

pro-democracy camp by surprise. Led by Chairman Martin Lee, the Democratic Party won 19 out of the 25 seats they contested, while allies of the Democrats secured eight more seats in the 60-seat Legislative Council. Before the vote, campaign staff had privately anticipated the party winning about 15 seats.

China-backed candidates fared worse than expected. The pro-China Democratic Alliance for the Betterment of Hong Kong won six seats. But the party's top leadership, including Chairman Tsang Yok Sing, a Marxist schoolteacher, were defeated by pro-democratic candidates.

Sunday's vote, Hong Kong's broadest exercise in democracy, represented the culmination of political reforms first introduced by Gov. Chris Patten three years ago. Riled by those reforms, China has already vowed to dissolve Hong Kong's Legislature when it takes control of the territory July 1, 1997.

For Hong Kong's pro-democracy camp, which also swept the 1991 elections, the performance was a vindication of its hardline approach to dealing with China. "It has certainly quelled all our doubts as to whether we enjoy the support of the Hong Kong people," Mr. Lee said. The results signaled that "Hong Kong people love democracy, they love the rule of law, they want their rights preserved."

Throughout the campaign, China-backed candidates attacked the Democrats and their allies for their inability to enter into a dialogue with Beijing. Meanwhile, the pro-democracy candidates campaigned on their willingness to stand tough against Beijing on issues such as preserving Hong Kong's rule of law. Democrats campaigned hard against a compromise agreement between China and Britain on Hong Kong's future court of final appeal, which they argue will destroy the independence of Hong Kong's judiciary.

China's official Xinhua news agency, reporting on the election, avoided any mention of the Democrats' victory. "The results of the Hong Kong Legislative Council elections showed that hope for a smooth transition and love of the motherland and Hong Kong remain the main trend in Hong Kong," a Xinhua spokesman was quoted as saying. The spokesman nonetheless branded the elections as "unfair and unreasonable."

[From the Wall Street Journal, Sept. 19, 1995]

#### ONE CHINA?

Coming on the heels of all the recent thunder out of China, the Hong Kong elections have a significance reaching far beyond one island. Especially since the anti-Beijing outcome is certain to be repeated in legislative elections in Taiwan in December, it's time for the U.S. and other democracies to review the basics of their China policy.

The "one China" policy was originally set out in the famous 1972 Shanghai communique. The U.S. declared that it "acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves." (In the same communique, China declared "China will never be a superpower and its opposes hegemony and power politics of any kind.")

When the U.S. established diplomatic relations with Beijing and suspended them with Taiwan in 1978, the joint communique stated that "the people of the United States will maintain cultural, commercial and other unofficial relations with the people of Taiwan." In a unilateral statement at the same time, the U.S. declared that it "expects that the

Taiwan issue will be settled peacefully by the Chinese themselves." These understandings were codified into U.S. law by the Taiwan Relations Act of 1979.

In 1982, when the U.S. agreed to reduce arms sales to Taiwan, President Reagan issued a statement that the policy was based on "the full expectation that the approach of the Chinese government to the resolution of the Taiwan issue will continue to be peaceful." He added, a "We will not interfere in this matter or prejudice the free choice of, or put pressure on, the people of Taiwan in this matter."

These are the principles that the U.S. has followed ever since Richard Nixon and Henry Kissinger started the rapprochement with China. They stress above all that reunification should be peaceful. And they include a not-so-tacit premise that reunification is the desire of Chinese people on *both* sides of the Taiwan Strait, a premise that looks increasingly dubious.

To sharpen the point, throughout the history of the "one China" policy the United States has studiously avoided any suggestion that it would participate in forcing Taiwan into China against the will of its people. Of course this is precisely what Beijing wants when it talks of "one China" or "sovereignty" or an "internal matter." The course of events is splitting this delicate straddle, and a yes-or-no answer may impend.

This is why China threw a tantrum over the visit to Cornell by Taiwanese President Lee Teng-hui, though to use a college reunion looks like the unofficial relations contemplated by the 1978 communique. The missile tests splashing down north of Taiwan were a clumsy effort to intimidate the electorate there. President Lee has been pushing for more recognition of Taiwan in international organizations such as the World Trade Organization and the International Monetary Fund. The opposition party takes the position that Taiwan already is an independent nation; it holds a third of the parliamentary seats, and expects to gain in December.

