report to Congress on voting practices at the United Nations.
- Sec. 407. Denial of visas to certain representatives to the United Nations.
- Sec. 408. Policy on UNESCO.
- Sec. 409. United States Commission on Improving the Effectiveness of the United Nations.
- Sec. 410. Contribution to the regular budget of the International Committee of the Red Cross.
- Sec. 411. Sense of Congress concerning an enhanced role for the International Court of Justice in resolution of international disputes.
- Sec. 412. International Boundary and Water Commission.
- Sec. 413. Review of multilateral and bilateral commissions.
- Sec. 414. Membership of the Palestine Liberation Organization in United Nations agencies.
- Sec. 415. Sense of Congress concerning the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA).
- Sec. 416. United Nations sponsorship of a Middle East peace conference.
- Sec. 417. Contributions for peacekeeping activities in southern Africa.

## TITLE V—ASIA FOUNDATION

- Sec. 501. Authorization of appropriations.

## TITLE VI—INTER-AMERICAN FOUNDATION

- Sec. 601. Authorization of appropriations.

## TITLE VII—REFUGEE AND OTHER PROVISIONS

- Sec. 701. United Nations High Commissioner for Refugees audit requirement.
- Sec. 702. Tibetan and Burmese refugees.
- Sec. 703. Report regarding Burmese students.
- Sec. 704. The treatment of the Turkish minority by the Government of the People's Republic of Bulgaria and Bulgarian refugees in Turkey.

## TITLE VIII—PLO COMMITMENTS COMPLIANCE ACT OF 1989

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Policy.
- Sec. 804. Reporting requirement.

## TITLE IX—PEOPLE'S REPUBLIC OF CHINA

- Sec. 901. Findings and statements of policy.
- Sec. 902. Suspension of certain programs and activities.

## TITLE X—MISCELLANEOUS PROVISIONS

- Sec. 1001. Increasing amount of rewards for combatting terrorism.
- Sec. 1002. Assignment of commercial officers to the United States mission to the European Community.
- Sec. 1003. Buy-American requirement.
- Sec. 1004. Support for the Benjamin Franklin House museum and library.
- Sec. 1005. Association of Democratic Nations.
- Sec. 1006. Policy regarding human rights abuses in Cuba.
- Sec. 1007. Concerning the submission to the Congress of agreements pertaining to the boundaries of the United States.
- Sec. 1008. Report to Congress concerning Oceania.
- Sec. 1009. Report concerning Mexico.
- Sec. 1010. Establishment of a Latin American and Caribbean data base.

## TITLE XI—BUDGET ACT COMPLIANCE

- Sec. 1101. Compliance with Congressional Budget Act.

## TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS;  
ALLOCATIONS OF FUNDS; RESTRICTIONS

## SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) **DIPLOMATIC AND ONGOING OPERATIONS.**—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 (other than the diplomatic security program):

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, of the Department of State \$1,432,124,000 for the fiscal year 1990 and \$1,583,598,000 for the fiscal year 1991, of which not less than \$250,000 for each fiscal year shall be available only for use by the Bureau of International Communications and Information Policy to support international institutional development and other activities which promote international communications and information development.

(2) **ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.**—For “Acquisition and Maintenance of Buildings Abroad”, \$218,900,000 for the fiscal year 1990 and \$227,656,000 for the fiscal year 1991.

(3) **REPRESENTATION ALLOWANCES.**—For “Representation Allowances”, \$4,600,000 for the fiscal year 1990 and \$5,000,000 for the fiscal year 1991.

(4) **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.**—For “Emergencies in the Diplomatic and Consular Service”, \$4,700,000 for the fiscal year 1990 and \$4,888,000 for the fiscal year 1991.

(5) **OFFICE OF THE INSPECTOR GENERAL.**—For “Office of the Inspector General”, \$21,000,000 for the fiscal year 1990 and \$21,840,000 for the fiscal year 1991.

(6) **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.**—For “Payment to the American Institute in Taiwan”, \$11,300,000 for the fiscal year 1990 and \$11,752,000 for the fiscal year 1991.

(b) **DIPLOMATIC SECURITY PROGRAM.**—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under “Administration of Foreign

Affairs" for the fiscal years 1990 and 1991 for the Department of State to carry out the diplomatic security program:

(1) **SALARIES AND EXPENSES.**—For "Salaries and Expenses", \$309,365,000 for the fiscal year 1990 and \$361,995,000 for the fiscal year 1991.

(2) **PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.**—For "Protection of Foreign Missions and Officials", \$9,100,000 for the fiscal year 1990 and \$9,464,000 for the fiscal year 1991.

(c) **ALLOCATION FOR OFFICE OF MUNITIONS CONTROL.**—Of the amounts authorized to be appropriated by this section, there shall be available only for the Office of Munitions Control of the Department of State for each of the fiscal years 1990 and 1991 such amount as is necessary to maintain at least 53 full-time equivalent personnel and any associated costs.

#### SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) **ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**—

(1) There are authorized to be appropriated for "Contributions to International Organizations", \$714,927,000 for the fiscal year 1990 and \$817,000,000 for the fiscal year 1991 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 for other purposes authorized by law.

(2) Of the amounts authorized to be appropriated by paragraph (1), \$1,249,000 for the fiscal year 1990 shall be available only for the South Pacific Commission.

(b) **CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated for "Contributions to International Peacekeeping Activities", \$111,184,000 for the fiscal year 1990 and \$115,000,000 for the fiscal year 1991 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 for other purposes authorized by law.

(c) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—(1) There are authorized to be appropriated for "International Conferences and Contingencies", \$6,340,000 for the fiscal year 1990 and \$7,300,000 for the fiscal year 1991 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 for other purposes authorized by law.

(2) None of the funds authorized to be appropriated under paragraph (1), may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

#### 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” for the fiscal year 1990, \$10,460,000 and, for the fiscal year 1991, \$10,878,000; and

(B) for “Construction” for the fiscal year 1990, \$11,500,000 and, for the fiscal year 1991, \$11,900,000.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$750,000 for the fiscal year 1990 and \$780,000 for the fiscal year 1991.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$3,750,000 for the fiscal year 1990 and \$3,900,000 for the fiscal year 1991.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$11,000,000 for the fiscal year 1990 and \$11,440,000 for the fiscal year 1991.

#### SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for “Migration and Refugee Assistance”—

(1) for authorized activities, \$415,000,000 for the fiscal year 1990 and \$445,000,000 for the fiscal year 1991; and

(2) for each of the fiscal years 1990 and 1991 for assistance for refugees resettling in Israel, \$25,000,000.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) or (2) of subsection (a) are authorized to remain 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”, \$4,000,000 for the fiscal year 1990 and \$4,160,000 for the fiscal year 1991.

(2) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For “Soviet-East European Research and Training”, \$4,600,000 for the fiscal year 1990 and \$5,200,000 for the fiscal year 1991.

#### SEC. 106. REDUCTION IN EARMARKS IF APPROPRIATIONS ARE LESS THAN AUTHORIZATIONS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 10 (22 U.S.C. 2677) the following new section:

22 USC 2678.

#### “SEC. 11. REDUCTION IN EARMARKS IF APPROPRIATIONS ARE LESS THAN AUTHORIZATIONS.

“If the amount appropriated (or made available in the event of a sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177; 2 U.S.C. 901 et seq.)) for a fiscal year pursuant to any authorization of appropriations provided by an Act other than an appropriation Act is less than the authorization amount and a provision of that Act provides that a specified amount of the authorization amount shall

be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the specified amount as the amount appropriated (or made available in the event of sequestration) bears to the authorization amount.”.

#### SEC. 107. AVAILABILITY OF FUNDS.

Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding after subsection (d) the following new subsection:

“(e) Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be obligated for twelve-month contracts which are to be performed in two fiscal years, if the total amount for such contracts is obligated in the earlier fiscal year.”.

#### SEC. 108. RESTRICTION ON FUNDS FOR NEGOTIATIONS WITH CERTAIN PALESTINE LIBERATION ORGANIZATION REPRESENTATIVES.

22 USC 2151  
note.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by inserting before the period at the end thereof the following: “, except that no funds authorized to be appropriated by this or any other Act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of a United States citizen”.

### PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

#### SEC. 111. AUTHORIZATION OF CERTAIN OPERATIONAL ACTIVITIES.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended—

- (1) in subsection (g), by striking out “and” at the end thereof;
- (2) in subsection (h), by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and
- (3) by inserting after subsection (h) the following new subsections:
  - “(i) pay obligations assumed in Germany on or after June 5, 1945;
  - “(j) provide telecommunications services; and
  - “(k) provide maximum physical security in Government-owned and leased properties and vehicles abroad.”.

#### SEC. 112. WORKING CAPITAL FUND FOR OFFICE OF FOREIGN MISSIONS.

Section 13(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684(a)) is amended—

- (1) in the first sentence—
  - (A) by inserting “and” before “(4)”; and
  - (B) by striking out “; and (5) services and supplies to carry out title II of this Act”; and
- (2) by inserting after the first sentence the following new sentence: “Such fund shall also be available without fiscal year limitation to carry out the purposes of title II of this Act”.

**SEC. 113. AUTHORITY OF DIPLOMATIC SECURITY SERVICE.**

Section 37(a) of the State Department Basic Authorities Act (22 U.S.C. 2709(a)) is amended—

(1) in paragraph (2)—

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

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable grounds to believe that the person has committed or is committing such offense, and”; and

(2) in paragraph (5), by amending the text preceding subparagraph (A) to read as follows:

“(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 of title 18, United States Code—”.

**SEC. 114. ACCESS TO CRIMINAL RECORDS.**

Section 9101 of title 5, United States Code, is amended—

(1) in subsections (b)(1), (b)(3)(A), (b)(3)(B), and (c) by inserting “the Department of State,” after “Defense,” each place it appears; and

(2) by adding at the end thereof the following new subsection:

“(e) The authority provided under this section with respect to the Department of State may be exercised only so long as the Department of State continues to extend to its employees and applicants for employment, at a minimum, those procedural safeguards provided for as part of the security clearance process that were made available, as of May 1, 1987, pursuant to section 163.4 of volume 3 of the Foreign Affairs Manual.”.

Government  
organization and  
employees.

**SEC. 115. ENHANCEMENT OF EVACUATION CAPABILITY AND PROCEDURES REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.**

(a) **RESPONSIBILITY OF SECRETARY OF STATE.**—Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(1) by striking out “and” at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

“(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents, and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and”.

(b) **DEVELOPMENT AND IMPLEMENTATION OF POLICIES.**—Section 103 of the Diplomatic Security Act of 1986 (22 U.S.C. 4802) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection:

“(b) **OVERSEAS EVACUATIONS.**—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents, and private United States citizens when their lives are

endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall—

“(1) develop a model contingency plan for evacuation of personnel, dependents, and United States citizens from foreign countries;

“(2) develop a mechanism whereby United States citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of United States citizens in high risk areas submitted by their relatives;

“(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

“(4) develop a plan for coordinating communications between embassy staff, Department of State personnel, and families of United States citizens abroad regarding the whereabouts of those citizens.”

(c) **PROCEDURES REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD.**—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2269 et seq.) is amended—

(1) by redesignating section 43 as section 44; and

(2) by adding after section 42 the following new section:

22 USC 2651  
note.

“**SEC. 43. PROCEDURES REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.**

22 USC 2715.

“In the case of a major disaster or incident abroad which affects the health and safety of citizens of the United States residing or traveling abroad, the Secretary of State shall provide prompt and thorough notification of all appropriate information concerning such disaster or incident and its effect on United States citizens to the next-of-kin of such individuals. Notification shall be provided through the most expeditious means available, including telephone communications, and shall include timely written notice. The Secretary, through the appropriate offices of the Department of State, shall act as a clearinghouse for up-to-date information for the next-of-kin and shall provide other services and assistance. Assistance shall include liaison with foreign governments and persons and with United States air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as disposition of personal effects.”

Aircraft and air  
carriers.

(d) **DEVELOPMENT OF STANDARDIZED PROCEDURES.**—

22 USC 2715  
note.

(1) The Secretary of State shall enter into discussions with international air carriers and other appropriate entities to develop standardized procedures which will assist the Secretary in implementing the provisions of section 43 of the State Department Basic Authorities Act of 1956, as amended by subsection (c).

(2) The Secretary of State shall consider the feasibility of establishing a toll-free telephone number to facilitate inquiries by the next-of-kin in cases of major disasters or incidents abroad which affect the health and safety of citizens of the United States residing or traveling abroad.

(e) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress which sets forth plans for the implementation of the amendment made by subsection (c) and the provisions of subsection (d)(1), together with the Secretary's comments concerning the proposal under subsection (d)(2).

**SEC. 116. ACQUISITION OF DOMESTIC PROPERTY AS INTERIM STEP TO ACQUIRING PROPERTY ABROAD.**

(a) **ADDITIONAL AUTHORITY FOR THE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS.**—Section 203(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4303(c)) is amended—

- (1) by striking out “and” at the end of paragraph (2);
- (2) by redesignating paragraph (3) as paragraph (4); and
- (3) by inserting after paragraph (2) the following new paragraph:

“(3) dispose of property acquired in carrying out the purposes of this Act; and”.

(b) **PROVISION OF BENEFITS.**—Section 204 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4304) is amended—

- (1) in subsection (b)—
  - (A) by striking out “or” at the end of paragraph (3);
  - (B) by inserting “or” at the end of paragraph (4);
  - (C) by inserting after paragraph (4) the following new paragraph:

“(5) subject to subsection (f), to implement an exchange of property between the Government of the United States and the government of a foreign country, such property to be used by each government in the respective receiving state for, or in connection with, diplomatic or consular establishments;”;

(2) by adding at the end thereof the following new subsection:“(f)(1) Upon a determination in each specific case by the Secretary of State or the Secretary's designee that the purpose of the Foreign Service Buildings Act, 1926, can best be met on the basis of an in-kind exchange of properties with a foreign country pursuant to subsection (b)(5), the Secretary of State may transfer funds made available under the heading ‘Acquisition and Maintenance of Buildings Abroad’ (including funds held in the Foreign Service Buildings Fund) for such purpose to the Working Capital Fund, as provided in section 208(h)(1). Except for funds that may be provided by a foreign government for the purchase of property, only funds transferred under the preceding sentence may be used for the purposes of subsection (b)(5).

“(2) The Secretary of State may acquire property in the United States for the purposes of subsection (b)(5) only in the context of a specific reciprocal agreement with a specified foreign government. Property acquired by the United States in the foreign country through such an exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government.

“(3) The Secretary of State shall prescribe regulations for the implementation of any in-kind exchange of properties pursuant to subsection (b)(5).

“(4) At least 15 days before entering into any reciprocal agreement for the exchange of property with another foreign government, the Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the

Regulations.

House of Representatives and the Committee on Foreign Relations of the Senate.

“(5)(A) Proceeds from the disposition of properties acquired pursuant to this subsection shall be credited to the Foreign Service Buildings Fund (referred to in section 9 of the Foreign Service Buildings Act, 1926).

“(B) The authority to spend proceeds received under subparagraph (A) may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.”.

(c) CONFORMING AMENDMENT.—Section 9(a)(1) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300(a)(1)), is amended by inserting before the comma at the end thereof the following: “or in the United States pursuant to section 204(b)(5) of the State Department Basic Authorities Act of 1956”.

#### SEC. 117. DEBT COLLECTION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended—

(1) by redesignating section 44 (as redesignated by section 115) as section 45; and

(2) by inserting after section 43 (as redesignated by section 115) the following:

22 USC 2651  
note.

#### “SEC. 44. DEBT COLLECTION.

22 USC 2716.

“(a) CONTRACT AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary of State shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 90 days.

“(2) Each contract entered into under this section shall provide that the person with whom the Secretary enters into such contract shall submit to the Secretary at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

Reports.

“(b) DISCLOSURE OF DELINQUENT DEBT TO CREDIT REPORTING AGENCIES.—The Secretary of State shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Secretary reports loan activity information concerning any debt of more than \$100 owed by a person, other than a foreign country, to the United States which arises out of activities of the Department of State and is delinquent by more than 31 days.”.

#### SEC. 118. MUNITIONS CONTROL REGISTRATION FEES.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2269 et seq.) is amended—

(1) by redesignating section 45 (as redesignated by section 117) as section 46; and

(2) by inserting after section 44 (as redesignated by section 117) the following new section:

22 USC 2651  
note.

#### “SEC. 45. MUNITIONS CONTROL REGISTRATION FEES.

22 USC 2717.

“(a) MUNITIONS CONTROL REGISTRATION FEES.—For each fiscal year, \$500,000 of the registration fees collected by the Office of Munitions Control of the Department of State shall be credited to a Department of State account, to be available without fiscal year

limitation. Fees credited to that account shall be available only for payment of expenses incurred for—

“(1) contract personnel to assist in the evaluation of munitions control license applications, reduction in processing time for license applications, and improved monitoring of compliance with the terms of licenses; and

“(2) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

“(b) BUDGET ACT COMPLIANCE.—The authority contained in subsection (a) shall be exercised to such extent and in such amounts as are to be provided in an appropriation Act.”.

