

Calendar No. 288

106TH CONGRESS
1ST SESSION

S. 1568

To impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 1999

Mr. FEINGOLD (for himself, Mr. REED, Mr. LEAHY, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. KENNEDY, Mr. TORRICELLI, Mr. DODD, Mr. HASKIN, Mr. HELMS, Mr. DURBIN, Mr. WYDEN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 27, 1999

Reported by Mr. HELMS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To impose an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999, vote in East Timor have been implemented, and for other purposes.

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

1 **SECTION 1. SUSPENSION OF ASSISTANCE.**

2 ~~(a) MULTILATERAL ECONOMIC ASSISTANCE.—~~

3 ~~(1) IN GENERAL.—The Secretary of the Treas-~~
 4 ~~ury shall instruct the United States executive direc-~~
 5 ~~tors to the international financial institutions to op-~~
 6 ~~pose, and vote against, any extension by those insti-~~
 7 ~~tutions of any financial assistance (including any~~
 8 ~~technical assistance or grant) of any kind to the~~
 9 ~~Government of Indonesia.~~

10 ~~(2) SENSE OF CONGRESS.—It is the sense of~~
 11 ~~Congress that the international financial institutions~~
 12 ~~should withhold the balance of any undisbursed ap-~~
 13 ~~proved loans or other assistance to the Government~~
 14 ~~of Indonesia.~~

15 ~~(3) INTERNATIONAL FINANCIAL INSTITUTIONS~~
 16 ~~DEFINED.—In this subsection, the term “inter-~~
 17 ~~national financial institution” includes the Inter-~~
 18 ~~national Monetary Fund, the International Bank for~~
 19 ~~Reconstruction and Development, the International~~
 20 ~~Development Association, the International Finance~~
 21 ~~Corporation, the Multilateral Investment Guaranty~~
 22 ~~Agency, and the Asian Development Bank.~~

23 ~~(b) RESTRICTION ON BILATERAL ECONOMIC ASSIST-~~
 24 ~~ANCE.—None of the funds appropriated or otherwise made~~
 25 ~~available to carry out chapter 1 of part I (relating to devel-~~
 26 ~~opment assistance) or chapter 4 of part II (relating to eco-~~

1 nomic support fund assistance) of the Foreign Assistance
 2 Act of 1961 may be available for Indonesia, except subject
 3 to the procedures applicable to reprogramming notifica-
 4 tions under section 634A of that Act.

5 (e) PROHIBITION ON MILITARY-TO-MILITARY CO-
 6 OPERATION AND SUPPORT.—

7 (1) ASSISTANCE.—None of the funds appro-
 8 priated or otherwise made available under the fol-
 9 lowing provisions of law (including unobligated bal-
 10 ances of prior year appropriations) may be available
 11 for Indonesia:

12 (A) The Foreign Military Financing Pro-
 13 gram under section 23 of the Arms Export
 14 Control Act.

15 (B) Chapter 2 of part II of the Foreign
 16 Assistance Act of 1961 (relating to military as-
 17 sistance).

18 (C) Chapter 5 of part II of the Foreign
 19 Assistance Act of 1961 (relating to inter-
 20 national military education and training assist-
 21 ance).

22 (2) LICENSING.—None of the funds appro-
 23 priated or otherwise made available under the fol-
 24 lowing provisions of law (including unobligated bal-
 25 ances of prior year appropriations) may be available

1 for licensing exports of defense articles or defense
 2 services to Indonesia under section 38 of the Arms
 3 Export Control Act.

4 (d) MULTILATERAL EFFORTS.—The President
 5 should coordinate with other countries, particularly mem-
 6 ber states of the Asia-Pacific Economic Cooperation
 7 (APEC) Forum, to develop a comprehensive, multilateral
 8 strategy to further the purposes of this Act, including urg-
 9 ing other countries to take measures similar to those de-
 10 scribed in this Act.

11 **SEC. 2 . EXCEPTION.**

12 Section 1 shall not apply to the provision of food or
 13 medical assistance to Indonesia or East Timor for human-
 14 itarian purposes.