China's efforts at intimidation will surely backfire, as they so clearly did in Hong Kong. While branded as "unpatriotic" and "subversive," Hong Kong's Democratic Party carried 12 of 20 contested seats, while like-minded independents took four more. Democratic leader Martin Lee got 80% of the votes in his own constituency, the highest margin of any candidate. The main pro-Beijing grouping, the DAB, captured only two seats, while its chairman and vice chairman were trounced in their races. These results confounded the public opinion polls, no doubt because residents did not give truthful answers to callers who might be reporting to Beijing.

It's easy enough to understand why voters in Hong Kong or Taiwan would have doubts about being ruled by the present government of China. It's been prone to lurches such as the Cultural Revolution and the post-Tiananmen crackdown. But at the same time, the current Chinese leadership can rightly feel that it has done much for its people over the past decade, by unleashing the economy and hastening development. In particular, an educated middle class has already started to emerge. The shape of China's transition, internal and external, will be determined by Chinese, but America and the Western World can help or hurt the prospects. With the Cold War over, surely there are few more important diplomatic tasks than incorporating a quarter of mankind into a peaceful and prosperous world system.

What China most of all needs from the world's remaining superpower is a constancy that has been sorely lacking. The world

would have been far better off if the Clinton Administration had from the first said it would decide who could visit Ithaca. China did in the end release Harry Wu, after all, and has agreed to negotiate a code of conduct concerning the disputed and possibly oil-rich Spratly Islands. Beijing, that is, is perfectly capable of acting responsibly if someone stands up and asks it to.

The U.S. should be telling the Chinese authorities something like this: That the U.S. intends to maintain its historic "one China" policy, wishing the Han people well in efforts to forge one nation, but steadfastly opposing the use of force. That it's unthinkable that the U.S. would try to coerce a democratic Taiwan into an unwilling union, and seeking such an American commitment will be disruptive and counterproductive. That with the incorporation of Hong Kong in 1997, China will have an opportunity to show good faith by keeping its promise of a high degree of autonomy. That bringing Hong Kong to heel, destroying its institutions, is the last policy likely to result in a one China.

#### AMENDMENTS SUBMITTED

#### THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT FOR FISCAL YEAR 1996

#### DOLE (AND HELMS) AMENDMENT NO. 2707

Mr. HELMS (for Mr. DOLE for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the end of the committee amendment, add the following new title:

#### TITLE VII—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

##### SEC. 701. SHORT TITLE.

This title may be cited as the "Foreign Affairs Reinvention Act of 1995".

##### SEC. 702. PURPOSES.

The purposes of this title are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly

the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

#### **CHAPTER 1—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES**

##### **SEC. 711. REORGANIZATION OF THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.**

###### **(a) SUBMISSION OF REORGANIZATION PLANS.—**

(1) **IN GENERAL.**—The President is authorized to transmit to the appropriate congressional committees a reorganization plan or plans providing for the streamlining and consolidation of the foreign affairs agencies of the United States in order to carry out the purposes of section 702.

(2) **ABOLITION OF AT LEAST TWO OF THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.**—The authority of paragraph (1) includes the authority to submit a plan providing for—

(A) the abolition of independent foreign affairs agencies which are described in at least two of the following clauses:

(i) The United States Arms Control and Disarmament Agency;

(ii) The United States Information Agency; and

(iii) The Agency for International Development and the International Development Cooperation Agency (exclusive of any component expressly established by statute); and

(B) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under subparagraph (A);

(C) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies abolished pursuant to subparagraph (A) which are classified at each of levels II, III, and IV of the Executive Schedule;

(D) the reorganization and streamlining of the Department of State;

(E) the achievement of a cost savings of at least \$3,000,000,000 over 4 years through the consolidation of agencies;

(F) the enhancement of the formulation, coordination, and implementation of policy; and

(G) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints.

(b) **PLAN ELEMENTS.**—Each plan under subsection (a), consistent with the provisions of this title, shall—

(1) identify the functions of the independent foreign affairs agency or agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agency or agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the agency or agencies, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the

functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agency or agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agency or agencies;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agency or agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department; and

(8) contain a certification by the Director of the Office of Management and Budget that the Director estimates that the plan will achieve a budgetary cost savings to the Federal Government of at least \$3,000,000,000 during the first four years after the plan becomes effective.