#### SEC. 119. FEES AND REIMBURSEMENTS.

The State Department Basic Authorities Act of 1956 is amended—

22 USC 2651  
note.

(1) by redesignating section 46 (as redesignated by section 118) as section 47; and

(2) by inserting after section 45 (as redesignated by section 118) the following new section:

District of  
Columbia.  
22 USC 2718.

#### “SEC. 46. FEES RECEIVED FOR USE OF BLAIR HOUSE.

“(a) USE OF FEES.—Notwithstanding any other provision of law, for the fiscal years 1990 and 1991, funds received by the Department of State in connection with use of Blair House (including reimbursements and surcharges for services and goods provided and fees for use of Blair House facilities) may be credited to the appropriate appropriation account of the Department of State which is currently available. Such funds shall be available only for maintenance and other expenses of Blair House.

“(b) COMPLIANCE WITH THE BUDGET ACT.—The authority of this section may be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.”.

District of  
Columbia.

#### SEC. 120. INTERNATIONAL CENTER.

Section 4 of the International Center Act (Public Law 90-553, as amended) is amended by adding at the end thereof the following new subsection:

96 Stat. 101.

“(c)(1)(A) The Department of State is authorized to require the payment of a fee by other executive agencies of the United States for the lease or use of facilities located at the International Center which are used for the purposes of security and maintenance. Any payments received for lease or use of such facilities shall be credited to the account entitled ‘International Center, Washington, District of Columbia’ and shall be available, without fiscal year limitation, to cover the operation and maintenance expenses of such facilities, including administration, maintenance, utilities, repairs, and alterations.

“(B) The authority of subparagraph (A) shall be exercised only to such extent or in such amounts as are provided in advance in an appropriation Act.

“(2) For purposes of paragraph (1), the term ‘Executive agencies’ is used within the meaning of section 105 of title 5, United States Code.”.

**SEC. 121. CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA.**

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is repealed.

22 USC 2656  
note.

**SEC. 122. SUBMISSION OF ANNUAL COUNTRY REPORTS ON TERRORISM.**

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended by striking out "March 31" and inserting in lieu thereof "April 30".

22 USC 2656f.

**SEC. 123. CONSULAR OFFICER DUTIES.**

Section 31 of the Act of June 22, 1860 (12 Stat. 79; 22 U.S.C. 4192), relating to the solemnization of marriages, is repealed.

**SEC. 124. OPENING A UNITED STATES CONSULATE IN BRATISLAVA.**

(a) **FINDINGS.**—The Congress finds that—

(1) the State Department's "special consulate" concept offers a model for reopening a consulate in Bratislava, Czechoslovakia, at modest cost and with significant public diplomacy and political benefits;

(2) the United States still owns the old consulate building and in 1987-1988 spent about \$500,000 to renovate parts of the building;

(3) the building has been productively used for trade and cultural events, but could be more effectively used by restoring it to its original purpose as the locus of official United States representation in the Slovak capital;

(4) Slovakia has been the source of the largest and most recent wave of Czechoslovak emigration to the United States and approximately three and one-half million Americans are of Slovak heritage;

(5) American tourists in Slovakia, many visiting relatives, often require consular assistance and this consular support could best be provided by a consulate in Bratislava;

(6) Slovaks account for more than half of all Czechoslovak tourist travel to the United States and this travel, which should be encouraged, could be expedited by a United States consulate in Bratislava;

(7) the Slovak underground Catholic Church is one of the most vibrant religious forces in Czechoslovakia and each year tens of thousands of Catholics make pilgrimages to Slovakia;

(8) American outreach efforts in Slovakia have been hindered by the absence of a constant and direct American presence in Bratislava; and

(9) with its Hungarian, Polish, and Ukrainian minorities, a United States consulate in Bratislava would provide important information on both regional and local developments.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the President should take all practicable steps to reopen the United States consulate in Bratislava, Czechoslovakia.

**SEC. 125. CONSTRUCTION OF UNITED STATES EMBASSY IN OTTAWA.**

22 USC 4852  
note.

Section 402(a) of the Diplomatic Security Act (22 U.S.C. 4852(a)) shall not apply to the construction or renovation of the United States Embassy in Ottawa, Canada.

**SEC. 126. VOLUNTARY PILOT PROGRAM FOR INCREASED PARTICIPATION BY ECONOMICALLY AND SOCIALLY DISADVANTAGED ENTERPRISES IN FOREIGN RELATIONS ACTIVITIES.**

(a) **ESTABLISHMENT OF PILOT PROGRAM FOR VOLUNTARY SET-ASIDES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State (in consultation with the Director of the United States Information Agency) shall prepare and transmit a detailed plan for the establishment for the fiscal years 1990 and 1991 of a pilot program of voluntary set-asides for increased participation, to the extent practicable, by economically and socially disadvantaged enterprises in programs and activities of the Department of State and the United States Information Agency to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(b) **CONTENTS OF PLAN.**—Such plan shall include—

(1) a description of where such pilot program will be located in each such agency's organizational structure and what relevant lines of authority will be established;

(2) a listing of the specific responsibilities that will be assigned to the pilot program to enable it to increase, to the extent practicable and in a rational and effective manner, participation of economically and socially disadvantaged enterprises in activities funded by such agencies;

(3) a detailed design for a time-phase system for bringing about expanded participation, to the extent practicable, by economically and socially disadvantaged enterprises, including—

(A) specific recommendations for percentage allocations of contracts, subcontracts, procurement, grants, and research and development activities by such agencies to such enterprises; and

(B) particular consideration of the participation of economically and socially disadvantaged enterprises in activities in the areas of communications, telecommunications, and information systems;

(4) a proposed reporting system that will permit objective measuring of the degree of participation of economically and socially disadvantaged enterprises in comparison to the total activities funded by such agencies;

(5) a detailed projection of the administrative budgetary impact of the establishment of the pilot program; and

(6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of economically and socially disadvantaged enterprises to receive contracts funded by such agencies.

(c) **OBJECTIVES.**—The objective of the pilot program shall be to increase the participation, to the extent practicable, of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agencies.

(d) **RESPONSIBILITIES.**—The pilot program shall—

(1) establish, maintain, and disseminate information to; and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities funded by the agencies;

(2) design and conduct projects to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, subcontracts, grants, and research and development contracts in order for such enterprises to participate in programs funded by the Department of State and the United States Information Agency;

(3) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities funded by such agencies;

(4) develop support mechanisms which will enable socially and economically disadvantaged enterprises to take advantage of business opportunities in programs funded by such agencies; and

(5) enter into such contracts (to such extent or in such amounts as are provided in advance in appropriation Acts), cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

Contracts.

(e) **RESPONSIBILITIES OF THE SECRETARY.**—The Secretary of State (after consultation with the Director of the United States Information Agency) shall provide the pilot program with such relevant information, including procurement schedules, bids, and specifications with respect to programs funded by the Department of State and the United States Information Agency, as may be requested by the pilot program in connection with the performance of its functions under this section.

(f) **DEFINITIONS.**—

(1) For the purposes of this section, the term “economically and socially disadvantaged enterprise” means a business—

(A) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(B) whose management and daily business operations are controlled by one or more such individuals.

(2) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(3) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the assets and net worth of the socially disadvantaged individual.

(g) **REPORTS TO CONGRESS.**—For each of the fiscal years 1990 and 1991, the Secretary of State shall prepare and submit a report concerning the implementation of the pilot program under this section to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

#### SEC. 127. REPORT ON REORGANIZATION OF THE DEPARTMENT OF STATE.

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

(1) The Department of State is currently reviewing its organizational structure.

(2) Each of the geographical bureaus deals with a large number of countries and often a broad diversity of cultures, nationalities, and ethnic divisions.

(3) The territory covered by the Bureau of Near Eastern and South Asian Affairs, for example, stretches from the Atlantic coast of Morocco to the Bay of Bengal, includes twenty-five countries, more than a billion people, a number of regional disputes, and several cultural and linguistic divisions. The Bureau of Inter-American Affairs has within its jurisdiction thirty-three countries, including Mexico, the nations of the Caribbean Basin, and Central and South America.

(4) Among the most pressing international issues is the prospect for global warming. Over the next few years, American leadership at the international level will be crucial to worldwide efforts to ensure that global warming does not occur. The Department of State will need to consider appropriate steps to prepare for the leadership role of the United States.

(5) The United States continues to face a foreign intelligence threat, including the danger to United States diplomatic missions. The Department of State will need to improve its ability to detect and prevent intelligence penetration of United States missions abroad.

(b) **REPORT.**—Not later than February 3, 1990, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report assessing the advisability of reorganization of its regional and functional bureaus. The report shall include, but not be limited to, an assessment of the advisability of two bureaus to cover the present responsibilities of the Bureau of Inter-American Affairs, an Office of Diplomatic Security to be headed by an Under Secretary-level Director of Diplomatic Security, and an Office of Global Warming within the Bureau of Oceans, International Environmental and Scientific Affairs. The report shall also include an assessment of the advisability of transferring the jurisdictional responsibility for the Organization of American States from the Bureau of International Organizations to the Bureau of Inter-American Affairs, and of creating a high-level coordinator for United States policy toward Mexico. In the context of the report required by this subsection, it is the sense of the Congress that the Secretary of State should give serious consideration to the establishment of a Bureau of South Asian Affairs within the Department of State.

**SEC. 128. PROHIBITION ON EXCLUSION OR DEPORTATION OF NON-IMMIGRANT ALIENS ON CERTAIN GROUNDS.**

(a) **TECHNICAL CORRECTION.**—Section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is amended in subsection (a) by inserting “subject to restrictions or conditions on entry into the United States,” after “United States,” the first place it appears.

(b) **REPEAL OF TERMINATION PROVISION.**—Subsection (d) of section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is repealed.

## PART C—DIPLOMATIC IMMUNITY, RECIPROCITY, AND SECURITY

### SEC. 131. EXCLUSION OF ALIENS PREVIOUSLY INVOLVED IN SERIOUS CRIMINAL OFFENSES COMMITTED IN THE UNITED STATES.

(a) **GROUND OF EXCLUSION.**—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking out the period at the end of paragraph (33) and inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (33) the following new paragraph:

“(34) Any alien who has committed in the United States any serious criminal offense, as defined in section 101(h), for whom immunity from criminal jurisdiction was exercised with respect to that offense, who as a consequence of the offense and the exercise of immunity has departed the United States, and who has not subsequently submitted fully to the jurisdiction of the court in the United States with jurisdiction over the offense.”.

(b) **DEFINITION.**—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end thereof the following new subsection:

“(h) For purposes of section 212(a)(34), the term ‘serious criminal offense’ means—

“(1) any felony;

“(2) any crime of violence, as defined in section 16 of title 18 of the United States Code; or

“(3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.”.

(c) **WAIVER.**—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended by striking out “or (12)” and inserting in lieu thereof “(12), or (34)”.

(d) **REPORT CONCERNING COMPENSATION AND DIPLOMATIC IMMUNITY.**—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare and submit to the appropriate committees of the Congress a report which considers the need and feasibility of establishing a program which makes compensation awards to United States citizens and permanent resident aliens in the United States for physical injury or financial loss which is the result of criminal activity reasonably believed to have been committed by individuals with immunity from criminal jurisdiction as a result of international obligations of the United States arising from multilateral agreements, bilateral agreements, or otherwise under international law.

(2) Together with such other information as the Secretary of State considers appropriate, the report shall include—

(A) a plan and feasibility analysis for the establishment of such a program, including—

(i) specific recommendations for funding, administration, and procedures and standards for compensation and payment of awards; and

(ii) particular consideration of the feasibility of an appeals mechanism;

(B) an assessment of—

(i) the feasibility of establishing a fund;

(ii) the availability of existing accounts; or

(iii) other sources of funding for the program; and  
 (C) consideration of other possible mechanisms for compensation or reimbursement, including direct compensation by the individual with immunity from criminal jurisdiction or by the sending country of that individual.

**SEC. 132. MODIFICATION OF PREFERENCE FOR UNITED STATES CONTRACTORS IN DIPLOMATIC CONSTRUCTION PROGRAM.**

Section 402(a) of the Diplomatic Security Act (22 U.S.C. 4852) is amended in paragraph (2) to read as follows:

“(2) bid on a diplomatic construction or design project which involves physical or technical security, unless the project—  
 “(A) involves nonsophisticated, low-level technology, as determined by the Assistant Secretary for Diplomatic Security;  
 “(B) is for the design or construction of a facility that does not process or store classified material; and  
 “(C) does not exceed a total value of \$500,000.”.

**SEC. 133. USE OF CLEARED PERSONNEL TO ENSURE SECURE MAINTENANCE AND REPAIR OF DIPLOMATIC FACILITIES ABROAD.**

(a) **IN GENERAL.**—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by adding at the end thereof the following new section:

**“SEC. 415. USE OF CLEARED PERSONNEL TO ENSURE SECURE MAINTENANCE AND REPAIR OF DIPLOMATIC FACILITIES ABROAD.**

“(a) **POLICIES AND REGULATIONS.**—The Secretary of State shall develop and implement policies and regulations to provide for the use of persons who have been granted an appropriate United States security clearance to ensure that the security of areas intended for the storage of classified materials or the conduct of classified activities in a United States diplomatic mission or consular post abroad is not compromised in the performance of maintenance and repair services in those areas.

“(b) **STUDY AND REPORT.**—The Secretary of State shall conduct a study of the feasibility and necessity of requiring that, in the case of certain United States diplomatic facilities abroad, no contractor shall be hired to perform maintenance or repair services in an area intended for the storage of classified materials or the conduct of classified activities unless such contractor has been granted an appropriate United States security clearance. Such study shall include, but is not limited to, United States facilities located in Cairo, New Delhi, Riyadh, and Tokyo. Not later than 180 days after the date of the enactment of this section, the Secretary of State shall report the results of such study to the Chairman of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.”.

(b) **CONFORMING AMENDMENT TO TABLE OF CONTENTS.**—The table of contents for the Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after the item relating to section 414 the following new item:

“Sec. 415. Use of cleared personnel to ensure secure maintenance and repair of diplomatic facilities abroad.”.

**SEC. 134. UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.**22 USC 4301  
note.

(a) **WAIVER OF RESTRICTION REGARDING SOVIET CONSULATES IN THE UNITED STATES.**—(1) Notwithstanding section 153(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) and subject to paragraph (2), the Secretary of State may allow the Soviet mission to the United States to occupy, on the basis of reciprocity, a consulate facility in the United States.

(2) Paragraph (1) shall apply only after the Secretary of State certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the United States mission in Kiev is able to occupy an interim facility intended for the conduct of unclassified activities.

(b) **REPORTS TO CONGRESS.**—Not later than January 30, 1991, the Secretary of State shall develop and submit to the Congress a long-term plan for acquiring secure permanent facilities for the United States mission in Kiev, together with a budget proposal to implement such plan.

**SEC. 135. CONSTRUCTION SECURITY CERTIFICATION.**

Section 160(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended—

22 USC 4851  
note.

(1) in the text preceding paragraph (1), by inserting “or approving occupancy of a similar facility for which construction or major renovation began before the effective date of this section,” after “activities,”;

(2) at the end of paragraph (1), by striking out “and”;

(3) at the end of paragraph (2), by striking out the period and inserting in lieu thereof “; and”; and

(4) by inserting after paragraph (2) the following new paragraph:

“(3) a plan has been put into place for the continued evaluation and maintenance of adequate security at such facility, which plan shall specify the physical security methods and technical countermeasures necessary to ensure secure operations, including any personnel requirements for such purposes.”.

**SEC. 136. INCREASED PARTICIPATION OF UNITED STATES CONTRACTORS IN LOCAL GUARD CONTRACTS ABROAD UNDER THE DIPLOMATIC SECURITY PROGRAM.**

22 USC 4864.

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

(1) State Department policy concerning the advertising of security contracts at Foreign Service buildings has been inconsistent over the years. In many cases, diplomatic and consular posts abroad have been given the responsibility to determine the manner in which the private sector was notified concerning an invitation for bids or a request for proposals with respect to a local guard contract. Some United States foreign missions have only chosen to advertise locally the availability of a local security guard contract abroad.

(2) As a result, many United States security firms that provide local guard services abroad have been unaware that local guard contracts were available for bidding abroad and such firms have been disadvantaged as a result.

(3) Undoubtedly, United States security firms would be interested in bidding on more local guard contracts abroad if such firms knew of the opportunity to bid on such contracts.

(b) OBJECTIVE.—It is the objective of this section to improve the efficiency of the local guard programs abroad administered by the Bureau of Diplomatic Security of the Department of State and to ensure maximum competition for local guard contracts abroad concerning Foreign Service buildings.

(c) PARTICIPATION OF UNITED STATES CONTRACTORS IN LOCAL GUARD CONTRACTS ABROAD.—With respect to local guard contracts for a Foreign Service building which exceed \$250,000 and are entered into after the date of enactment of this Act, the Secretary of State shall—

(1) establish procedures to ensure that all solicitations for such contracts are adequately advertised in the Commerce and Business Daily;

(2) establish procedures to ensure that appropriate measures are taken by diplomatic and consular post management to assure that United States persons and qualified United States joint venture persons are not disadvantaged during the solicitation and bid evaluation process due to their distance from the post; and

(3) give preference to United States persons and qualified United States joint venture persons where such persons are price competitive to the non-United States persons bidding on the contract, are properly licensed by the host government, and are otherwise qualified to carry out all the terms of the contract.