15 **SEC. 3. CONDITIONS FOR THE TERMINATION OF MEAS-**
 16 **URES.**

17 (a) IN GENERAL.—The measures described in section
 18 1 shall apply with respect to the Government of Indonesia
 19 until the President determines and certifies to the appro-
 20 priate congressional committees that—

21 (1) a safe and secure environment exists in
 22 East Timor, that Timorese who were forced to flee
 23 the militia-led violence are able to safely return to
 24 East Timor, and that there is freedom of movement
 25 within East Timor;

1 (2) the United Nations Assistance Mission in
2 East Timor (UNAMET) can resume its mandate
3 pursuant to the June 11, 1999, authorization by the
4 United Nations Security Council without threat or
5 intimidation of its personnel;

6 (3) steps have been taken to implement the re-
7 sults of the August 30, 1999, vote on East Timor's
8 political status, which expressed the will of a major-
9 ity of the Timorese people; and

10 (4) the Armed Forces of the Republic of Indo-
11 nesia is conducting itself in a manner consistent
12 with its responsibilities to its citizens and its inter-
13 national commitments.

14 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means the Committee on Foreign
17 Relations and the Committee on Appropriations of the
18 Senate and the Committee on International Relations and
19 the Committee on Appropriations of the House of Rep-
20 resentatives.

21 **SEC. 4. SENSE OF CONGRESS.**

22 It is the sense of Congress that the United States
23 should strongly support the authorization of an inter-
24 national peacekeeping force for East Timor and support
25 such a force in an appropriate manner.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “East Timor Self-Deter-*
 3 *mination Act of 1999”.*

4 **SEC. 2. FINDING; PURPOSE.**

5 (a) *CONGRESSIONAL FINDING.*—Congress recognizes
 6 *that the Government of Indonesia took a positive and con-*
 7 *structive step by agreeing on September 12, 1999, to the*
 8 *deployment of an international peacekeeping force to East*
 9 *Timor.*

10 (b) *PURPOSE.*—The purpose of this Act is to encourage
 11 *the Government of Indonesia to take such additional steps*
 12 *as are necessary to create a peaceful environment in which*
 13 *the United Nations Assistance Mission in East Timor*
 14 *(UNAMET) can fulfill its mandate and implement the re-*
 15 *sults of the August 30, 1999, vote on East Timor’s political*
 16 *status.*

17 **SEC. 3. SUSPENSION OF ECONOMIC ASSISTANCE.**

18 (a) *MULTILATERAL ECONOMIC ASSISTANCE.*—

19 (1) *IN GENERAL.*—Except as provided in sub-
 20 *section (c), the Secretary of the Treasury shall in-*
 21 *struct the United States executive directors to the*
 22 *international financial institutions to oppose, and*
 23 *vote against, any extension by those institutions of*
 24 *any financial assistance (including any technical as-*
 25 *sistance or grant) of any kind to the Government of*
 26 *Indonesia.*

1 (2) *SENSE OF CONGRESS.*—*It is the sense of*
 2 *Congress that the international financial institutions*
 3 *should withhold the balance of any undisbursed ap-*
 4 *proved loans or other assistance to the Government of*
 5 *Indonesia.*

6 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS*
 7 *DEFINED.*—*In this subsection, the term “international*
 8 *financial institution” includes the International Mon-*
 9 *etary Fund, the International Bank for Reconstruc-*
 10 *tion and Development, the International Development*
 11 *Association, the International Finance Corporation,*
 12 *the Multilateral Investment Guaranty Agency, and*
 13 *the Asian Development Bank.*

14 (b) *RESTRICTION ON BILATERAL ECONOMIC ASSIST-*
 15 *ANCE.*—*Except as provided in subsection (c), none of the*
 16 *funds appropriated or otherwise made available to carry*
 17 *out chapter 1 of part I (relating to development assistance)*
 18 *or chapter 4 of part II (relating to economic support fund*
 19 *assistance) of the Foreign Assistance Act of 1961 may be*
 20 *available for Indonesia, except subject to the procedures ap-*
 21 *plicable to reprogramming notifications under section 634A*
 22 *of that Act.*

23 (c) *EXCEPTION.*—*Subsections (a) and (b) shall not*
 24 *apply to the provision of humanitarian assistance (such as*
 25 *food or medical assistance) to Indonesia or East Timor.*

1 (d) *CONDITIONS FOR TERMINATION.*—*The measures*
 2 *described in subsections (a) and (b) shall apply until the*
 3 *President determines and certifies to the appropriate con-*
 4 *gressional committees that the Government of Indonesia is*
 5 *cooperating with efforts by the international community to*
 6 *establish a safe and secure environment in East Timor and*
 7 *is taking significant steps to—*