(c) **LIMITATIONS ON CONTENTS OF PLAN.**—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a), except that—

(1) the President may not withdraw a plan prior to the conclusion of the 60-day period of continuous session of Congress following the date on which the plan is submitted; and

(2) the plan may not establish a new agency or other independent entity within the executive branch of Government.

(d) **EFFECTIVE DATE OF PLAN.**—(1)(A) A plan transmitted under subsection (a) shall become effective on a date which is 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress, unless the Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(B) Except as otherwise provided in this chapter, any provision of a plan submitted under subsection (a) may take effect later than the date on which the plan becomes effective.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) **CONGRESSIONAL PRIORITY PROCEDURES.**—

(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered \_\_\_\_ transmitted to the Congress by the President on \_\_\_, 19\_\_", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States

Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) **ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.**—If the President does not transmit to Congress within six months after the date of enactment of this Act a single reorganization plan meeting the requirements of subsection (a)(2), or does not fully implement a plan so transmitted and made effective under this section, then the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency (exclusive of components expressly established by statute or reorganization plan) shall be abolished as of March 1, 1997, and the functions of such agencies shall be transferred in accordance with section 712.

(g) **DEFINITIONS.**—As used in this section—

(1) the term "foreign affairs agencies" means the Department of State and the independent foreign affairs agencies; and

(2) the term "independent foreign affairs agencies" means such Federal agencies (other than the Department of State) that solely perform functions that are funded under major budget category 150 and includes the United States Arms Control and Disarmament Agency, the United States Information Agency, the Agency for International Development, and the International Development Cooperation Agency.

##### **SEC. 712. TRANSFERS OF FUNCTIONS.**

(a) **DEPARTMENT OF STATE.**—In the event of the abolition of the agencies specified in section 711(f) in accordance with that subsection, there are transferred to, and vested in, the Secretary of State on March 1, 1997, all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of such agencies, the agencies themselves, or officers, employees, or components thereof, immediately prior to such date, except as otherwise provided in this section.

(b) **BROADCASTING BOARD OF GOVERNORS.**—There are transferred to, and vested in, a broadcasting board of governors to be established within the Department of State on March 1, 1997, all functions vested by law in, or exercised by, the Broadcasting Board of Governors of the United States Information Agency as of the day before that date.

##### **SEC. 713. VOLUNTARY SEPARATION INCENTIVES.**

(a) **AUTHORITY TO PAY INCENTIVES.**—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) **COVERED AGENCIES.**—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) **PAYMENT REQUIREMENTS.**—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with

the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) **FUNDING.**—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) **TERMINATION OF AUTHORITY.**—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

#### SEC. 714. TRANSITION FUND.

(a) **ESTABLISHMENT.**—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) **PURPOSE.**—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) **DEPOSITS.**—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) **TRANSFER OF FUNDS TO SECRETARY OF STATE.**—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) **USE OF FUNDS.**—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be

abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 713.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) **TREATMENT OF UNOBLIGATED BALANCES.**—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) **REPORT ON ACCOUNT.**—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) **TERMINATION OF AUTHORITY TO USE ACCOUNT.**—The Secretary may not obligate funds in the account after September 30, 1999.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

#### SEC. 715. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

#### SEC. 716. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) **IN GENERAL.**—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment

shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) **TERMINATION OF CERTAIN POSITIONS.**—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transfer of the functions under this title.

(d) **EXCEPTED SERVICE.**—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) **EMPLOYEE BENEFIT PROGRAMS.**—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) **SENIOR EXECUTIVE SERVICE.**—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) **ASSIGNMENTS.**—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transfer of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

#### SEC. 717. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) **TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.**—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

#### **SEC. 718. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.**

(a) **APPOINTMENTS.**—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transfer of functions under this title.