(d) DEFINITIONS.—For the purposes of this section—

(1) the term “United States person” means a person which—

(A) is incorporated or legally organized under the laws of the United States, including the laws of any State, locality, or the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to the contract under subsection (c);

(D) has performed within the United States and overseas security services similar in complexity to the contract being bid;

(E) with respect to the contract under subsection (c), has achieved a total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C);

(F)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States; and

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(G) has the existing technical and financial resources in the United States to perform the contract;

(2) the term “qualified United States joint venture person” means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture; and

(3) the term "Foreign Service building" means any building or grounds of the United States which is in a foreign country and is under the jurisdiction and control of the Secretary of State, including residences of United States personnel assigned overseas under the authority of the Ambassador.

(e) UNITED STATES MINORITY CONTRACTORS.—Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) shall be allocated to the extent practicable for contracts with United States minority small business contractors.

(f) UNITED STATES SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings subject to subsection (c) shall be allocated to the extent practicable for contracts with United States small business contractors.

(g) LIMITATION OF SUBCONTRACTING.—With respect to local guard contracts subject to subsection (c), a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

## PART D—PERSONNEL

### SEC. 141. AUTHORITY TO TRANSFER RETIREMENT CONTRIBUTIONS FOR FOREIGN SERVICE NATIONALS TO LOCAL PLANS.

(a) LOCAL COMPENSATION PLANS.—Section 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)) is amended by inserting at the end thereof the following new paragraph:

"(3)(A) Whenever a foreign national employee so elects during a one-year period established by the Secretary of State with respect to each post abroad, the Secretary of the Treasury (at the direction of the Secretary of State) shall transfer such employee's interest in the Civil Service Retirement and Disability Fund to a trust or other local retirement plan certified by the United States Government under a local compensation plan established for foreign national employees pursuant to this section (excluding local social security plans).

"(B) For purposes of subparagraph (A), the phrase "employee's interest in the Civil Service Retirement and Disability Fund" means the total contributions of the employee and the employing agency with respect to such employee, pursuant to sections 8331(8) and 8334(a)(1) of title 5, United States Code, respectively, plus interest at the rate provided in section 8334(e)(3) of such title.

"(C) Any such transfer shall void any annuity rights or entitlement to lump-sum credit under subchapter III of chapter 83 of such title."

(b) TRANSFER AS CONSTITUTING FINAL PAYMENT.—Section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) Transfers of contributions and deposits authorized by section 408(a)(3) of the Foreign Service Act of 1980 shall be deemed to be a complete and final payment of benefits under this chapter."

(c) The transfer of an employee's interest in the Civil Service Retirement and Disability Fund shall occur after October 1, 1990.

22 USC 3968  
note.

**SEC. 142. DISQUALIFICATION FOR SERVICE ON FOREIGN SERVICE SELECTION BOARDS.**

Section 602 of the Foreign Service Act of 1980 (22 U.S.C. 4002) is amended by adding at the end thereof the following:

“(c) No public members appointed pursuant to this section may be, at the time of their appointment or during their appointment, an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938) or receive income from a government of a foreign country.”.

**SEC. 143. SEPARATION FOR CAUSE; JUDICIAL REVIEW.**

(a) **AVAILABILITY OF JUDICIAL REVIEW.**—Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended by adding at the end thereof the following new sentence: “Section 1110 shall apply to proceedings under this paragraph.”.

(b) **SEPARATION DUE TO CRIMINAL CONVICTION.**—Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by inserting at the end of the first sentence before the period the following: “or, notwithstanding section 1106(8) of this Act, unless the member has been convicted of a crime related to the cause for separation, subject to reinstatement with back pay (for any period during which separation for cause had not been established by such a hearing) if such conviction is reversed on appeal”.

**SEC. 144. VISITING SCHOLARS PROGRAM FOR THE FOREIGN SERVICE INSTITUTE.**

(a) **IN GENERAL.**—Chapter 7 of title I of the Foreign Service Act of 1980 is amended by adding at the end thereof the following new section:

**“SEC. 707. VISITING SCHOLARS PROGRAM.**

“(a) **ESTABLISHMENT OF PROGRAM.**—There is authorized to be established at the Foreign Service Institute a program whereby selected scholars would participate fully in the educational and training activities of the Institute. This program may be referred to as the ‘Visiting Scholars Program’.

**“(b) SELECTION AND APPOINTMENT OF SCHOLARS.—**

“(1) Scholars participating in the Visiting Scholars Program shall be selected by a five-member board described in subsection (c).

“(2) Each visiting scholar shall serve a term of one year, except that such term may be extended for one additional one-year period.

“(c) **ESTABLISHMENT OF SELECTION BOARD.**—The board referred to in subsection (b) shall be composed of the Director of the Foreign Service Institute, who shall serve as chairperson, and four other members appointed by the Secretary of State.”.

(b) **AMENDMENT TO TABLE OF CONTENTS.**—The table of contents of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 706 the following new item:

“Sec. 707. Visiting Scholars Program.”.

**SEC. 145. CREDIT FOR SERVICE AT UNHEALTHFUL POSTS.**

(a) **APPLICATION TO DETERMINATIONS OF ELIGIBILITY FOR FORMER SPOUSES.**—Section 816(i)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4056(i)(2)) is amended to read as follows:

“(2) A former spouse shall not be considered as married to a participant for periods assumed to be creditable service under section 808(a) or section 809(e).”.

(b) **TERMINATION OF EXTRA CREDIT FOR SERVICE AT UNHEALTHFUL POSTS.**—Section 817 of such Act (22 U.S.C. 4057) is amended by adding at the end thereof the following new sentences: “Such extra credit may not be used to determine the eligibility of a person to qualify as a former spouse under this subchapter, or to compute the pro rata share under section 804(10). No extra credit for service at unhealthful posts may be given under this section for any service as part of a tour of duty, or extension thereof, beginning on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.”.

**SEC. 146. FORMER SPOUSES OF UNITED STATES INFORMATION AGENCY AND AGENCY FOR INTERNATIONAL DEVELOPMENT EMPLOYEES.**

(a) **RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.**—Section 830 of the Foreign Service Act of 1980 (22 U.S.C. 4069a) (relating to retirement benefits for certain former spouses) is amended by adding at the end the following new subsection:

“(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development, shall be entitled to benefits under this section if—

“(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

“(2) the marriage included at least five years during which the employee was assigned overseas.”.

(b) **SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.**—Section 831 of the Foreign Service Act of 1980 (22 U.S.C. 4069b) (relating to survivor benefits for certain former spouses) is amended by adding at the end the following new subsection:

“(g) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency of International Development, shall be entitled to benefits under this section if—

“(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

“(2) the marriage included at least five years during which the employee was assigned overseas.”.

(c) **HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.**—Section 832 of the Foreign Service Act of 1980 (22 U.S.C. 4069c) (relating to health benefits for certain former spouses) is amended by adding at the end the following new subsection:

“(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to subsections (a), (b), and (c) of this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development, shall be entitled to benefits under this section if—

"(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

"(2) the marriage included at least five years during which the employee was assigned overseas."

#### SEC. 147. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

22 USC 2703.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(e) For the fiscal years 1990 and 1991, the Secretary of State may make grants to child care facilities, to offset in part the cost of such care, in Moscow and at no more than five other posts abroad where the Secretary determines that due to extraordinary circumstances such facilities are necessary to the efficient operation of the post. In making that determination, the Secretary shall take into account factors such as—

"(1) whether Foreign Service spouses are encouraged to work at the post because—

"(A) the number of members of the post is subject to a ceiling imposed by the receiving country; and

"(B) Foreign Service nationals are not employed at the post; and

"(2) whether local child care is available."

#### SEC. 148. TRAVEL, LEAVE, AND OTHER BENEFITS.

Section 901(9) of chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081(9)) is amended to read as follows:

"(9) roundtrip travel to or from an employee's post of assignment for purposes of family visitation in emergency situations involving personal hardship, except that payment for travel by family members to an employee's post of assignment may be authorized under this paragraph only where the family of the member is prevented by official order from residing at such post."

#### SEC. 149. FOREIGN SERVICE INTERNSHIP PROGRAM.

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

(1) On September 3, 1986, George Shultz, as Secretary of State, issued a statement containing 32 directives concerning equal opportunity in the Foreign Service. In his statement Secretary Shultz affirmed that it was of "fundamental importance that the Foreign Service truly represent the cultural and ethnic diversity of our own society", and indicated that the lack of such balanced representation was "a foreign policy problem which affects our image as a nation and as a leader of the free world". Secretary Shultz stated "that representation of women and minorities in the Foreign Service is still unacceptably low" and declared that he was "particularly concerned at the small number of Blacks in the Senior Foreign Service".

(2) The Secretary approved 32 recommendations included with the statement regarding recruitment, assignments, performance evaluations, and equal employment opportunity procedures within the Foreign Service. The recommendations of Secretary of State Shultz included—

Education.  
Minorities.  
Schools and  
colleges.

(A) the targeting of historically Black American colleges and universities for special recruitment efforts, including specific information on how to apply for the Foreign Service examination, the testing process, and the mechanics of entry;

(B) independent review of the written exam for any cultural bias against African Americans;

(C) the inclusion of more African Americans on the board of examiners panels;

(D) investigation of methods to increase African American enrollment in university courses which might improve an applicant's chances of passing the written exam;

(E) development of new recruitment strategies;

(F) the assignment of more African American officers to senior (and visible) role model positions; and

(G) the recruitment of more African American officers into the political and economic cones of the Foreign Service.

(3) During the past 7 years, equal opportunity programs to attract women and minorities to the Foreign Service have been most successful in recruiting women and Asian Americans. Such programs have been less than successful in the recruitment of African Americans, Hispanic Americans, and Native Americans. In 1982, 188 new recruits were appointed to the Foreign Service, 48 were minority appointments constituting 26 percent. In 1985 the number of new appointments had increased 33 percent to 281, but minorities comprised only 10.3 percent of such appointments, a total of 29.

(4) For African Americans and Hispanics the trend of hiring in the Foreign Service is disconcerting. Nineteen African Americans were appointed to the Foreign Service in 1983, in 1987 only 10 African Americans were appointed. Hispanic appointments ranged from 12 in 1983 to 8 in 1985 to 15 in 1987. For Native Americans the Foreign Service statistics are ominous, 5 appointments in 1983, 1 in 1984, and no appointments in 1985, 1986, or 1987.

(5) The severe underrepresentation in the Foreign Service of individuals from certain cultural and ethnic groups is in large part due to the small pool of applicants from such groups. In each year from 1982 through 1987, minority applicants represented 14 to 17 percent of the total applicants and only 50 percent of such applicants took the written exam. In 1987, 1,769 minority applicants took the written exam, 191 passed, and 36 were actually appointed to the Foreign Service.

(6) The absolute and relative decline in the appointment to the Foreign Service of certain minorities who reflect the cultural and ethnic diversity of the United States dictates that more aggressive equal opportunity programs be established to facilitate the recruitment and appointment of such individuals.

(b) **ESTABLISHMENT.**—Title I of the Foreign Service Act of 1980 is amended by adding at the end the following new chapter:

**"CHAPTER 12—FOREIGN SERVICE INTERNSHIP PROGRAM**

**"SEC. 1201. STATEMENT OF POLICY; OBJECTIVES.**

22 USC 4141.

**"(a) STATEMENT OF POLICY.**—Consistent with the findings of section 101, the Foreign Service of the United States should be rep-

representative of the American people. In order to facilitate and encourage the entry into the Foreign Service of individuals who meet the rigorous requirements of the Service, while ensuring a Foreign Service system which reflects the cultural and ethnic diversity of the United States, intensive recruitment efforts are mandated. This is particularly true for Native Americans, African Americans, and Hispanic Americans, where other affirmative action and equal opportunity efforts have not been successful in attracting the ablest applicants for entry into the Foreign Service. The United States remains committed to equal opportunity and to a Foreign Service system operated on the basis of merit principles.

“(b) **OBJECTIVES.**—The objective of this chapter is to strengthen and improve the Foreign Service of the United States through the establishment of a Foreign Service Internship Program. The program shall promote the Foreign Service as a viable and rewarding career opportunity for qualified individuals who reflect the cultural and ethnic diversity of the United States through a highly selective internship program for students enrolled in institutions of higher education.

22 USC 4141a.

“**SEC. 1202. FOREIGN SERVICE INTERNSHIP PROGRAM.**

“(a) **ESTABLISHMENT.**—In consultation with the heads of other agencies utilizing the Foreign Service system, the Secretary of State shall establish a Foreign Service internship program to carry out the objectives of this chapter in accordance with the provisions of this chapter.

“(b) **FOREIGN SERVICE INTERNSHIP PROGRAM.**—The program shall introduce interns to the practice of diplomacy and the unique rewards of the Foreign Service. The program shall consist of three successive summer internships of not less than eight weeks duration in each year to be completed over the course of not more than four years. Special emphasis shall be given to preparing the intern for the Foreign Service examination process. In each year not less than 10 interns shall enter the program.

“(c) **ELIGIBILITY TO PARTICIPATE.**—

“(1) Students enrolled full-time in institutions of higher education from groups which are underrepresented in the Foreign Service in terms of the cultural and ethnic diversity of the Foreign Service and for whom equal opportunity and affirmative action recruitment efforts have not been successful in achieving balanced representation in appointments to the Foreign Service shall be eligible to be interns in programs under this chapter.

“(2) An intern shall have successfully completed not less than one academic year of study at an institution of higher education to be admitted to the program. In each succeeding year of participation an intern shall have completed an additional year of undergraduate or graduate study and shall maintain an exemplary record of academic achievement.

“(3) In selecting interns, the Secretary shall consider only the ablest students of superior ability selected on the basis of demonstrated achievement and exceptional promise whose academic records reflect the requisite standards of performance necessary for the Foreign Service.

“(d) **SUMMER INTERNSHIPS.**—

“(1) The primary focus of the first internship shall be the study of international relations, the functions of the Depart-

ment of State and other agencies which utilize the Foreign Service system, and the nature of the Foreign Service. The internship shall be held in Washington, District of Columbia, at the Department of State. As appropriate, the Secretary shall utilize the personnel and facilities of the Foreign Service Institute.

“(2) The second internship shall be, principally, an assignment to a specific bureau of the Department of State. Emphasis shall be on providing insight into the economic and political functional areas.

“(3) The third internship shall be an assignment to a United States mission abroad in the political or economic area.

“(4) The first and second internships may include a detail to the Congress.

“(e) ADMINISTRATION.—The Secretary of State shall determine the academic requirements, other selection criteria, and standards for successful completion of each internship period. The Secretary shall be responsible for the design, implementation, and operation of the program.

“(f) MENTORS.—Each intern shall be assigned a career Foreign Service officer as a mentor. The mentor shall act as a counselor and advisor throughout each summer internship and as a personal Foreign Service contact throughout the period of participation in the program. In the assignment of mentors, the Secretary shall give preference to Foreign Service officers who volunteer for such assignment and who may be role models for the interns.

“(g) COMPENSATION.—Interns shall be compensated at a rate determined by the Secretary which shall not be less than the compensation of comparable summer interns at the Department of State. As determined by the Secretary, for the purposes of travel, housing, health insurance, and other appropriate benefits, interns shall be considered employees of the Foreign Service during each internship period.

“(h) STUDY OF FOREIGN SERVICE EXAMINATION.—The Secretary of State shall study the feasibility of administering the Foreign Service examination in separate segments over several years. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report summarizing the findings of such a study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Reports.

“SEC. 1203. REPORT TO CONGRESS.

22 USC 4141b.

“Together with the annual submission required under section 105(d)(2), the Secretary of State shall submit a report to the Congress concerning the implementation of the program established under this chapter. Such report accompanied by such other information as the Secretary considers appropriate, shall include specific information concerning the completion rates of interns in the program, interns who took the Foreign Service examination, interns who passed the examination, former interns appointed to the Foreign Service, assignments of former interns, and the advancement of former interns through the Foreign Service System.

“SEC. 1204. AUTHORIZATION OF APPROPRIATIONS.

22 USC 4141c.

“Of the amounts authorized to be appropriated by section 101(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, \$100,000 for the fiscal year 1990 and \$150,000 for the fiscal

year 1991 shall be available only to carry out this chapter. Sums appropriated for the purposes of this chapter are authorized to remain available until expended.”

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Foreign Service Act of 1980 is amended by adding after the items relating to chapter 11 the following:

**“CHAPTER 12—FOREIGN SERVICE INTERNSHIP PROGRAM**

“Sec. 1201. Statement of policy; objectives.

“Sec. 1202. Foreign service internship program.

“Sec. 1203. Report to Congress.

“Sec. 1204. Authorization of appropriations.”

(d) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Congress concerning the implementation of the Foreign Service Internship Program.

**SEC. 150. GRANTS FOR INSTITUTIONS AND STUDENTS FOR TRAINING IN INTERNATIONAL AFFAIRS.**

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2269 et seq.) is amended—

(1) by redesignating section 47 (as redesignated by section 119) as section 48; and

(2) by inserting after section 46 (as redesignated by section 119) the following new section:

**“SEC. 47. GRANTS FOR TRAINING AND EDUCATION IN INTERNATIONAL AFFAIRS.**

“The Secretary of State may make grants to postsecondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with section 105 of the Foreign Service Act of 1980. To the extent possible, the Secretary shall give special emphasis to promoting such knowledge and awareness of, and interest in employment with, the Foreign Service among minority students. Any grants awarded shall be made pursuant to regulations to be established by the Secretary of State, which shall provide for a limit on the size of any specific grant and, regarding any grants to individuals, shall ensure that no grant recipient receives an amount of grants from one or more Federal programs which in the aggregate would exceed the cost of his or her education, and shall require satisfactory educational progress by grantees as a condition of eligibility for continued receipt of grant funds.”