8 (1) *end the violence perpetrated by units of the*
 9 *Indonesian armed forces and by armed militias op-*
 10 *posed to the independence of East Timor;*

11 (2) *enable displaced persons and refugees to re-*
 12 *turn home;*

13 (3) *ensure freedom of movement within East*
 14 *Timor, including access by humanitarian organiza-*
 15 *tions to all areas of East Timor; and*

16 (4) *enable UNAMET to resume its mandate,*
 17 *without threat or intimidation to its personnel.*

18 **SEC. 4. SUSPENSION OF SECURITY ASSISTANCE.**

19 (a) *PROHIBITIONS ON COOPERATION AND SUPPORT.*—

20 (1) *ASSISTANCE.*—*None of the funds appro-*
 21 *priated or otherwise made available under the fol-*
 22 *lowing provisions of law (including unexpended bal-*
 23 *ances of prior year appropriations) may be available*
 24 *for Indonesia:*

1 (A) *The Foreign Military Financing Pro-*
 2 *gram under section 23 of the Arms Export Con-*
 3 *trol Act.*

4 (B) *Chapter 2 of part II of the Foreign As-*
 5 *sistance Act of 1961 (relating to military assist-*
 6 *ance).*

7 (C) *Chapter 5 of part II of the Foreign As-*
 8 *sistance Act of 1961 (relating to international*
 9 *military education and training assistance).*

10 (2) *LICENSING.*—None of the funds appropriated
 11 *or otherwise made available under any provision of*
 12 *law (including unexpended balances of prior year ap-*
 13 *propriations) may be available for licensing exports*
 14 *of defense articles or defense services to Indonesia*
 15 *under section 38 of the Arms Export Control Act.*

16 (3) *DELIVERIES.*—No defense article or defense
 17 *service may be exported or delivered to Indonesia or*
 18 *East Timor by any United States person (as defined*
 19 *in section 16 of the Export Administration Act of*
 20 *1979 (50 U.S.C. app. 2415) or any other person sub-*
 21 *ject to the jurisdiction of the United States except as*
 22 *may be necessary to support the operations of an*
 23 *international peacekeeping force in East Timor or in*
 24 *connection with the provision of humanitarian assist-*
 25 *ance.*

1 (b) *CONDITIONS FOR TERMINATION.*—*The measures*
 2 *described in subsection (a) shall apply with respect to the*
 3 *Government of Indonesia until the President determines*
 4 *and certifies to the appropriate congressional committees*
 5 *that—*

6 (1) *a generally safe and secure environment ex-*
 7 *ists in East Timor, including—*

8 (A) *an end to the violence perpetrated by*
 9 *units of the Indonesian armed forces and by*
 10 *armed militias opposed to the independence of*
 11 *East Timor;*

12 (B) *the ability of displaced persons and ref-*
 13 *ugees to return home;*

14 (C) *freedom of movement within East*
 15 *Timor, including access by humanitarian orga-*
 16 *nizations to all areas of East Timor; and*

17 (D) *the ability of UNAMET to resume its*
 18 *mandate, without threat or intimidation to its*
 19 *personnel;*

20 (2) *the armed forces of Indonesia clearly—*

21 (A) *have ceased engaging in violence in*
 22 *East Timor;*

23 (B) *have ceased their support and training*
 24 *of armed militias opposed to the independence of*
 25 *East Timor; and*

1 (C) are withdrawing their forces from East
 2 Timor in cooperation with a United Nations-su-
 3 pervised process of transferring sovereignty to an
 4 independent East Timor; and
 5 (3) significant steps have been taken to imple-
 6 ment the results of the August 30, 1999, vote on East
 7 Timor’s political status, which expressed the will of a
 8 majority of the Timorese people.

9 **SEC. 5. MULTILATERAL EFFORTS.**

10 The President should continue to coordinate with other
 11 countries, particularly member states of the Asia-Pacific
 12 Economic Cooperation (APEC) Forum, to develop a com-
 13 prehensive, multilateral strategy to further the purposes of
 14 this Act, including urging other countries to take measures
 15 similar to those described in this Act.

16 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
 17 **FINED.**

18 In this Act, the term “appropriate congressional com-
 19 mittees” means the Committee on Foreign Relations and
 20 the Committee on Appropriations of the Senate and the
 21 Committee on International Relations and the Committee
 22 on Appropriations of the House of Representatives.

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