(b) **EXPERTS AND CONSULTANTS.**—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

#### **SEC. 719. PROPERTY AND FACILITIES.**

(a) **IN GENERAL.**—The Secretary of State shall review the property and facilities of each transferor agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) **DEADLINE FOR TRANSFER.**—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

#### **SEC. 720. DELEGATION AND ASSIGNMENT.**

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

#### **SEC. 721. RULES.**

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

#### **SEC. 722. INCIDENTAL TRANSFERS.**

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

#### **SEC. 723. EFFECT ON CONTRACTS AND GRANTS.**

(a) **PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.**—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) **EXCEPTION.**—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) **EVALUATION AND TERMINATION OF EXISTING CONTRACTS.**—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

#### **SEC. 724. SAVINGS PROVISIONS.**

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules,

regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—The provisions of this title shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **SUITS NOT AFFECTED.**—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

#### **SEC. 725. SEPARABILITY.**

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

#### **SEC. 726. TRANSITION.**

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 727. ADDITIONAL CONFORMING AMENDMENTS.**

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this title.

**SEC. 728. FINAL REPORT.**

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

**SEC. 729. DEFINITIONS.**

For purposes of this chapter, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(l) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferee agency" means—  
(A) the Department of State, with respect to functions transferred under section 712(a), or as otherwise specified in a reorganization plan under this title; and

(B) the Broadcasting Board of Governors of the Department of State, with respect to functions transferred under section 712(b); and

(6) the term "transferor agency" refers to—

(A) each of the agencies specified in section 711(f), except that in the case of the functions of the Broadcasting Board of Governors, the transferor agency is the Broadcasting Board of Governors within the United States Information Agency; and

(B) Such other agency or instrumentality as may be specified in a reorganization plan under this title.

**SEC. 730. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.**

(a) **END FISCAL YEAR 1996 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) **END FISCAL YEAR 1997 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) **END FISCAL YEAR 1998 LEVELS.**—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

**CHAPTER 2—COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS****SEC. 741. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.**

(a) **AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.**—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country."

(b) **REVIEW OF PROCEDURES FOR COORDINATION.**—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

**BROWN (AND OTHERS)  
AMENDMENT NO. 2708**

Mr. BROWN (for himself, Mr. HARKIN and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1868, *supra*; as follows:

At the end of the committee amendment on page 15, line 17 through page 16, line 24, insert the following:

**SEC. . CLARIFICATION OF RESTRICTIONS.**

(a) **IN GENERAL.**—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking the words "No assistance" and inserting the words "No military assistance";

(B) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance is to be fur-

nished or military equipment or technology"; and

(C) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States military assistance".

(D) by inserting "(1)" immediately after "(e)"; and

(E) by adding the following new paragraph:

"(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990."; and

(2) by adding at the end the following new subsections—

"(f) **STORAGE COSTS.**—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) **INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.**—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed \$25 million."

"(h) **BALLISTIC MISSILE SANCTIONS NOT AFFECTED.**—Nothing contained herein shall affect sanctions for transfers of missile equipment or technology required under section 11B of the Export Administration Act of 1979 or section 73 of the Arms Export Control Act."

**D'AMATO (AND OTHERS)  
AMENDMENT NO. 2709**

Mr. D'AMATO (for himself, Mr. PRES-  
SLER, Ms. SNOWE, Mr. SARBANES, and

Mr. KERRY) proposed an amendment to the bill H.R. 1868, *supra*; as follows:

At the appropriate place in the bill, insert the following:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. \_\_\_\_\_. Not more than \$21,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: "Provided further, That \$10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: \$5,000,000 for the Department of the Treasury, and \$5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses".

KASSEBAUM (AND OTHERS)  
AMENDMENT NO. 2710

Mr. McCONNELL (for Mrs. KASSEBAUM, for herself, Mr. FEINGOLD, and Mr. SIMON) proposed an amendment to the bill H.R. 1868, *supra*; as follows:

At the appropriate place in the bill, insert the following:

LIBERIA

SEC. \_\_\_\_\_. (a) The Congress finds that—

(1) the war in Liberia begun in 1989 has devastated that country, with more than 150,000 people killed, 800,000 people forced to flee to other countries, and thousands of children conscripted into the rebel armies;

(2) after nearly six years of conflict, on August 19, 1995, the Liberia factions signed a peace agreement in Abuja, Nigeria; and

(3) the Liberian faction leaders and regional powers appear to be committed to the most recent peace accord, including the installation of the new ruling council.