**SEC. 151. DANGER PAY ALLOWANCE.**

The Secretary of State may not deny a request by the Drug Enforcement Administration to authorize a danger pay allowance (under section 5928 of title 5, United States Code) for any employee of such agency.

**SEC. 152. JUDICIAL REVIEW OF CERTAIN FOREIGN SERVICE GRIEVANCES.**

For the purposes of judicial review under section 1110 of the Foreign Service Act of 1980, any recommendation made by the Foreign Service Grievance Board with respect to the tenure of a grievant which was reviewed by the Secretary of State before the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, shall be considered to be a final action of the

22 USC 2651  
note.

Schools and  
colleges.  
22 USC 2719.

Minorities.

Regulations.

5 USC 5928 note.

22 USC 4140  
note.

Department of State, and any such recommendation shall be considered to have been made within the authority of the Foreign Service Grievance Board.

**SEC. 153. BROADENING THE CULTURAL, GEOGRAPHIC, AND ETHNIC REPRESENTATION OF THE FOREIGN SERVICE AND THE DEPARTMENT OF STATE.**

(a) **FINDINGS.**—The Congress finds that a primary role of the Department of State is to represent the interests of the American people in foreign affairs and, as such, should strive to represent and include, among its policy and professional employees, the great diversity of the American people.

22 USC 2656  
note.

(b) **RECRUITMENT.**—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of State shall provide the Congress with a plan to assure that equal efforts are undertaken in each of the regions of the United States to recruit policy and professional Government Service employees and Foreign Service officers for the Department of State and each of its affiliated agencies.

22 USC 2656  
note.

(2) Not later than January 1, 1990, the Secretary of State shall implement the plan provided for in paragraph (1).

(c) **REPORT BY THE INSPECTOR GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Office of Inspector General of the Department of State shall submit to the Congress a report documenting, with respect to geographic distribution, race, ethnicity, gender and handicapping conditions, the composition of the workforce of the policy and professional Government Service employees and Foreign Service officers of the Department and each of its affiliated agencies. The report shall include—

(1) a breakdown of current policy and professional Government Service employees and Foreign Service officers of the Department and each of its affiliated agencies by age, race, gender, undergraduate institution, graduate institution, and place of birth;

(2) a breakdown by age, race, gender, ethnic background, undergraduate institution, graduate institution, and place of birth of those persons who during 1988 passed the written portion of the Foreign Service examination but failed the interview portion; and

(3) a breakdown by age, race, gender, ethnic background, undergraduate institution, graduate institution, and place of birth of those persons who during 1989 passed the Foreign Service examination.

(d) **PROHIBITION ON DISCRIMINATION BASED ON GEOGRAPHIC OR EDUCATIONAL AFFILIATION.**—Section 105(b)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3905(b)(1)) is amended by inserting “geographic or educational affiliation within the United States,” after “marital status.”

(e) **TASK FORCE AND REPORT ON HISPANIC RECRUITMENT.**—The Secretary of State shall appoint a task force comprised of high-ranking officials to conduct a study and make recommendations concerning improvements in the recruitment and promotion of Hispanic Americans at the Department of State and within the Foreign Service. Not later than one year after the date of the enactment of this Act, the task force shall submit a report of the findings of such study to the Secretary of State and the appropriate committees of the Congress.

(f) **REPORT TO CONGRESS ON STATUS OF UNDERREPRESENTED GROUPS AT THE DEPARTMENT OF STATE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning efforts of the Department of State to improve the percentage of individuals who are at the assistant secretary and head of bureau level at the Department of State from groups which are underrepresented in the Foreign Service in terms of the cultural and ethnic diversity of the Foreign Service.

Contracts.  
22 USC 3941  
note.

(g) **STUDY OF FOREIGN SERVICE EXAMINATION.**—The Secretary of State shall enter into a contract with a private organization for a comprehensive review and evaluation of the Foreign Service examination. Such review and evaluation shall—

- (1) identify any cultural, racial, ethnic, and sexual bias;
- (2) evaluate the ability of the examination to measure an individual's aptitude for and potential in the Foreign Service;
- (3) consider the relevance of the Foreign Service examination to the work of a Foreign Service officer;
- (4) make recommendations for the removal of any element of bias in the examination; and
- (5) make recommendations for improvements to achieve an examination free of any bias.

Reports.

Not more than 18 months after the date of the enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress which contains the findings of such review and evaluation, together with the comments of the Secretary and measures which the Secretary has initiated to respond to any adverse findings of such review. Such report shall take into consideration the current efforts by the Department of State to review its Foreign Service examination.

Education.  
22 USC 2665a.

(h) **FOREIGN SERVICE FELLOWSHIPS.**—The Secretary of State is authorized to establish a Foreign Service fellowship program at the Department of State. The Foreign Service fellowship program shall provide a fellowship, for not less than 4 months, for academics in the area of international affairs who are members of the faculty of institutions of higher education. Such program shall give priority consideration in the award of fellowships to individuals teaching in programs in international affairs which serve significant numbers of students who are from cultural and ethnic groups which are underrepresented in the Foreign Service.

#### SEC. 154. REPORT TO CONGRESS CONCERNING POLYGRAPH PROGRAM.

(a) **REPORT TO CONGRESS.**—Not later than January 31, of each of the years 1990 and 1991, the Secretary of State shall prepare and submit an annual report on the polygraph program of the Department of State to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(b) **CONTENTS OF REPORT.**—The report shall provide an assessment of the implementation of the polygraph program during the preceding fiscal year. Together with such other information and comments as the Secretary considers appropriate, the report shall include the following:

- (1) Data on the number of lie-detector tests administered.
- (2) A description of the purposes and results of such tests.

(3) A description of the criteria used in the selection of programs and individuals for administration of lie-detector tests.

(4) The number of individuals who refused to submit to the administration of such tests.

(5) The number of lie detector tests administered in which a specific incident was not under investigation.

(6) A description of the actions taken when an individual fails or refuses the administration of such tests, including the denial of clearance or any other adverse action.

(7) A detailed accounting of cases in which more than two administrations of such tests were necessary to resolve discrepancies.

(8) Any proposed changes in regulations for the Department of State polygraph program.

(c) **DEFINITION.**—For purposes of this section, the term “lie detector” shall have the meaning given such term under section 2 of the Employee Polygraph Protection Act of 1988.

**SEC. 155. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.**

(a) **FINDINGS.**—The June 1988 report of the United States Merit Systems Protection Board entitled “Sexual Harassment in the Federal Government: An Update” determined that the Department of State (including the United States Information Agency) had the highest rate of incidence of sexual harassment of women of any agency of the Federal Government.

(b) **STUDY.**—Subject to the availability of appropriations, not later than 90 days after the date of the enactment of this Act, the Secretary of State (in consultation with the Director of the United States Information Agency) shall enter into a contract with a private organization with established expertise and demonstrated capabilities in personnel systems and problems for the purpose of conducting a study and preparing a report concerning sexual harassment at the Department of State and the United States Information Agency.

Contracts.

(c) **REPORT.**—Together with such other information as is determined to be appropriate and informative, such report shall include—

(1) a determination of the reasons for the high rate of incidence of sexual harassment at such Federal agencies;

(2) an evaluation of the actions which have been proposed and implemented by such Federal agencies to respond to the findings of the Merit Systems Protection Board report;

(3) a proposal for further specific actions by each agency; and

(4) recommendations for such changes in administrative procedures, regulations, and legislation as may be considered necessary to address the problem of sexual harassment at the Department of State and the United States Information Agency.

(d) **SUBMISSION OF REPORT TO THE CONGRESS.**—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit the full and complete report of such study, together with such comments as the Secretary of State or the Director of the United States Information Agency consider appropriate, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 156. LIMITATION ON HOUSING BENEFITS.**

5 USC 5921 note.

(a) **IN GENERAL.**—The Secretary of State shall establish and implement an appropriate housing policy and space standards in consultation with all agencies with employees outside the United States who are under the authority of the chief of mission or with other agencies or employees who participate in the overseas housing program. Such policy may not provide housing or related benefits based solely on the representational status of the employee, except if such individual is the ambassador, deputy chief of mission, permanent charge, or the consul general when serving as the principal officer.

(b) **WAIVER.**—The Secretary of State may grant exceptions to the restriction on providing housing or related benefits on a representational basis under subsection (a) on a case-by-case basis where a documented need for such exception is established. The Secretary of State shall prepare a comprehensive list annually of all such exceptions granted under this subsection.

## **PART E—FOREIGN LANGUAGE COMPETENCE WITHIN THE FOREIGN SERVICE**

22 USC 4171  
note.**SEC. 161. EXPANSION OF MODEL FOREIGN LANGUAGE COMPETENCE POSTS.**

(a) **DESIGNATION OF POSTS.**—In order to carry out the purposes of section 702 of the Foreign Service Act of 1980, and in light of the positive report issued on March 28, 1986, by the Department of State, as required by section 2207 of the Foreign Service Act of 1980, the Secretary of State shall designate as model foreign language competence posts a minimum of six Foreign Service posts, representing the Department of State's five geographic bureaus, in countries where English is not the common language. Such designation shall be made not later than February 1, 1990, and shall be implemented so that not later than October 1, 1991, in the case of non-hard language posts, and October 1, 1992, in the case of hard language posts, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the Foreign Service Institute.

(b) **"HARD LANGUAGE COUNTRY" POST TO BE DESIGNATED.**—At least one of the posts designated under subsection (a) shall be in a "hard language" country, as identified in the report to the Under Secretary of State for Management of May 12, 1986, entitled "Hard Language Proficiency in the Foreign Service". Such post shall be in one of the countries where the official or principal language is Arabic, Chinese, Japanese, or Russian.

(c) **TERMINATION DATE.**—The posts designated under subsection (a) shall continue as model foreign language posts at least until September 30, 1993, in the case of non-hard language posts, and September 30, 1994, in the case of hard language posts. Not later than January 31, 1995, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report describing the operation of such posts and the costs, advantages, and

Reports.

disadvantages associated with meeting the foreign language competence requirements of this section.

(d) **EXEMPTION AUTHORITY.**—The Secretary of State may authorize exceptions to the requirements of this section if—

(1) he determines that unanticipated exigencies so require; and

(2) he immediately reports such exceptions to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(e) **EXCLUDED POSTS.**—The posts designated under subsection (a) may not include Dakar, Senegal, or Montevideo, Uruguay. The report required under subsection (c) shall include progress made in these posts in maintaining the high foreign language standards achieved under the initial pilot program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### SEC. 162. REPORT ON FOREIGN LANGUAGE ENTRANCE REQUIREMENT FOR THE FOREIGN SERVICE.

Not later than December 31, 1989, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs and the Committee on Post Office and Civil Service of the House of Representatives a report evaluating an entrance requirement for the Foreign Service of at least one world language at the General Professional Speaking Proficiency level, as defined by the Foreign Service Institute, or one nonworld language at the next lowest proficiency level. Such report shall also describe—

(1) the amount of time necessary to implement such a requirement;

(2) the use of bonus points on the Foreign Service candidate scoring system for candidates with foreign language ability; and

(3) the adjustments necessary to raise otherwise qualified candidates, especially including affirmative action applicants, to the levels required for entrance as evaluated in the report required by this section.

#### SEC. 163. FOREIGN SERVICE PROMOTION PANELS.

22 USC 4001  
note.

It is the sense of the Congress that, to the greatest extent possible, Foreign Service promotion panels should—

(1) only promote candidates to the Senior Foreign Service who have demonstrated foreign language proficiency in at least one language at the General Professional Speaking Proficiency level, as defined by the Foreign Service Institute;

(2) strive for the objective stipulated in the Foreign Service Manual “to be able to use two foreign languages at a minimum professional level of proficiency of S-3/R-3, which is the general professional speaking proficiency level”; and

(3) have at least one person on each Foreign Service promotion panel who has attained at least the General Professional Speaking Proficiency level in one language level.

#### SEC. 164. LANGUAGE PROFICIENCY IN THE EMPLOYEE EVALUATION REPORT.

22 USC 4001  
note.

(a) **ASSESSMENT OF FOREIGN LANGUAGE COMPETENCE.**—The Department of State and the Agency for International Development shall

revise the Employee Evaluation Report for Foreign Service officers, and the United States Information Agency shall revise the Officer Evaluation Report for its Foreign Service officers, to require in a separate entry, an assessment of the employee's effectiveness in using, in his or her work, a foreign language or languages tested at the general professional speaking proficiency level or above, in cases where the supervisor is capable of making such an assessment.

(b) **PRECEDENCE IN PROMOTION.**—The directors of personnel of the Department of State, the Agency for International Development, and the United States Information Agency shall instruct promotion panels to take account of language ability and, all matters being otherwise equal, to give precedence in promotions to officers who have achieved at least the General Professional Speaking Proficiency level in one or more foreign languages over officers who lack that level of proficiency.

## **TITLE II—UNITED STATES INFORMATION- AL, EDUCATIONAL, AND CULTURAL PROGRAMS**

### **PART A—UNITED STATES INFORMATION AGENCY**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATIONS OF APPROPRIATIONS.**—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and 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, and other purposes authorized by law:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$410,000,000 for the fiscal year 1990 and \$432,640,000 for the fiscal year 1991.

(2) **TELEVISION AND FILM SERVICE.**—For “Television and Film Service”, \$31,000,000 for the fiscal year 1990 and \$32,240,000 for the fiscal year 1991.

(3) **NATIONAL ENDOWMENT FOR DEMOCRACY.**—For “National Endowment for Democracy” \$25,000,000 for the fiscal year 1990 and \$25,000,000 for the fiscal year 1991.

(4) **CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**—For “Center for Cultural and Technical Interchange between East and West”, \$20,700,000 for the fiscal year 1990 and \$26,000,000 for the fiscal year 1991.

(b) **SEVILLE WORLD'S FAIR.**—(1) Subject to paragraph (2), there are authorized to be appropriated to the United States Information Agency for fiscal year 1990 \$7,300,000 for United States participation in the World's Fair in Seville, Spain.

(2) Funds made available under this title for any educational or cultural exchange program, Voice of America programming to China, or any overseas post of the United States Information Agency may not be transferred or otherwise made available for the purposes of paragraph (1).

**SEC. 202. DISSEMINATION OF INFORMATION WITHIN THE UNITED STATES.**

Historic  
preservation.

Section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended—

(1) by inserting “(a)” after “501.”; and

(2) in the second sentence, by striking out “Any” and inserting in lieu thereof “Subject to subsection (b), any”; and

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

“(b)(1) The Director of the United States Information Agency shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material prepared for dissemination abroad 12 years after the initial dissemination of the material abroad or, in the case of such material not disseminated abroad, 12 years after the preparation of the material.

“(2) The Director of the United States Information Agency shall be reimbursed for any attendant expenses. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

“(3) The Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release in the United States have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release. The Archivist may charge fees to recover such costs, in accordance with section 2116(c) of title 44, United States Code. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.”.

Regulations.

**SEC. 203. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY FILM ENTITLED “LONG JOURNEY HOME”.**

Historic  
preservation.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled “Long Journey Home”; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) reimburse the Director for any expenses of the Agency in making that master copy available;

(B) deposit that film in the National Archives of the United States; and

(C) make copies of that film available for purchase and public viewing within the United States.

Public  
information.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

**SEC. 204. THE J. WILLIAM FULBRIGHT FOREIGN SCHOLARSHIP BOARD.**

(a) AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—(1) Section 106(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(a)(1)) is amended in paragraph (1), by striking out “Board of Foreign Scholarships” and inserting in lieu thereof “board of foreign scholarships

which shall be known as the 'J. William Fulbright Foreign Scholarship Board' ”.

(2) Section 112 of such Act (22 U.S.C. 2460) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

“(b)(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this Act may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

“(2) The J. William Fulbright Foreign Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.”.

22 USC 2456  
note.

(b) CONTINUED SERVICE OF MEMBERS OF BOARD OF FOREIGN SCHOLARSHIPS.—Each member appointed to the Board of Foreign Scholarships before the date of the enactment of this Act shall continue to serve for the remainder of the term to which each such member was appointed.

22 USC 2456  
note.

(c) REFERENCES IN LAW.—Any reference in any provision of law to the Board of Foreign Scholarships shall, on and after the date of enactment of this Act, be deemed to be a reference to the J. William Fulbright Foreign Scholarship Board.

#### SEC. 205. USIA SATELLITE AND TELEVISION.

(a) IN GENERAL.—Title V of the United States Information and Educational Exchange Act of 1948 is amended by adding at the end thereof the following new section:

22 USC 1464a.

#### “SEC. 505. USIA SATELLITE AND TELEVISION.

“(a) IN GENERAL.—The Director of the United States Information Agency is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

“(b) BROADCAST PRINCIPLES.—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. To be effective, the United States Information Agency must win the attention and respect of viewers. These principles will therefore govern the Agency's television broadcasts (hereinafter in this section referred to as 'USIA-TV'):

“(1) USIA-TV will serve as a consistently reliable and authoritative source of news. USIA-TV news will be accurate and objective.

“(2) USIA-TV will represent the United States, not any single segment of American society and will, therefore, present a balanced and comprehensive projection of significant American thought and institutions.

"(3) USIA-TV will present the policies of the United States clearly and effectively and will also present responsible discussions and opinion on these policies.

"(c) PROGRAMS.—The Director of the United States Information Agency is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

"(1) are interactive, consisting of interviews among participants in different locales;

"(2) cover news, public affairs, or other current events;

"(3) cover official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch; or

"(4) are of an artistic or scientific character or are otherwise representative of American culture.

"(d) COSTS.—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by USIA-TV, the Director of the United States Information Agency shall use such materials in preference to USIA-TV produced materials.

"(e) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated to the United States Information Agency not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for USIA-TV.

"(2) The United States Information Agency shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4), that were produced in-house by USIA-TV. Each such report shall include a statement by the Director of the United States Information Agency that, according to the best information available to the United States Information Agency, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

Reports.

"(3) Of the funds authorized to be appropriated to the United States Information Agency, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters."

(b) CONFORMING AMENDMENT.—Section 209 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended by striking out subsection (e).

101 Stat. 1374.

#### SEC. 206. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) IN GENERAL.—Section 604 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

“SEC. 604. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

“(a) ESTABLISHMENT.—(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.

President of U.S.

“(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party.

“(3) The term of each member shall be 3 years, except that of the original seven appointments, two shall be for a term of 1 year and two shall be for a term of 2 years.

“(4) Any member appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of a member's term of office, such member may continue to serve until a successor is appointed and qualified.

President of U.S.

“(5) The President shall designate a member to chair the Commission.

“(b) STAFF.—The Commission shall have a staff director who shall be appointed by the chairperson of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the chairperson of the Commission may—

“(1) appoint such additional personnel for the staff of the Commission as the chairperson considers necessary; and

“(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

“(c) DUTIES AND RESPONSIBILITIES.—(1) The Commission shall formulate and recommend to the Director of the United States Information Agency, the Secretary of State, and the President policies and programs to carry out the functions vested in the Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency.

Reports.

“(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.

Reports.

“(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency.

Reports.

“(4) The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested

in the Director of the United States Information Agency have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

“(d) **LIMITATION ON AUTHORITY.**—The Commission shall have no authority with respect to the J. William Fulbright Foreign Scholarship Board or the United States National Commission for UNESCO.”

(b) **CONTINUED SERVICE OF MEMBERS OF COMMISSION.**—Each member of the United States Advisory Commission on Public Diplomacy as in existence on the day before the effective date of section 604 of the United States Information and Educational Exchange Act of 1948 (as amended by section 213 of Public Law 100-204) shall continue to serve for the remainder of the term to which such member was appointed.

22 USC 1469  
note.

#### SEC. 207. FOREIGN LANGUAGE SERVICES.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting “when job vacancies occur” after “available”.

#### SEC. 208. USE OF CERTAIN FEES AND PAYMENTS.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

##### “SEC. 810. USE OF CERTAIN FEES AND PAYMENTS.

“(a) Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees received by or for the use of the United States Information Agency from or in connection with English-teaching and library services, and Agency-produced publications, and not to exceed \$100,000 of payments from motion picture and television programs, produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 is authorized to be credited each fiscal year to the appropriate appropriation of the United States Information Agency to such extent as may be provided in advance in an appropriation Act.”

#### SEC. 209. DEBT COLLECTION.

Title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472 et seq.) is amended by adding at the end thereof the following:

##### “SEC. 811. DEBT COLLECTION.

22 USC 1475f.

“(a) **CONTRACT AUTHORITY.**—(1) Subject to the availability of appropriations, the Director of the United States Information Agency shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign country, to the United States which arises out of activities of the United States Information Agency and is delinquent by more than 90 days.

“(2) Each contract entered into under this section shall provide that the person with whom the Director of the United States Information Agency enters into such contract shall submit to the Director at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

Reports.

“(b) DISCLOSURE OF DELINQUENT DEBT TO CREDIT REPORTING AGENCIES.—The Director of the United States Information Agency shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Director reports loan activity information concerning any debt of more than \$100 owed by a person, other than a foreign country, to the United States which arises out of activities of the United States Information Agency and is delinquent by more than 31 days.”.

22 USC 1461  
note.

**SEC. 210. USIA NETWORK FOR DISSEMINATION OF INFORMATION CONCERNING UNITED STATES PROGRAMS TO COMBAT NARCOTICS AND OTHER CONTROLLED SUBSTANCES.**

The United States Information Agency shall establish and maintain an international narcotics information network. The network shall disseminate prompt, accurate, and comprehensive information to foreign governments concerning programs and activities of the United States Government—

- (1) to eliminate the illicit production, trafficking, and abuse of narcotic and psychotropic drugs and other controlled substances within the United States; and
- (2) to promote drug prevention and rehabilitation in the United States.

**SEC. 211. AFGHANISTAN COUNTRY PLAN.**

(a) MAINTENANCE OF PLAN.—The Director of the United States Information Agency shall maintain a comprehensive country plan for the Agency's activities with respect to Afghanistan, consistent with the plan submitted to the Congress for the fiscal year 1989.

(b) REPORT.—Not later than March 1, 1990, the Director of the United States Information Agency shall submit to the Congress a report describing the Afghanistan country plan and including a specific outline on how that country plan will be adapted for implementation inside a free Afghanistan.

**SEC. 212. GENERAL ACCOUNTING OFFICE STUDY OF THE NATIONAL ENDOWMENT FOR DEMOCRACY.**

(a) STUDY OF NED.—The Comptroller General of the United States shall conduct a study of the operations of the National Endowment for Democracy. Such study shall evaluate—

- (1) the programs and operations of the National Endowment for Democracy;
- (2) the effectiveness of the National Endowment for Democracy in fulfilling its goals; and
- (3) the management structure of the National Endowment for Democracy, including—
  - (A) an assessment of the present composition of the board of directors; and
  - (B) the capability and effectiveness of the board in providing objective oversight of the programs and operations of the National Endowment for Democracy.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit a report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 213. REPORT TO CONGRESS ON THE ACQUISITION AND USE OF PUBLIC PROGRAMMING MATERIALS.**

Not later than 90 days after the date of enactment of this Act, the Director of the United States Information Agency shall provide to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a detailed report describing all programming material acquired by the United States Information Agency in the fiscal years 1988 and 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Such report shall include a description of projected United States Information Agency use of programming material acquired for public television and radio entities through the fiscal year 1992.

**PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS****SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) For "Salaries and Expenses", \$43,323,000 for the fiscal year 1990 and \$45,056,000 for the fiscal year 1991.

(2) For the Fulbright Academic Exchange Programs, \$97,460,000 for the fiscal year 1990 and \$101,358,000 for the fiscal year 1991.

(3) For the Hubert H. Humphrey Fellowship Program, \$5,500,000 for the fiscal year 1990 and \$5,720,000 for the fiscal year 1991.

(4) For the International Visitors Program, \$41,817,000 for the fiscal year 1990 and \$43,490,000 for the fiscal year 1991.

(5) For the Arts America Program, \$6,400,000 for the fiscal year 1990 and \$6,656,000 for the fiscal year 1991.

(b) **ALLOCATION OF FUNDS.**—Of the amounts authorized to be appropriated by subsection (a)(1), \$150,000 for the fiscal year 1990 and \$200,000 for the fiscal year 1991 shall be available only for the training at the University of Maine and in Washington, District of Columbia, of media personnel from developing French-speaking countries. The voice of America International Broadcast Training Center shall administer such training program. The Bureau of Educational and Cultural Exchanges shall provide to the center such assistance as may be necessary in the facilitation of such program.

**SEC. 222. CITIZEN EXCHANGES.**

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

"(e) There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons between the United States and other countries."

Establishment.

22 USC 2460  
note.

(b) **TRANSFER OF FUNCTIONS.**—There are hereby transferred to the Office of Citizen Exchanges on the date of enactment of this Act all functions carried out by the Office of Private Sector Programs on the day before such date.

**SEC. 223. PROGRAMS TO PROMOTE INTERNATIONAL YOUTH UNDERSTANDING.**

Section 112(a)(8) of the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2460(a)(8)) is amended by inserting after "degree" the following: "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries".

**SEC. 224. UNITED STATES-SOVIET EXCHANGES.**

The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end thereof the following new section:

President of U.S.  
International  
agreements.  
22 USC 2461.

"**SEC. 113. UNITED STATES-SOVIET EXCHANGES.**—(a) The President is authorized to negotiate and implement an agreement with the Union of Soviet Socialist Republics under which repayments made by the Soviet Union on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the Soviet Union for educational, cultural, and artistic purposes. Exchanges authorized pursuant to this section shall be administered subject to the provisions of this Act. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities by Soviet citizens in the United States.

"(b) Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act."

**SEC. 225. SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) **ALLOCATION OF SCHOLARSHIPS.**—Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991, not less than 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and not less than 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(b) **WAIVER.**—Subsection (a) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

**SEC. 226. SENSE OF CONGRESS CONCERNING THE HUMPHREY FELLOWSHIP PROGRAM.**

It is the sense of the Congress that the United States Information Agency should review the Humphrey Fellowship Program and consider the feasibility of broadening the placement of fellows under such program to provide exposure to the processes of the United States Government, the Congress, and State and local governmental processes.

## PART C—VOICE OF AMERICA

### SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Voice of America for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) SALARIES AND EXPENSES.—For “Salaries and Expenses”, \$170,024,000 for the fiscal year 1990 and \$176,825,000 for the fiscal year 1991.

(2) ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.—For “Acquisition and Construction of Radio Facilities”, \$69,000,000 for the fiscal year 1990 and \$122,000,000 for the fiscal year 1991.

(3) RADIO BROADCASTING TO CUBA.—For “Radio Broadcasting to Cuba”, \$12,700,000 for the fiscal year 1990 and \$13,208,000 for the fiscal year 1991.

(4) VOA EUROPE.—For “VOA Europe”, \$3,000,000 for the fiscal year 1990 and \$3,120,000 for the fiscal year 1991.

### SEC. 232. VOICE OF AMERICA HIRING PRACTICES.

Title V of the United States Information and Educational Exchange Act of 1948 is further amended by adding at the end thereof the following new section:

#### “SEC. 506. VOICE OF AMERICA HIRING PRACTICES.

22 USC 1464b.

“(a) PROHIBITION.—After the date of enactment of this section, the Voice of America shall not select candidates for employment who must be or are preapproved for employment at the Voice of America by a foreign government or an entity controlled by a foreign government.

“(b) EXCEPTION.—The prohibition referred to in this section shall not apply to—

“(1) participants in the Voice of America’s exchange programs; or

“(2) clerical, technical, or maintenance staff at Voice of America offices in foreign countries.

“(c) REPORT.—If the Director of the United States Information Agency determines that the prohibition under subsection (a) would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the Agency begins to recruit such candidates, the Director shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

“(1) the number and location of speakers of the applicable foreign language who could be recruited by the Voice of America without violating this section; and

“(2) the efforts made by the Voice of America to recruit such individuals for employment.”.

### SEC. 233. VOA PUBLIC SERVICE ANNOUNCEMENTS TO PROMOTE CHILD SURVIVAL.

22 USC 1463  
note.

The United States Information Agency shall establish and maintain through the Voice of America a system of public service announcements focusing on child survival techniques.

**SEC. 234. VOICE OF AMERICA BROADCASTS TO TIBET.**

(a) **ESTABLISHMENT OF SERVICE.**—Not later than 90 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish through the Voice of America, a service to provide Voice of America Tibetan language programming to the people of Tibet.

(b) **AMOUNT OF PROGRAMMING.**—For each of the fiscal years 1990 and 1991, programming broadcasts to the people of Tibet pursuant to this section shall occur for not less than two hours each day.

(c) **REPORT.**—As soon as possible in the fiscal year 1990, the Director of the United States Information Agency shall submit to the Congress a comprehensive written report detailing the implementation of the programming provided for in this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds otherwise available under subsection (e), there are authorized to be appropriated to the Voice of America for purposes of carrying out this section \$1,000,000 for each of the fiscal years 1990 and 1991.

(e) **TRANSFER AUTHORITY.**—The Director of the United States Information Agency may transfer to Voice of America Tibet Service such amounts appropriated for the “Television and Film Service” for each of the fiscal years 1990 and 1991 as exceed the amounts authorized to be appropriated for each such fiscal year for such Service.

**SEC. 235. VOICE OF AMERICA'S THAILAND RADIO FACILITIES.**

The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America's Thailand radio facilities for periods not in excess of 5 years or delegate such authority to the Corps of Engineers of the United States Department of the Army if there are sufficient funds to cover at least the Government's liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

**SEC. 236. VOICE OF AMERICA BROADCASTS TO THE PEOPLE'S REPUBLIC OF CHINA.**

For each of the fiscal years 1990 and 1991, the Voice of America shall provide not less than 12 hours of programming each day for the People's Republic of China.

**SEC. 237. VOICE OF AMERICA EQUIPMENT ABROAD.**

It is the sense of the Congress that the United States Information Agency and the Voice of America should take every step necessary to ensure that existing Voice of America equipment abroad is properly maintained and enhanced to prevent deterioration.

**PART D—TELEVISION BROADCASTING TO CUBA****SEC. 241. SHORT TITLE.**

This part may be cited as the “Television Broadcasting to Cuba Act”.

**SEC. 242. FINDINGS AND PURPOSES.**

The Congress finds and declares that—

(1) it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accord-

Television  
Broadcasting to  
Cuba Act.  
22 USC 1465aa  
note.

22 USC 1465aa.

ance with article 19 of the Universal Declaration of Human Rights;

(2) consonant with this policy, television broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba and, in particular, information about Cuba;

(3) television broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest;

(4) facilities broadcasting television programming to Cuba must be operated in a manner consistent with applicable regulations of the Federal Communications Commission, and must not affect the quality of domestic broadcast transmission or reception; and

(5) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions, but that there is a need for television broadcasts to Cuba which provide news, commentary, and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

#### SEC. 243. TELEVISION BROADCASTING TO CUBA.

22 USC 1465bb.

(a) **TELEVISION BROADCASTING TO CUBA.**—In order to carry out the purposes set forth in section 242 and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the United States Information Agency (hereafter in this part referred to as the "Agency") shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) **VOICE OF AMERICA STANDARDS.**—Television broadcasting to Cuba under this part shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) **USIA TELEVISION MARTI.**—Any program of United States Government television broadcasts to Cuba authorized by this section shall be designated "USIA Television Marti Program".

(d) **FREQUENCY ASSIGNMENT.**—

(1) Subject to the Communications Act of 1934, the Federal Communications Commission shall assign by order a suitable frequency to further the national interests expressed in this part, except that no such assignment shall result in objectionable interference with the broadcasts of any domestic licensee.

(2) No Federal branch or agency shall compel an incumbent domestic licensee to change its frequency in order to eliminate objectionable interference caused by broadcasting of the Service.

(3) For purposes of section 305 of the Communications Act of 1934, a television broadcast station established for purposes of this part shall be treated as a government station, but the Federal Communications Commission shall exercise the author-

ity of the President under such section to assign a frequency to such station.

(e) INTERFERENCE WITH DOMESTIC BROADCASTING.—

(1) Broadcasting by the Television Marti Service shall be conducted in accordance with such parameters as shall be prescribed by the Federal Communications Commission to preclude objectionable interference with the broadcasts of any domestic licensee. The Television Marti Service shall be governed by the same standards regarding objectionable interference as any domestic licensee. The Federal Communications Commission shall monitor the operations of television broadcasting to Cuba pursuant to subsection (f). If, on the basis of such monitoring or a complaint from any person, the Federal Communications Commission determines, in its discretion, that broadcasting by the Television Marti Service is causing objectionable interference with the transmission or reception of the broadcasts of a domestic licensee, the Federal Communications Commission shall direct the Television Marti Service to cease broadcasting and to eliminate the objectionable interference. Broadcasts by the Service shall not be resumed until the Federal Communications Commission finds that the objectionable interference has been eliminated and should not recur.

(2) The Federal Communications Commission shall take such actions as are necessary and appropriate to assist domestic licensees in overcoming the adverse effects of objectionable interference caused by broadcasting by the Television Marti Service. Such assistance may include the authorization of non-directional increases in the effective radiated power of a domestic television station so that its coverage is equivalent to the maximum allowable for such facilities, to avoid any adverse effect on such stations of the broadcasts of the Television Marti Service.

(3) If the Federal Communications Commission directs the Television Marti Service to cease broadcasting pursuant to paragraph (1), the Commission shall, as soon as practicable, notify the appropriate committees of Congress of such action and the reasons therefor. The Federal Communications Commission shall continue to notify the appropriate committees of Congress of progress in eliminating the objectionable interference and shall assure that Congress is fully informed about the operation of the Television Marti Service.

Reports.

(f) MONITORING OF INTERFERENCE.—The Federal Communications Commission shall continually monitor and periodically report to the appropriate committees of the Congress interference to domestic broadcast licensees—

(1) from the operation of Cuban television and radio stations; and

(2) from the operations of the television broadcasting to Cuba.