(b) It is the sense of the Congress that the United States should strongly support the peace process in Liberia, including diplomatic engagement, support for the west Africa peacekeeping force, humanitarian assistance, and assistance for demobilizing troops and for the resettlement of refugees.

(c) Section 1(b)(2) of Public Law 102-270 is amended by striking "to implement the Yamoussoukro accord".

REID AMENDMENT NO. 2711

Mr. REID proposed an amendment to the bill H.R. 1868, *supra*; as follows:

At the appropriate place, insert the following new section:

SEC. \_\_\_\_\_. **FEDERAL PROHIBITION OF FEMALE GENITAL MUTILATION.**

(a) TITLE 18 AMENDMENT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation."

(b) INFORMATION AND EDUCATION REGARDING FEMALE GENITAL MUTILATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the following activities:

(A) Compile data on the number of females living in the United States who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(B) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(C) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(2) DEFINITION.—For purposes of this subsection, the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(c) EFFECTIVE DATES.—

(1) Subsection (b) shall take effect immediately, and the Secretary of Health and Human Services shall commence carrying it out not later than 90 days after the date of the enactment of this Act.

(2) Subsection (a) shall take effect 180 days after the date of the enactment of this Act.

MURKOWSKI (AND OTHERS)  
AMENDMENT NO. 2712

Mr. MURKOWSKI (for himself, Mr. MCCAIN, Mr. HELMS, and Mr. NICKLES) proposed an amendment to the bill H.R. 1868, *supra*, as follows:

At the appropriate place insert the following:

AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 575. (a) This section may be cited as the "Authorization for Implementation of

the Agreed Framework Between the United States and North Korea Act".

(b)(1) The purpose of this section is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(2) Nothing in this section requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

(c)(1) The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(2) No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(d) None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(e)(1) The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in subsection (g), the additional requirements set forth in subsection (h), and the nuclear nonproliferation requirements of subsection (i).

(2) As used in this subsection, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

(f)(1) If North Korea does not maintain the freeze of its graphite-moderated nuclear program as defined in the Agreed Framework, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(A) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(B) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(C) the President shall oppose steps to export heavy oil to North Korea by all other countries in the Korean Peninsula Energy Development Organization.

(2) Whoever violates paragraph (1)(A) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

(g) The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework under the timetable set forth therein, as determined by the Agency after—

(1) conducting inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

(h) The additional requirements referred to in subsections (d) and (e) are the following,

as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea no longer meets the criteria for inclusion on the list maintained by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979 of countries the governments of which repeatedly provide support for acts of international terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

(i) The nuclear nonproliferation requirements referred to in subsections (d) and (e) are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to account fully for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all graphite-based nuclear reactors in North Korea, including reprocessing facilities, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(j) The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

(k) The President may waive the application of subsection (g), (h), (i), or (j) if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

(1) Beginning 6 months after the date of enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(A) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this subtitle;

(B) a statement of the progress made on construction of light-water reactors, including a statement of all contributions, direct and indirect, made by any country to the Korean Peninsula Energy Development Organi-

zation from the date of signature of the Agreed Framework to the date of the report;

(C) a statement of all contributions, direct or indirect, by any country which is not a member of the Korean Peninsula Energy Development Organization for implementation of the Agreed Framework;

(D) a statement of all expenditures made by the Korean Peninsula Energy Development Organization, either directly or indirectly, for implementation of the Agreed Framework;

(E) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in subsection (g);

(F) a statement whether North Korea is transferring missiles or missile technology to other countries, including those countries that are state sponsors of international terrorism;

(G) a description of any new developments or advances in North Korea's nuclear weapons program;

(H) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(I) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(J) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(K) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(L) a description of any action taken by the President under subsection (f)(1)(B).

(2) To the maximum extent possible, the President should submit the report in unclassified form.

(1) As used in this section:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) IAEA SAFEGUARDS.—The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) INSPECTIONS.—The term "inspections" means inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement, including special inspection of undeclared information or locations if the IAEA cannot account for nuclear material and is therefore unable to verify that there has been no diversion of nuclear materials.