(g) TASK FORCE.—It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban television and radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

**SEC. 244. TELEVISION MARTI SERVICE OF THE UNITED STATES INFORMATION AGENCY.**Establishment.  
22 USC 1465cc.

(a) **TELEVISION MARTI SERVICE.**—The Director of the United States Information Agency shall establish within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this part. The Director of the United States Information Agency shall appoint a head of the Service who shall report directly to the Director of the Voice of America. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) **USE OF EXISTING FACILITIES OF THE USIA.**—To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this part, the Television Marti Service shall make maximum feasible utilization of Agency facilities and management support, including Voice of America: Cuba Service, Voice of America, and the United States Information Agency Television Service.

(c) **USIA AUTHORITY.**—The Agency may carry out the purposes of this part by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

**SEC. 245. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.**

(a) **ADVISORY BOARD FOR CUBA BROADCASTING.**—Section 5 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c) is amended—

(1) by amending the heading to read as follows: “ADVISORY BOARD FOR CUBA BROADCASTING”;

(2) by amending subsections (a) and (b) to read as follows:

“(a) There is established within the Office of the President the Advisory Board for Cuba Broadcasting (hereafter in this Act referred to as the ‘Board’). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as chairperson.

President of U.S.

“(b) The Board shall review the effectiveness of the activities carried out under this Act and the Television Broadcasting to Cuba Act and shall make recommendations to the President and the Director and Associate Director for Broadcasting of the United States Information Agency as it may consider necessary.”;

(3) by amending subsection (d) to read as follows:

“(d) The head of the Cuba Service and the head of the Television Marti Service shall serve, ex officio, as members of the Board.”; and

(4) in the last sentence of subsection (e) by striking out “The ex officio member” and inserting in lieu thereof “The ex officio members”.

(b) **REFERENCES.**—A reference in any provision of law to the “Advisory Board for Radio Broadcasting to Cuba” shall be considered to be a reference to the “Advisory Board for Cuba Broadcasting”.

22 USC 1465c  
note.

(c) **CONTINUED SERVICE OF MEMBERS OF BOARD.**—Each member of the Advisory Board for Radio Broadcasting to Cuba as in existence on the day before the effective date of the amendment made by subsection (a) shall continue to serve for the remainder of the term to which such member was appointed as a member of the Advisory Board for Cuba Broadcasting.

22 USC 1465c  
note.

22 USC 1465c  
note.

(d) **STAFF DIRECTOR.**—The Board shall have a staff director who shall be appointed by the Chairperson of the Advisory Board for Cuba Broadcasting.

22 USC 1465dd.

**SEC. 246. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.**

In order to assist the United States Information Agency in carrying out the provisions of this part, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency.

22 USC 1465ee.

**SEC. 247. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the United States Information Agency, \$16,000,000 for the fiscal year 1990 and \$16,000,000 for the fiscal year 1991 for television broadcasting to Cuba in accordance with the provisions of this part.

(b) **LIMITATION.**—

(1) Subject to paragraph (2), no funds authorized to be appropriated under subsection (a) may be obligated or expended unless the President determines and notifies the appropriate committees of Congress that the test of television broadcasting to Cuba (as authorized by title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459)) has demonstrated television broadcasting to Cuba is feasible and will not cause objectionable interference with the broadcasts of incumbent domestic licensees. The Federal Communications Commission shall furnish to the appropriate committees of Congress all interim and final reports and other appropriate documentation concerning objectionable interference from television broadcasting to Cuba to incumbent domestic licensees.

(2) Not less than 30 days before the President makes the determination under paragraph (1), the President shall submit a report to the appropriate committees of the Congress which includes the findings of the test of television broadcasting to Cuba. The period for the test of television broadcasting may be extended until—

(A) the date of the determination and notification by the President under paragraph (1), or

(B) 30 days,  
whichever comes first.

Reports.

President of U.S.  
Reports.

22 USC 1465ff.

**SEC. 248. DEFINITIONS.**

As used in this part—

(1) the term “licensee” has the meaning provided in section 3(c) of the Communications Act of 1934;

(2) the term “incumbent domestic licensee” means a licensee as provided in section 3(c) of the Communications Act of 1934 that was broadcasting a television signal as of January 1, 1989;

(3) the term “objectionable interference” shall be applied in the same manner as such term is applied under regulations of the Federal Communications Commission to other domestic broadcasters; and

(4) the term “appropriate committees of Congress” includes the Committee on Foreign Affairs and the Committee on

Energy and Commerce of the House of Representatives and the Committee on Foreign Relations of the Senate.

## TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

### SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AMENDMENT TO BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973.—Subparagraph (A) of section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

“(A) \$180,330,000 for the fiscal year 1990 and \$187,543,000 for the fiscal year 1991, at April 21, 1989, exchange rates, and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates after such date; and”.

(b) RADIO TRANSMITTER CONSTRUCTION AND MODERNIZATION.—There are authorized to be appropriated to the Board for International Broadcasting for radio transmitter construction and modernization \$15,845,000 for the fiscal year 1990 and \$12,000,000 for the fiscal year 1991. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) BROADCASTING RELAY STATION IN ISRAEL.—

(1) There are authorized to be appropriated to the Board for International Broadcasting for the costs associated with construction of a relay station in Israel, \$183,500,000 for the fiscal year 1990 and \$23,500,000 for the fiscal year 1991. Amounts appropriated under this subsection are authorized to remain available until expended.

(2) To the extent not precluded by the international agreement with the host foreign country of June 18, 1987, and to the extent practicable, not less than 10 percent of the amounts which are authorized to be appropriated under paragraph (1), and which are available for contracts with United States contractors, shall be made available only for contracts and subcontracts with economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977).

### SEC. 302. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

22 USC 2877a.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1990 and for each subsequent fiscal year, any funds appropriated for the Board for International Broadcasting 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 Board for International Broadcasting.

#### SEC. 303. PROCUREMENT OF LEGAL SERVICES.

Section 26(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2698) is amended by striking out "International Communication Agency" and inserting in lieu thereof "United States Information Agency, the chairman of the Board for International Broadcasting,".

#### SEC. 304. RADIO FREE AFGHANISTAN.

Section 2(5) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871(5)) is amended by striking out "(as long as it is under Soviet occupation)" and inserting in lieu thereof "(until the government in Kabul is replaced by a government achieved through a free act of self-determination)".

## TITLE IV—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

#### SEC. 401. UNITED STATES MEMBERSHIP IN INTERNATIONAL SUGAR ORGANIZATION AND INTERNATIONAL TROPICAL TIMBER ORGANIZATION.

President of U.S.

(a) UNITED STATES MEMBERSHIP.—The President is authorized to maintain membership of the United States in the International Sugar Organization and the International Tropical Timber Organization.

(b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For the fiscal year 1991 and for each fiscal year thereafter, the United States assessed contributions to such organizations may be paid from funds appropriated for "Contributions to International Organizations".

#### SEC. 402. AUTHORIZATION FOR MEMBERSHIP IN THE INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES.

President of U.S.

The President is authorized to maintain membership of the United States in the International Union for the Conservation of Nature and Natural Resources (IUCN).

#### SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR MEMBERSHIP IN WILDLIFE CONVENTIONS.

There are authorized to be appropriated to the President \$1,511,000 for the fiscal year 1990 and \$1,571,440 for the fiscal year 1991 in support of United States participation in the following international environmental organizations and conventions of which not more than—

(1) \$650,000 for the fiscal year 1990 shall be available for dues and arrearages for United States contributions to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

(2) \$231,000 for the fiscal year 1990 shall be available for dues and arrearages for United States contributions to the International Tropical Timber Organization (ITTO);

(3) \$450,000 for the fiscal year 1990 shall be available to support United States participation in the World Heritage Convention; and

(4) \$180,000 for the fiscal year 1990 shall be available to support United States participation in the International Union for the Conservation of Nature and Natural Resources.

**SEC. 404. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION ON THE UKRAINE FAMINE.**

There are authorized to be appropriated for the Commission on the Ukraine Famine \$100,000 for the fiscal year 1990, which amount is authorized to remain available until expended.

**SEC. 405. REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.**

22 USC 287e  
note.

(a) **FINDINGS.**—(1) The Congress finds that the United Nations and its specialized agencies have made progress in the formulation and implementation of budget reforms as called for by section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93). Presidential determinations that were required by that and other laws confirm the progress that has been made in this respect.

(2) The Congress remains concerned about the need to make further progress to protect the independence of the international civil service working at the United Nations and urges the President to make vigorous efforts to this end.

(3) The Congress is specifically concerned with the practice of reserving certain professional staff slots in the United Nations Secretariat for nationals of certain member states, and urges the President to pursue vigorously a program of regular rotation in these staff positions among all member states of the United Nations.

(b) **FINANCIAL RESPONSIBILITY IN BUDGET PROCEDURES.**—To assure financial responsibility in preparation of the assessed budgets of the United Nations and its specialized agencies, it is the sense of the Congress that the President should continue vigorous efforts to ensure continued implementation by the United Nations and its specialized agencies of consensus-based decision-making procedures where applicable on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(c) **LIMITATION ON ASSESSED CONTRIBUTIONS.**—

(1) For assessed contributions authorized to be appropriated by section 102(a)(1) of this Act, the President shall 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 until the President determines and reports to the Congress that the United Nations or any such agency—

(A) has continued implementation of decision-making procedures on budgetary matters referred to in subsection (b); and

(B) in the case of the United Nations—

(i) is making further progress toward the elimination of the abuse of secondment in the United Nations Secretariat which undermines the independence of the international civil service; and

President of U.S.  
Reports.

(ii) is implementing the 15 percent reduction in the staff of the United Nations Secretariat (recommendation 15 of the Group of High Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18)) and that such reduction is being equitably applied among the nationals on such staff.

(2) The President shall notify the Congress when each such determination is made. Each such notification shall include appropriate consultation between the President or his designated representative and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

22 USC 2414a.

**SEC. 406. ANNUAL REPORT TO CONGRESS ON VOTING PRACTICES AT THE UNITED NATIONS.**

(a) **IN GENERAL.**—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a full and complete annual report which assesses for the preceding calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and which evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) **INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.**—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding calendar year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the votes cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members

supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) **FORMAT.**—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the Report to Congress on Voting Practices in the United Nations, dated March 14, 1988.

(d) **STATEMENT BY THE SECRETARY OF STATE.**—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—The following provisions of law are repealed:

(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. 967).

22 USC 2414a.

(2) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. 1307).

22 USC 2414a.

(3) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341).

22 USC 2414a.

(4) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329).

22 USC 2414a.

(5) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as enacted by Public Law 100-461.

22 USC 2414a.

#### SEC. 407. DENIAL OF VISAS TO CERTAIN REPRESENTATIVES TO THE UNITED NATIONS.

8 USC 1102 note.

(a) **IN GENERAL.**—The President shall use his authority, including the authorities contained in section 6 of the United Nations Headquarters Agreement Act (Public Law 80-357), to deny any individual's admission to the United States as a representative to the United Nations if the President determines that such individual has been found to have been engaged in espionage activities directed against the United States or its allies and may pose a threat to United States national security interests.

President of U.S.  
Espionage.

(b) **WAIVER.**—The President may waive the provisions of subsection (a) if the President determines, and so notifies the Congress, that such a waiver is in the national security interests of the United States.

#### SEC. 408. POLICY ON UNESCO.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the United States withdrew from the United Nations Educational, Scientific, and Cultural Organization (UNESCO) on December 31, 1984, in response to grave and persistent problems in UNESCO under the then-Director General;

(2) chief among these problems was the assault on the free flow of information supported by that Director General and the

pervasive ideological conflict fomented by the alliance between totalitarian and developing nations;

(3) UNESCO has since acquired a new Director General, Federico Mayor, who has pledged his support for the free flow of information, the return of UNESCO to the principles enunciated in its Charter, and other needed changes in UNESCO policy;

(4) Soviet Foreign Minister Eduard Shevardnadze stated on October 11, 1988, that the Soviet Union was responsible for "the exaggerated ideological approach [that] undermined tolerance intrinsic to UNESCO," and stated that Soviet policy would improve in this regard;

(5) substantial progress remains to be made in implementing the reforms proposed by the new Director General and in determining the degree to which ideological conflict has actually declined; and

(6) when the United States withdrew from UNESCO, the policy of the United States was that at such time as satisfactory changes were achieved in UNESCO, the United States would act on reentry.

(b) **POLICY.**—It is the sense of the Congress that the Secretary of State should monitor closely the changes achieved in UNESCO and should work with United States allies and the UNESCO leadership to continue to promote the progress necessary to justify United States consideration of reentry into UNESCO.

(c) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the activities after December 31, 1984, of the United Nations Educational, Scientific, and Cultural Organization.

**SEC. 409. UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS.**

Section 727 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended in subsection (b) by inserting "the greater of" after "than".

**SEC. 410. CONTRIBUTION TO THE REGULAR BUDGET OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.**

Notwithstanding section 742 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204), for each of the fiscal years 1990 and 1991, the Secretary of State shall not be required to make an annual contribution to the regular budget of the International Committee of the Red Cross of an amount which is greater than 10 percent of the 1989 regular budget of the International Committee of the Red Cross.

**SEC. 411. SENSE OF CONGRESS CONCERNING AN ENHANCED ROLE FOR THE INTERNATIONAL COURT OF JUSTICE IN RESOLUTION OF INTERNATIONAL DISPUTES.**

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

(1) In 1945, the United States supported the establishment of the International Court of Justice (ICJ) to provide for the orderly resolution of disputes among nations under the rule of law.

(2) The United States, pursuant to Article 93 of the Charter of the United Nations, is also a party to the Statute of the Inter-

national Court of Justice which provides in Article 36(1) that the International Court of Justice will have jurisdiction over "all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force".

(3) In August 1946, the United States, pursuant to Senate advice and consent (61 Stat. 1218), voluntarily accepted the compulsory jurisdiction of the International Court of Justice in other international disputes under Article 36(2) of the Statute of the International Court of Justice, on certain conditions, and maintained such recognition for four decades from 1946 to 1986 when United States acceptance was terminated.

(4) The United States has utilized the International Court of Justice on numerous occasions to resolve disputes with other nations.

(5) In April 1984, the United States notified the Secretary General of the United Nations that the United States was suspending for two years its acceptance of the compulsory jurisdiction of the International Court of Justice in cases relating to Central America.

(6) In 1985, the United States announced it was terminating, in whole, United States acceptance (effective April 1, 1986) of the compulsory jurisdiction of the International Court of Justice.

(7) The Soviet Union, as a member of the United Nations, is also a party to the Statute of the International Court of Justice and is thus bound by Article 36(1).

(8) The Soviet Union, unlike the United States, has not since the inception of the International Court of Justice voluntarily accepted the compulsory jurisdiction of the ICJ under Article 36(2) or taken any other case voluntarily to the court.

(9) Soviet leader Mikhail Gorbachev, in his address to the United Nations in December of 1988 said: "We believe that the jurisdiction of the International Court of Justice at the Hague as regards the interpretation and implementation of agreements on human rights should be binding on all states."

(10) The Legal Adviser of the State Department is holding discussions with Soviet officials and representatives of other permanent members of the United Nations Security Council and other states to determine whether and how the International Court of Justice might be used for the peaceful settlement of international disputes through procedures that assure fairness and the protection of legitimate national interests.

(b) SENSE OF CONGRESS.—The Congress commends and strongly supports efforts by the United States to broaden, where appropriate, the compulsory jurisdiction and enhance the effectiveness of the International Court of Justice.

#### SEC. 412. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Flood control.

(a) AUTHORIZATION.—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"—

(1) by inserting "or sanitation" after "flood control"; and

(2) by inserting before the period at the end thereof the following: ", the Colorado or Tijuana Rivers, and for taking emergency actions to protect against health threatening sanita-

tion problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary”.

(b) RESTRICTIONS.—The Act of May 13, 1924, as amended (49 Stat. 660; 22 U.S.C. 277-277f), is amended—

(1) in section 3 (22 U.S.C. 277b) by—

(A) inserting “(1)” after “authorized”;

(B) striking out “and (b)” and inserting in lieu thereof “(2)”;

(C) inserting before the period at the end thereof the following: “; and (3) to carry out preliminary surveys, operations, and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana from selected canyon areas”; and

(D) adding at the end thereof the following new subsections:

“(b) Expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions made with respect to that project in the first undesignated paragraph under the heading ‘INTERNATIONAL OBLIGATIONS’ contained in the Act of April 25, 1945 (59 Stat. 89).

“(c) The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of the United States for such portions of the dam as shall have been allocated to such purposes by the Secretary of State.”; and

(2) in section 2 (49 Stat. 660; 22 U.S.C. 277a) by striking out “and stabilization” and inserting in lieu thereof “stabilization, drainage of transboundary storm waters,”.

#### SEC. 413. REVIEW OF MULTILATERAL AND BILATERAL COMMISSIONS.

Reports.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate which provides a review of United States participation in all multilateral and bilateral commissions for which appropriations are authorized to be made under the “International Commissions” account of the Department of State. Together with such comments and recommendations as the Secretary considers appropriate, such report shall include—

(1) a justification for United States participation in each multilateral or bilateral commission;

(2) an assessment of the effectiveness of each multilateral or bilateral commission in which the United States participates; and

(3) information concerning the cost of United States participation in each such commission.