#### MACK AMENDMENT NO. 2713

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

#### LIMITATION ON INTER-AMERICAN BANK FINANCING FOR BARBADOS

SEC. \_\_\_\_\_. The Secretary of the Treasury shall instruct the United States executive director of the Inter-American Development Bank hereafter to work in opposition to, and vote against, any extension by the Bank of any loan or other utilization of the resources of the Bank to or for Barbados until the Government of Barbados agrees to enter into mediation to resolve the claim against it by G.W. Martin, Incorporated, of Pompano Beach, Florida, in connection with work performed under a contract for marine construction.

#### SPECTER (AND HELMS) AMENDMENT NO. 2714

Mr. McCONNELL (for Mr. SPECTER, for himself and Mr. HELMS) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 81, line 21, strike "paragraph" and insert "paragraphs."

On page 81, line 23, after "enforcement," insert the following:

"(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy."

#### McCONNELL AMENDMENT NO. 2715

Mr. McCONNELL proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 67, line 11, add the following section:

(b) Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under such contracts. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

#### MACK AMENDMENT NO. 2716

Mr. McCONNELL (for Mr. MACK) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.



(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess a total of \$5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10, 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the support for Eastern Democracy Act of 1989; or

(2) for which in excess of \$1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas private Investment Corporation.

#### STEVENS AMENDMENT NO. 2717

Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 1868, supra; as follows:

Add the following in the appropriate section:

"To the maximum extent possible, the funds provided by this Act shall be used to provide surveying and mapping related services through contracts entered into through competitive bidding to qualified U.S. contractors."

#### BINGAMAN AMENDMENT NO. 2718

Mr. MCCONNELL (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place, insert the following:

#### SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

#### MACK AMENDMENTS NOS. 2719-2721

Mr. MCCONNELL (for Mr. MACK) proposed three amendments to the bill H.R. 1868, supra; as follows:

#### AMENDMENT NO. 2719

On page 39, after line 19, insert the following: "Provided further, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States."

#### AMENDMENT NO. 2720

At the appropriate place in the bill, insert the following new section:

#### SEC. . REPORTS REGARDING HONG KONG.

(a) EXTENSION OF REPORTING REQUIREMENT.—Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1)—

(1) by inserting "March 31, 1996," after "March 31, 1995,"; and

(2) by striking "and March 31, 2000," and inserting "March 31, 2000, and every year thereafter,".

(b) ADDITIONAL REQUIREMENTS.—In light of deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that reports required to be submitted under that section on or after the date of enactment of this Act include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) the openness and fairness of elections to the legislature;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

#### AMENDMENT NO. 2721

At the appropriate place in the bill, insert the following new section:

#### SEC. . INDEX OF ECONOMIC FREEDOM.

(a) REPORTING REQUIREMENT.—The President shall include in the congressional presentation materials on United States bilateral economic assistance submitted to the appropriate congressional committees for a fiscal year a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors and include economic freedom criteria regarding policies wage and price controls, state ownership of production and distribution, state control of financial institutions, trade and foreign investment, capital and profit repatriation, tax and private property protections.

#### LEAHY (AND OTHERS)

#### AMENDMENT NO. 2722

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mr. DODD, and Mr. SARBANES)

proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

#### SEC. —. HONDURAS.

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

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were reportedly 184 unsolved cases of persons who were allegedly "disappeared." They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316, but in its 1993 human rights report the State Department stated that "There are no political prisoners in Honduras."

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

#### SMITH (AND OTHERS)

#### AMENDMENT NO. 2723

Mr. SMITH (for himself, Mr. THOMAS, Ms. SNOWE, Mr. HELMS, and Mr. DOLE) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of the Committee amendment, add the following:

#### PROHIBITION ON FINANCIAL ASSISTANCE TO THE SOCIALIST REPUBLIC OF VIETNAM

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to establish most-favored-nation trading status with the Socialist Republic of Vietnam, or to extend financing or other financial assistance to the Socialist Republic of Vietnam from the Export-Import Bank of the United States, Overseas Private Investment Corporation, or Trade and Development Agency unless the President—

(1) provides Congress with the original case-by-case analytical assessments on unaccounted for American servicemen from the Vietnam Conflict which were completed by the Defense POW/MIA Office in July, 1995; and

(2) certifies to Congress that the Socialist Republic of Vietnam is being fully cooperative and fully forthcoming, on the basis of information available to the United States Government, in the four areas stipulated by the President, namely—

(A) concrete results from efforts by Vietnam to recover and repatriate American remains;