22 USC 287e  
note.

#### SEC. 414. MEMBERSHIP OF THE PALESTINE LIBERATION ORGANIZATION IN UNITED NATIONS AGENCIES.

(a) PROHIBITION.—No funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states.

(b) TRANSFER OR REPROGRAMMING.—Funds subject to the prohibition contained in subsection (a) which would be available for the

United Nations or any specialized agency thereof (but for that prohibition) are authorized to remain available until expended and may be reprogrammed or transferred to any other account of the Department of State or the Agency for International Development to carry out the general purposes for which such funds were authorized.

**SEC. 415. SENSE OF CONGRESS CONCERNING THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES IN THE NEAR EAST (UNRWA).**

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) international burdensharing of the costs of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) is crucial to the survival of such organization;

(2) the Secretary of State should redouble the efforts of the Department of State to promote international burdensharing of the costs of UNRWA's operations; and

(3) regular and substantial contributions by the Arab states to the budget of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East would reflect the commitment of Arab states to a peaceful political settlement in the Middle East.

(b) **REPORT TO CONGRESS.**—The Secretary of State shall prepare and submit a report on progress being made to promote international burdensharing of the costs of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 416. UNITED NATIONS SPONSORSHIP OF A MIDDLE EAST PEACE CONFERENCE.**

(a) **FINDINGS.**—The Congress finds that—

(1) the General Assembly of the United Nations adopted Resolution No. 3379 on November 10, 1975, maintaining that Zionism constituted a form of racism;

(2) most of the proposals for an international peace conference regarding the Middle East have identified the United Nations as the sponsoring organization for such a conference;

(3) all international diplomatic participants in any potential Middle East peace conference must acknowledge the sovereignty of the State of Israel and the right of its citizens to live within secure and permanent boundaries;

(4) United Nations General Assembly Resolution No. 3379 of November 10, 1975, damages the credibility of the General Assembly as a forum for furthering the search for peace in the Middle East; and

(5) the United States does not favor an international conference on the Middle East at this time, and believes that the Israeli proposal for elections that was advanced in May 1989 is the best available vehicle for furthering the Middle East peace process.

(b) **POLICY.**—The Congress declares, therefore, that—

(1) the United States should use all appropriate means to obtain rescission by the United Nations General Assembly of Resolution No. 3379 and calls upon the General Assembly to do so; and

(2) so long as that resolution remains in effect, the General Assembly and all affiliated agencies of the United Nations constitute an inappropriate forum for the sponsorship of any international conference on the Arab-Israeli conflict.

Angola.  
Cuba.  
South Africa.

**SEC. 417. CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES IN SOUTH-ERN AFRICA.**

(a) **ASSURANCES THAT ALL CUBAN TROOPS WILL BE WITHDRAWN.**—The United States may not, after the date of enactment of this Act, expend any funds authorized to be appropriated by this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement until the President certifies to the Congress that—

(1) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date; and

(2) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) **CONTRIBUTIONS CONDITIONAL ON COMPLIANCE.**—The United States may not expend any funds authorized to be appropriated by this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement—

(1) if the Government of Cuba fails at any time to comply with any of its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops); or

(2) if any Cuban troops remain in Angola after July 1, 1991.

President of U.S.

(c) **REPORTS TO CONGRESS, COMPLIANCE WITH OBLIGATIONS.**—Not more than 15 days after each scheduled phase of the redeployment northward and withdrawal of Cuban troops pursuant to the Bilateral Agreement, the President shall submit to the appropriate congressional committees a report on whether each of the signatories of the Tripartite Agreement is complying with its obligations under the agreement. Whenever he has determined that a material breach of the Tripartite Agreement may have been committed by any of the signatories to that agreement, the President shall so report to the appropriate congressional committees.

(d) **DISBURSEMENTS.**—Of the amount authorized to be appropriated to be made available for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa signed at the United Nations on December 22, 1988 (hereinafter known as the Tripartite Agreement) 50 percent of the annual amount shall be available on October 1, 1989, and the remaining 50 percent on April 1, 1990, only if the President determines and certifies to the appropriate congressional committees as of each date that (1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have

terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(e) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(f) For purposes of this section—

(1) the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations on December 22, 1988;

(2) the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988; and

(3) the term "appropriate congressional committees" means the Committees on Appropriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate.

## TITLE V—ASIA FOUNDATION

### SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

#### "SEC. 404. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$13,900,000 for the fiscal year 1990 and \$18,000,000 for the fiscal year 1991 for grants to The Asia Foundation pursuant to this title.

"(b) ALLOCATION OF FUNDS.—Of amounts authorized to be appropriated under subsection (a), \$1,324,000 for the fiscal year 1990 and \$1,324,000 for the fiscal year 1991 shall be available only for the expansion of programs and services (including the establishment of a field office) for Oceania, comprised of Polynesia, Micronesia, and Melanesia."

## TITLE VI—INTER-AMERICAN FOUNDATION

### SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 401 of the Inter-American Foundation Act (22 U.S.C. 290f) is amended in subsection (s)(2) by striking out the first sentence and inserting in lieu thereof "There are authorized to be appropriated \$16,932,000 for the fiscal year 1990 and \$25,000,000 for the fiscal year 1991 to carry out the purposes of this section."

## TITLE VII—REFUGEE AND OTHER PROVISIONS

### SEC. 701. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AUDIT REQUIREMENT.

Subsection (a) of section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended to read as follows:

“(a) PROGRAM AUDITS.—Funds may not be available to the United Nations High Commissioner for Refugees (UNHCR) under this or any other Act unless provision is made for—

“(1) annual program audits to determine the use of UNHCR funds, including the use of such funds by implementing partners; and

“(2) such audits are made available through the Department of State for inspection by the Comptroller General of the United States.”.

### SEC. 702. TIBETAN AND BURMESE REFUGEES.

(a) TIBETAN REFUGEES.—Of the amounts authorized to be appropriated by section 104(a)(1) for the Department of State for “Migration and Refugee Assistance” \$500,000 for the fiscal year 1990 and \$500,000 for the fiscal year 1991 shall be available only for assistance for displaced Tibetans in India and Nepal. The Secretary of State shall determine the best means for providing such assistance.

(b) BURMESE REFUGEES.—Of the amounts authorized to be appropriated by section 104(a)(1) for the Department of State for “Migration and Refugee Assistance” \$250,000 for the fiscal year 1990 and \$250,000 for the fiscal year 1991 shall be available only for humanitarian assistance for displaced Burmese on both sides of the border between Thailand and Burma.

### SEC. 703. REPORT REGARDING BURMESE STUDENTS.

Thailand.

(a) REPORTING REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives a report on the immigration and refugee policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include—

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas, parole applications, applications for refugee status, and approvals for such persons by the United States and the feasibility of using parole or the need for creating statutory alternatives to parole to facilitate the entry of such persons;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

(b) **RECOMMENDATIONS FOR LEGISLATIVE CHANGES.**—The Secretary of State shall recommend in the report required by subsection (a) any policy or legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(c) **DEFINITION.**—As used in this section, the term “pro-democracy protester” means any person who has fled from the current military regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

**SEC. 704. THE TREATMENT OF THE TURKISH MINORITY BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA AND BULGARIAN REFUGEES IN TURKEY.**

(a) **FINDINGS.**—The Congress finds that—

(1) the Government of the People's Republic of Bulgaria is a signatory to the 1947 Paris Peace Treaty, the Universal Declaration on Human Rights by the United Nations, and the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords);

(2) the Helsinki Accords express the commitment of the participating states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

(3) the 1971 Constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinction of national origin, race, or religion, and guarantees minorities the rights to study in their mother tongue and freely practice their religion;

(4) despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception of Turkish radio and television programs in Bulgaria;

(5) the right of the ethnic Turkish community to freedom of religion has been severely circumscribed by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

(6) emigration by ethnic Turks and others has been banned with only a few exceptions;

(7) beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

(8) the Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

(9) in May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

(10) hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested; and

(11) since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families.

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

(1) strongly condemns the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against this community and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Government of Bulgaria to honor its obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely; and

(4) urges the President and Secretary of State to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority and to raise this issue in all appropriate international forums, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

(c) **ALLOCATION OF FUNDS FOR ASSISTANCE TO CERTAIN TURKISH REFUGEES.**—Of the funds authorized to be appropriated by section 104(a)(1) for the fiscal year 1990, \$10,000,000 shall be available only to the Republic of Turkey for assistance for shelter, food, and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling in the sovereign territory of Turkey.

PLO  
Commitments  
Compliance Act  
of 1989.  
Israel.  
Terrorism.

## TITLE VIII—PLO COMMITMENTS COMPLIANCE ACT OF 1989

### SEC. 801. SHORT TITLE.

This title may be cited as the "PLO Commitments Compliance Act of 1989".

### SEC. 802. FINDINGS.

The Congress finds that—

(1) United States policy regarding contacts with the Palestine Liberation Organization (including its Executive Committee, the Palestine National Council, and any constituent groups related thereto (hereafter in this title referred to as the "PLO")) set forth in the Memorandum of Agreement between the United States and Israel, dated September 1, 1975, stated that the United States "will not recognize or negotiate with the Palestine Liberation Organization so long as the PLO does not recognize Israel's right to exist and does not accept United Nations Security Council Resolutions 242 and 338";

(2) section 1302 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151 note; Public Law 99-83), effective October 1, 1985, stated that "no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the PLO or any representatives thereof (except in emergency or humanitarian situations) unless

and until the PLO recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism";

(3) the Department of State statement of November 26, 1988, found that "the United States Government has convincing evidence that PLO elements have engaged in terrorism against Americans and others" and that "Mr. [Yasser] Arafat, Chairman of the PLO, knows of, condones, and lends support to such acts; he therefore is an accessory to such terrorism";

Yasser Arafat.

(4) Secretary of State Shultz declared on December 14, 1988, that "the [PLO] today issued a statement in which it accepted United Nations Security Council Resolutions 242 and 338, recognized Israel's right to exist in peace and security, and renounced terrorism. As a result, the United States is prepared for a substantive dialogue with PLO representatives";

George Shultz.

(5) President Ronald Reagan, subsequent to the decision to open a United States-PLO dialogue, stated that the PLO "must demonstrate that its renunciation of terrorism is pervasive and permanent" and if the PLO reneges on its commitments, the United States "will certainly break off communications";

Ronald Reagan.

(6) since the United States agreed to enter into a dialogue with the PLO, there have been several attempted incursions into Israel by the following PLO-affiliated groups: the Popular Struggle Front, the Palestine Liberation Front, the Democratic Front for the Liberation of Palestine, and the Islamic Jihad group;

(7) Yasser Arafat has not renounced any of these incidents, that he has threatened "ten bullets in the chest" to those Palestinians who advocate a cessation of the unrest, and that his principal deputy, Abu Iyad, as well as other senior Al-Fatah figures, have been quoted as saying that the PLO recognition of Israel and renunciation of terrorism is merely tactical and that a Palestinian state is but the first step in the "liberation of Palestine"; and

Abu Iyad.

(8) that the United States should regularly evaluate the PLO's compliance with the commitments made by Yasser Arafat on behalf of the PLO in Geneva on December 14, 1988.

#### SEC. 803. POLICY.

(a) IN GENERAL.—The Congress reiterates long-standing United States policy that any dialogue with the PLO be contingent upon the PLO's recognition of Israel's right to exist, its acceptance of United Nations Security Council Resolutions 242 and 338, and its abstention from and renunciation of all acts of terrorism.

(b) POLICY TOWARD IMPLEMENTATION OF PLO COMMITMENTS.—It is the sense of the Congress that the United States, in any discussions with the PLO, should seek—

(1) the prevention of terrorism and other violent activity by the PLO or any of its factions; and

(2) the implementation of concrete steps by the PLO consistent with its commitments to recognize Israel and renounce terrorism, including concrete actions that will further the peace process such as—

(A) disbanding units which have been involved in terrorism;

(B) publicly condemning all acts of terrorism;

(C) ceasing the intimidation of Palestinians who advocate a cessation of or who do not support the unrest;

(D) calling on the Arab states to recognize Israel and to end their economic boycott of Israel; and

(E) amending the PLO's Covenant to remove provisions which undermine Israel's legitimacy and which call for Israel's destruction.

(c) **POLICY TOWARD RECENT ARMED INCURSIONS INTO ISRAEL BY PLO-AFFILIATED GROUPS.**—During the next round of talks with the PLO, should such talks occur after the date of enactment of this Act, the representative of the United States should obtain from the representative of the PLO a full accounting of the following attempted incursions into Israel which occurred after Yasser Arafat's statement of December 14, 1988:

(1) On December 26, 1988, an attempted armed infiltration into Israel by boat by four members of the PLO-affiliated Popular Struggle Front.

(2) On December 28, 1988, an attempted armed infiltration into Israel by three members of the PLO-affiliated Palestine Liberation Front.

(3) On January 24, 1989, an unprovoked attack on an Israeli patrol in Southern Lebanon by the PLO-affiliated Palestine Liberation Front.

(4) On February 5, 1989, an attempted armed infiltration into Israel by nine members of the PLO-affiliated Palestine Liberation Front and Popular Front for the Liberation of Palestine.

(5) On February 23, 1989, an attempted attack on targets in Israel by members of the PLO-affiliated Democratic Front for the Liberation of Palestine.

(6) On February 27, 1989, a PLO-affiliated Popular Front for the Liberation of Palestine ambush of a pro-Israeli Southern Lebanese army vehicle.

(7) On March 2, 1989, an attempted armed infiltration into Israel by four members of the PLO-affiliated Democratic Front for the Liberation of Palestine headed for the civilian town of Zarit.

(8) On March 13, 1989, an attempted armed infiltration into Israel by three members of the PLO-aligned Palestine Liberation Front.

(9) On March 15, 1989, an attempted attack on Israel through Gaza by two members of the Islamic Jihad group.

#### SEC. 804. REPORTING REQUIREMENT.

(a) **REPORT ON ARMED INCURSIONS.**—In the event that talks are held with the PLO after the date of enactment of this Act, the Secretary of State, shall, within 30 days after the next round of such talks, report to the Chairman of the Committee on Foreign Affairs of the Senate and the Speaker of the House of Representatives any accounting provided by the representative of the PLO of the incidents described in section 803(c).

President of U.S.

(b) **REPORT ON COMPLIANCE WITH COMMITMENTS.**—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, 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, in unclassified form to the maximum extent practicable, regarding progress

toward the achievement of the measures described in section 803(b). Such report shall include—

(1) a description of actions or statements by the PLO as an organization, its Chairman, members of its Executive Committee, members of the Palestine National Council, or any constituent groups related thereto, as they relate to the Geneva commitments of December 1988 regarding cessation of terrorism and recognition of Israel's right to exist, including actions or statements that contend that the declared "Palestinian state" encompasses all of Israel;

(2) a description of the steps, if any, taken by the PLO to evict or otherwise discipline individuals or groups taking actions inconsistent with the Geneva commitments;

(3) a statement of whether the PLO, in accordance with procedures in Article 33 of the Palestinian National Covenant, has repealed provisions in that Covenant which call for Israel's destruction;

(4) a statement of whether the PLO has repudiated its "strategy of stages" whereby it seeks to use a Palestinian state in the West Bank and Gaza as the first step in the total elimination of the state of Israel;

(5) a statement of whether the PLO has called on any Arab state to recognize and enter direct negotiations with Israel or to end its economic boycott of Israel;

(6) a statement of whether "Force 17" and the "Hawari Group", units directed by Yasser Arafat that have carried out terrorist attacks, have been disbanded and not reconstituted under different names;

(7) a statement of whether the following PLO constituent groups conduct or participate in terrorist or other violent activities: the Fatah; the Popular Front for the Liberation of Palestine; the Democratic Front for the Liberation of Palestine; the Arab Liberation Front; the Palestine Liberation Front;

(8) a statement of the PLO's position on the unrest in the West Bank and Gaza, and whether the PLO threatens, through violence or other intimidation measures, Palestinians in the West Bank and Gaza who advocate a cessation of or who do not support the unrest, and who might be receptive to taking part in elections there;

(9) a statement of the position of the PLO regarding the prosecution and extradition, if so requested, of known terrorists such as Abu Abbas, who directed the Achille Lauro hijacking during which Leon Klinghoffer was murdered, and Muhammed Rashid, implicated in the 1982 bombing of a PanAm jet and the 1986 bombing of a TWA jet in which four Americans were killed; and

Abu Abbas,  
Muhammed  
Rashid.

(10) a statement of the position of the PLO on providing compensation to the American victims or the families of American victims of PLO terrorism.

(c) **REPORT ON POLICIES OF ARAB STATES.**—Not more than 30 days after the date of enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning the policies of Arab states toward the Middle East peace process, including progress toward—

(1) public recognition of Israel's right to exist in peace and security;

(2) ending the Arab economic boycott of Israel; and

(3) ending efforts to expel Israel from international organizations or denying participation in the activities of such organizations.

Human rights.

## TITLE IX—PEOPLE'S REPUBLIC OF CHINA

### SEC. 901. FINDINGS AND STATEMENTS OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) on June 4, 1989, the Government of the People's Republic of China ordered an unprovoked, brutal, and indiscriminate assault on thousands of peaceful and unarmed demonstrators and onlookers in and around Tiananmen Square by units of the People's Liberation Army, which resulted in at least 1,000 deaths and several thousand injuries;

(2) the Chinese Government has executed dozens of individuals who participated in prodemocracy demonstrations or who protested the brutal military assault against peaceful demonstrators;

(3) the Government of the People's Republic of China is engaging in widespread mass arrests in the aftermath of the June 4, 1989, military assault in Tiananmen Square, which have resulted in the arrests of thousands of students, workers, and other civilians so far;

(4) independent international human rights organizations, such as Amnesty International and Asia Watch, have documented daily incidences of arbitrary arrests, torture, and beatings by police and military forces in the People's Republic of China;

(5) the Chinese Government has established telephone hotlines and other local communications networks for the express purpose of identifying and imprisoning prodemocracy supporters and political dissidents throughout the country;

(6) officials of the Chinese Government have grossly distorted the Government's actions to suppress the prodemocracy movement, including the clandestine disposal of the bodies of demonstrators without informing their families, and have consistently denied that the massacre in and around Tiananmen Square took place or that abuses of human rights have occurred;

(7) in an effort to conceal the truth about the Chinese Government's brutal suppression of the prodemocracy movement, foreign journalists have been expelled and Voice of America broadcasts are being jammed;

(8) in view of the widespread and continuing repression, noted Chinese intellectuals and advocates of peaceful democratic reform, Fang Lizhi and Li Shuxian, sought refuge at the United States Embassy in Beijing on June 3, 1989, and the United States exercised its prerogatives under longstanding practices of diplomatic missions by granting them refuge; and

(9) the President has condemned the actions of the leaders of the People's Republic of China against participants in the prodemocracy movement in China and has taken several concrete steps to respond to the repression of the movement, including—

Fang Lizhi.  
Li Shuxian.

(A) suspending all exports of items on the United States Munitions List, including arms and defense related equipment, to the People's Republic of China;

(B) suspending high level government-to-government contact between the United States and the People's Republic of China;

(C) extending the visas of nationals of the People's Republic of China currently in the United States;

(D) offering humanitarian and medical assistance to the injured through the Red Cross;

(E) instructing United States representatives to international financial institutions to seek delay in the consideration of loan requests that are made to those financial institutions and would benefit the People's Republic of China;

(F) suspending action on applications for the issuance by the Overseas Private Investment Corporation of new insurance and financing of investments in the People's Republic of China by United States investors;

(G) opposing the further liberalization of the guidelines of the group known as the Coordinating Committee (COCOM) regarding trade with the People's Republic of China;

(H) taking no further action to implement the agreement for cooperation between the United States and the People's Republic of China relating to the uses of nuclear energy, thereby foreclosing the issuance of new licenses; and

(I) suspending the license for the export of any United States manufactured satellites for launch on launch vehicles owned by the People's Republic of China, including the two Aussat satellites and the Asiasat satellite.

(b) STATEMENTS OF POLICY.—It is the sense of the Congress that—

(1) the President is to be commended for his clear articulation of United States condemnation of the actions of the Government of the People's Republic of China in the killing and persecution of the participants of the prodemocracy movement in the People's Republic of China, and for the responses and measures by the President against the People's Republic of China, which the Congress supports;

(2) the consultative approach that the President has used in coordinating with other countries the United States response to the atrocities committed by the leaders of the People's Republic of China should be supported;

(3) it is essential that the United States speak in a bipartisan and unified voice in response to the events in the People's Republic of China, and that the President be given the necessary flexibility to respond to rapidly changing situations so that the long-term interests of the United States are not damaged;

(4) in this vein, the President should continue to emphasize to the leaders of the Government of the People's Republic of China that resumption of normal diplomatic and military relations between the United States and the People's Republic of China will depend directly on the Chinese Government's halting of executions of prodemocracy movement supporters, releasing those imprisoned for their political beliefs, and increasing respect for internationally recognized human rights;

(5) because human rights violations in a country as populous as the People's Republic of China may have serious implications for the stability of the Asia-Pacific region, the United Nations should, in order to further regional security and peace, condemn the violent repression, mass arrests, abuse of African students, and executions of peaceful demonstrators by the Government of the People's Republic of China and urge the Chinese Government to enter into negotiations with representatives of the prodemocracy movement;

(6) United States policy toward the People's Republic of China should be explicitly linked with the situation in Tibet, specifically as to whether—

(A) martial law is lifted in Lhasa and other parts of Tibet;

(B) Tibet is open to foreigners, including representatives of the international press and of international human rights organizations;

(C) Tibetan political prisoners are released; and

(D) the Government of the People's Republic of China is entering into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question;

(7) with respect to Hong Kong—

(A) the President should convey to the leaders of the People's Republic of China the importance of living up to its international undertaking with respect to the 1984 Joint Declaration for the future prosperity and stability of Hong Kong; and

(B) the Secretary of State should convey to the Government of the United Kingdom the strong concern of the United States for continued respect for human rights in Hong Kong, and the need to accelerate progress toward representative government through free and fair direct elections;

(8) the United States should offer admission to the United States to any national of the People's Republic of China who is under threat of severe penalty as a result of participating in prodemocracy activities; and

(9) the President should be commended for his courageous and appropriate action, in accordance with the Vienna Convention on Diplomatic Relations and customary international law, in swiftly providing temporary refuge to Fang Lizhi and Li Shuxian at the United States Embassy in Beijing, and the President should continue to provide refuge to those individuals to ensure their personal safety.

(c) **ADDITIONAL MEASURES.**—It is further the sense of the Congress that, in addition to the measures already taken or required to be taken by this title—

(1) because systematic repression in China continues, the President should urge the Export-Import Bank of the United States to continue to postpone approval of any application for financing United States exports to the People's Republic of China;

(2) under the direction of the Secretary of the Treasury, the United States executive directors of the appropriate international financial institutions should continue to oppose the extension of loans or any other financial assistance by such institutions to the People's Republic of China;

(3) if systematic repression in China deepens, the President should review—

(A) the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products;

(B) all bilateral trade agreements between the United States and the People's Republic of China;

(C) the bilateral commercial agreements governing Chinese-American cooperation on satellite launches; and

(D) the Chinese-American Agreement for Cooperation on the Peaceful Uses of Atomic Energy, signed at Washington on July 23, 1985;

(4) if systematic repression in China deepens, the President should consult—

(A) with the members of the group known as the Coordinating Committee (COCOM) for the purpose of reviewing the current favorable treatment accorded to high technology exports to the People's Republic of China; and

(B) with the other signatories of the General Agreement on Tariffs and Trade (GATT) for the purpose of reviewing the People's Republic of China's observer status at meetings on GATT and reassessing the People's Republic of China's right to accede to GATT.

#### SEC. 902. SUSPENSION OF CERTAIN PROGRAMS AND ACTIVITIES.

22 USC 2151  
note.

##### (a) SUSPENSIONS.—

(1) **OVERSEAS PRIVATE INVESTMENT CORPORATION.**—The Overseas Private Investment Corporation shall continue to suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China, unless the President makes a report under subsection (b) (1) or (2) of this section.

(2) **TRADE AND DEVELOPMENT PROGRAM.**—The President shall suspend the obligation of funds under the Foreign Assistance Act of 1961 for any new activities of the Trade and Development Program with respect to the People's Republic of China, unless the President makes a report under subsection (b) (1) or (2) of this section.

President of U.S.

(3) **MUNITIONS EXPORT LICENSES.**—(A) The issuance of licenses under section 38 of the Arms Export Control Act for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall continue to be suspended, subject to subparagraph (B), unless the President makes a report under subsection (b) (1) or (2) of this section.

(B) The suspension set forth in subparagraph (A) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(4) **CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.**—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (b) (1) or (2) of this section.

(5) **EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.**—Exports of any satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China shall remain suspended, unless the President makes a report under subsection (b) (1) or (2) of this section.

(6) **NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.**—(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-Proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended,

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57b.(2) of the Atomic Energy Act of 1954 shall not be given, until the conditions specified in subparagraph (B) are met.

(B) Subparagraph (A) applies until—

(i) the President certifies to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(ii) the President makes the certifications and submits the report required by Public Law 99-183; and

(iii) the President makes a report under subsection (b) (1) or (2) of this section.

(C) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy (done on July 23, 1985).

(7) **LIBERALIZATION OF EXPORT CONTROLS.**—(A) The President shall negotiate with the governments participating in the group known as the Coordinating Committee (COCOM) to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(i) the implementation of bulk licenses for exports to the People's Republic of China; and

President of U.S.

President of U.S.

(ii) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

(B) The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (A)(ii), until the end of the 6-month period beginning on the date of enactment of this Act or until the President makes a report under subsection (b) (1) or (2) of this section, whichever occurs first.

(b) **TERMINATION OF SUSPENSIONS.**—A report referred to in subsection (a) is a report by the President to the Congress either—

Reports.

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under subsection (a) (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under subsection (a)(6), or to terminate the opposition required by subsection (a)(7), as the case may be.

(c) **REPORTING REQUIREMENT.**—Sixty days after the date of enactment of this Act, the President shall submit to the Congress a report on—

President of U.S.

(1) any steps taken by the Government of China to achieve the objectives described in subsection (b)(1);

(2) the effect of multilateral sanctions on political and economic developments in China and on China's international economic relations;

(3) the impact of the President's actions described in section 901(a)(9) and of the suspensions under subsection (a) of this section on—

(A) political and economic developments in China;

(B) the standard of living of the Chinese people;

(C) relations between the United States and China; and

(D) the actions taken by China to promote a settlement in Cambodia which will ensure Cambodian independence, facilitate an act of self-determination by the Cambodian people, and prevent the Khmer Rouge from returning to exclusive power;

(4) the status of programs and activities suspended under subsection (a); and

(5) the additional measures taken by the President under section 901(c) if repression in China deepens.

## TITLE X—MISCELLANEOUS PROVISIONS

### SEC. 1001. INCREASING AMOUNT OF REWARDS FOR COMBATTING TERRORISM.

Section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking out "\$500,000" and inserting in lieu thereof "\$2,000,000".

### SEC. 1002. ASSIGNMENT OF COMMERCIAL OFFICERS TO THE UNITED STATES MISSION TO THE EUROPEAN COMMUNITY.

Within 90 days of the date of enactment of this Act, the United States Foreign and Commercial Service shall assign to the United States Mission to the European Community in Brussels no less than three commercial officers and such other staff as may be necessary to support such officers.

### SEC. 1003. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of State is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

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

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) APPLICABILITY OF PROVISION.—This section shall apply only to contracts for which—

(1) amounts are authorized to be made available by this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

Business and  
industry.  
Commerce and  
trade.  
Contracts.  
Corporations.

**SEC. 1004. SUPPORT FOR THE BENJAMIN FRANKLIN HOUSE MUSEUM AND LIBRARY.****(a) FINDINGS.—**The Congress finds that—

(1) the former London residence of Benjamin Franklin is the only surviving home of Benjamin Franklin existing today and should be preserved to commemorate his great contributions to human liberty, science, and education; and

(2) the Friends of Benjamin Franklin House and the American Franklin Friends Committee are twin charities dedicated to the restoration, preservation, and maintenance of the Benjamin Franklin House as a museum and library open to the public.

**(b) POLICY OF SUPPORT.—**The Congress hereby—

(1) urges the people of the United States to recognize June 17, 1990, as the bicentennial of Benjamin Franklin's death and to celebrate Franklin's long and distinguished public service, his scientific and literary achievements, and his role as a Founding Father of our country; and

(2) calls on the relevant agencies and departments of the Federal Government of the United States to recognize the important goals of the Friends of Benjamin Franklin House and the American Franklin Friends Committee.

**SEC. 1005. ASSOCIATION OF DEMOCRATIC NATIONS.****(a) FINDINGS.—**The Congress makes the following findings:

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections, and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989, at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

Benazir Bhutto.

**(5) The goals of the Association would be to promote—**

(A) the holding of elections at regular intervals which are open to the participation of all significant political parties, which are fairly administered, and in which the franchise is broad or universal;

(B) respect for fundamental human rights, including freedom of expression, freedom of conscience, and freedom of association;

(C) international recognition of legitimate elections through international election observer missions at all stages of the election, including the campaign, the voting, and the ballot counting;

(D) the mobilization of international opinion and economic measures against the military overthrow of democratic governments; and

(E) the provision of economic assistance to strengthen and support democratic nations.

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

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom, and justice and is in the interest of the United States; and

Reports.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989, a report to the Congress assessing the merits of, and estimated annual costs of, establishing such an Association of Democratic Nations.

**SEC. 1006. POLICY REGARDING HUMAN RIGHTS ABUSES IN CUBA.**

(a) **FINDINGS.**—The Congress finds that—

(1) the United Nations Commission on Human Rights in 1989 issued its first report on human rights in Cuba, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(2) that report extensively documented across-the-board human rights abuses, including cases of torture, missing persons, religious persecution, violations of civil and political rights, and violations of economic and social rights;

(3) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment";

(4) among the abuses reported to the United Nations were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave;

(5) despite the Cuban Government's statements not to harass those who cooperated with the United Nations' investigation, many Cuban citizens who met, or attempted to meet with the United Nations team suffered reprisals;

(6) at least 26 Cuban human rights monitors and independent activists who were arrested in the aftermath of the United Nations investigation are currently serving prison sentences or being held without trial; and

(7) the United Nations Commission on Human Rights approved a resolution on March 9, 1989, calling on the Government of Cuba to cooperate with the Secretary General of the United Nations in settling unresolved questions of human rights.

(b) **STATEMENT OF POLICY.**—In the interest of promoting respect for internationally recognized human rights in Cuba, the Congress—

(1) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate action to follow up on the Commission's report on human rights in Cuba; and

(2) calls on the Secretary General to specifically urge the Government of Cuba to release at least 26 persons still being held in detention because of their human rights activities.

**SEC. 1007. CONCERNING THE SUBMISSION TO THE CONGRESS OF AGREEMENTS PERTAINING TO THE BOUNDARIES OF THE UNITED STATES.**

It is the sense of the Congress that all international agreements pertaining to the international boundaries of the United States should be submitted to the Congress for such consideration as is appropriate pursuant to the respective constitutional responsibilities of the Senate and the House of Representatives.

**SEC. 1008. REPORT TO CONGRESS CONCERNING OCEANIA.**

Territories, U.S.

Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary of State shall prepare and submit an unclassified report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate which—

- (1) sets forth in detail the policy of the United States with respect to Oceania, which is comprised of Polynesia, Micronesia, and Melanesia;
- (2) examines the nature, extent, and source of political, social, and economic instability affecting states in such region;
- (3) assesses the impact and level of communist influence in Oceania;
- (4) analyzes projections for the total economic growth of such region, with particular emphasis on the exclusive economic zones (EEZ); and
- (5) makes recommendations for specific measures necessary to ensure a strong United States presence in Oceania that contributes to and strengthens democratic institutions and economic growth for the states of the region.

**SEC. 1009. REPORT CONCERNING MEXICO.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning the relationship between the United States and Mexico. Such report shall—

- (1) analyze potential changes in political, cultural, diplomatic, economic, and other factors as the United States and Mexico move toward greater economic integration and cooperation;
- (2) consider the feasibility and effect of a three-way meeting among Canada, Mexico, and the United States to discuss greater economic integration and cooperation;
- (3) analyze political, cultural, diplomatic, economic, and other factors related to the development of an economically integrated and cooperative border region between Mexico and the United States; and
- (4) evaluate the adequacy of the resources of the Department of State which currently address relations between the United States and Mexico, including a projection of future needs to handle the increasing work load requirements resulting from the growing flow of goods, services, and people across the United States-Mexican border.

**SEC. 1010. ESTABLISHMENT OF A LATIN AMERICAN AND CARIBBEAN DATA BASE.**

(a) **AUTHORIZATION.**—Of the funds authorized to be appropriated for fiscal year 1990 by section 101(a)(1), \$1,300,000 are authorized to

be appropriated to provide continued support for the establishment of a Latin American and Caribbean Data base.

(b) **CONDITIONS.**—In developing the data base described in subsection (a), the Secretary of State shall be required to satisfy the following conditions:

(1) Any agreement for an on-line bibliographic data base entered into for purposes of this section shall continue to be subject to full and open competition or merit review among qualified United States institutions with strong Latin American and Caribbean programs.

(2) The Secretary of State shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

## **TITLE XI—BUDGET ACT COMPLIANCE**

22 USC 2651  
note.

### **SEC. 1101. COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.**

(a) **LIMITATION ON SPENDING AUTHORITY.**—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance in appropriation Acts.

(b) **LIMITATION ON CONTRACT AUTHORITY.**—Any authority provided by this Act to enter into contracts shall be effective only—

(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

### **SEC. 1102. WAIVER OF EARMARKS.**

Section 101(a)(1) that follows “1991”; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years

1990 and 1991; and section 404(b) of the Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991. So much of the preceding sentence as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 shall take effect only on the date of enactment of this Act.

Effective date.

Approved February 16, 1990.

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**CONGRESSIONAL RECORD:**

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Feb. 16, Presidential statement.