(B) continued resolution of discrepancy cases, live-sightings, and field activities,

(C) further assistance in implementing trilateral investigations with the Lao; and

(D) accelerated efforts to provide all documents that will help lead to the fullest possible accounting of POW/MIAs; and

(3) certifies to Congress, after consultation with the Director of Central Intelligence, that the Socialist Republic of Vietnam is being fully forthcoming in providing the United States with access to those portions of wartime Central Committee-level records and reports that pertain to the subject of Americans captured or held during the Vietnam War by North Vietnamese, Pathet Lao, or Vietcong forces in Vietnam, Laos, and Cambodia; and



(4) certifies to Congress that the Government of the Socialist Republic of Vietnam is making substantial progress to address United States concerns about the continued suppression of the nonviolent pursuit of democratic freedoms by the people of Vietnam, including freedom of expression and association, and the continued imprisonment of political and religious leaders, including American citizens.

### NOTICE OF HEARING

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Derrick Forrister to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy; Patricia Beneke to be Assistant Secretary for Water and Science, Department of the Interior; Eluid Martinez to be Commissioner of the Bureau of Reclamation, Department of the Interior; and Charles William Burton to be a member of the Board of Directors of the United States Enrichment Corporation.

The hearing will take place Thursday, September 28, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224-5070.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, to conduct a markup of the Banking Committee's submission to the Budget Committee for reconciliation.

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

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 20, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

#### COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 20, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building

for a markup of the nomination of Paul M. Homan to be Special Trustee for the Office of Special Trustee for American Indians in the Department of the Interior and to consider the implementation of Title III, Public Law 101-630, the National Indian Forest Resources Management Act.

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

#### COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 10:00 a.m. to hold a hearing on "The Copyright Term Extension Act of 1995, S. 483."

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

#### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an Executive Session, during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m.

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

#### COMMITTEE ON SMALL BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 2:30 p.m., in room 428A Russell Senate Office Building, to conduct a hearing focusing on Tax Issues Impacting Small Business.

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

#### COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation at 10:00 a.m. on Wednesday, September 20, 1995. The markup will be held in room 418 of the Russell Senate Office Building.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 20, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

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

#### SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, September 20, 1995, at 2 p.m., in the Dirksen Senate Office Building in room G50, on "Ruby Ridge Incident."

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

### ADDITIONAL STATEMENTS

THE CONROY-RENYE-MCNEIL VFW POST 4422: 50 YEARS OF SERVICE TO THE COMMUNITY OF TAYLOR, MI

• Mr. LEVIN. Mr. President, on Saturday, September 23, 1995, the Conroy-Renye-McNeil VFW Post 4422 in Taylor, MI is holding a special banquet commemorating 50 years of service to the community of Taylor, MI.

VFW Post 4422 was chartered on September 15, 1945 and was named in honor of Army Pvt. Robert Francis Conroy, Marine Buckley Renye and Navy Seaman Robert McNeil. Messrs. Conroy, Renye, and McNeil were the first citizens from Taylor, MI, to lose their lives while bravely serving the United States in World War II.

In honor of these three brave gentlemen from Taylor, MI, and in honor of all of the fine American men and women who served our country in times of war, the members of VFW Post 4422 have dedicated their efforts and resources for the last 50 years to provide community service projects for the Taylor community.

The community service projects that the members of VFW Post 4422 are involved in include: Youth programs, drug awareness programs, Americanism education, programs for senior citizens, programs for needy families and programs for veterans, their families, widows and orphans. The members of post 4422 are also especially proud of their efforts in 1983 when the Post collected and sent 1,500 Christmas gifts to our troops in Beirut.

Mr. President, the members of VFW Post 4422 have not only proudly served our country in military service, but they have continued to serve our country through their commitment to their community. The members of the Conroy-Renye-McNeil VFW Post 4422 deserve the Senate's congratulations as they mark their 50th year of service to the community of Taylor, MI. They also deserve our appreciation and gratitude for all of the good deeds that they have done and continue to do. •

### JENNINGS RANDOLPH LAKE PROJECT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, Senate Joint Resolution 20, relating to the Jennings Randolph Lake project; that the resolution be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

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

So the joint resolution (S.J. Res. 20) was deemed read the third time and passed, as follows: