

This Supplementary Treaty is designed to facilitate the extradition of terrorists, and is similar to the protocols to extradition treaties currently in force with other countries, including Australia, Canada, Spain, the Federal Republic of Germany, and the United Kingdom. Upon entry into force, the Supplementary Treaty will amend the Treaty for the Mutual Extradition of Fugitives from Justice, signed at Washington on October 26, 1901, as amended by the Supplementary Conventions, signed at Washington on June 20, 1935, at Brussels on November 14, 1963, if that Treaty is still in force, or the Extradition Treaty Between the United States and Belgium signed at Brussels on April 27, 1987.

I recommend that the Senate give early and favorable consideration to the Supplementary Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 9, 1995.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Swiss Confederation, signed at Washington on November 14, 1990. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Treaty.

The Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Switzerland. Most significantly, it substitutes a dual-criminality clause for a current list of extraditable offenses, so that the new Treaty will cover numerous offenses not now covered by our extradition treaty with Switzerland, including certain narcotics offenses, important forms of white collar crime, and parental child abduction. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combatting terrorism by excluding from the scope of the political offense exception offenses typically committed by terrorists for which both the United States and Switzerland have an obligation under a multilateral international agreement to extradite or submit to their authorities for the purpose of prosecution. These offenses include aircraft hijacking, aircraft sabotage, crimes against internationally protected persons (including diplomats), and hostage-taking.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Extradition Treaty of May 14, 1900, and the Supplementary Extradition Treaties of January 10, 1935, and January 31, 1940, Be-

tween the United States of America and the Swiss Confederation.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 9, 1995.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-955. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on accounting for U.S. assistance under the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-956. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the extent of compliance of the independent states of the former Soviet Union with the Biological Weapons Conventions; to the Committee on Armed Services.

EC-957. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1993 consolidated annual report on fair housing programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-958. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to intermarket coordination; to the Committee on Banking, Housing, and Urban Affairs.

EC-959. A communication from the Secretary of Housing, and Urban Development, transmitting, pursuant to law, a report relative to a collaboration between the National Science Foundation and the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-960. A communication from the General Counsel of the Department of Treasury and the General Counsel of the Department of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Federal Home Loan Bank System Restructuring and Modernization Act of 1995"; to the Committee on Banking, Housing, and Urban Affairs.

EC-961. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the availability of housing close to places of employment; to the Committee on Banking, Housing, and Urban Affairs.

EC-962. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "American Community Partnerships Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC-963. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-964. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the exchange stabilization fund; to the Committee on Banking, Housing, and Urban Affairs.

EC-965. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-966. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to U.S. transactions with the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC-967. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to intermarket coordination; to the Committee on Banking, Housing, and Urban Affairs.

EC-968. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the number and condition of savings associations; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of June 8, 1995, the following reports of committees were submitted on June 9, 1995:

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4: A bill to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence (Rept. No. 104-96).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HEFLIN (for himself and Mr. KYL):

S. 914. A bill to delineate acceptable drug testing methods, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 915. A bill to govern relations between the United States and the Palestine Liberation Organization (PLO), to enforce compliance with standards of international conduct, and for other purposes; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, and Mr. HARKIN):

S. 916. A bill to amend the Individuals with Disabilities Education Act to extend the Act, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN (for himself and Mr. KYL):

S. 914. A bill to delineate acceptable drug testing methods, and for other purposes; to the Committee on the Judiciary.

DRUG TESTING LEGISLATION

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which will allow law enforcement to choose from

a variety of drug testing processes. I believe that it is important to fight drug abuse and supply law enforcement agencies with all the available tools. By expanding the range of acceptable drug testing methods State and Federal agencies will be able to weigh the costs and benefits of the different processes to determine the one which best suits their needs. Congress should not enact legislation that limits drug testing alternatives but should let the agencies, with their expertise, make informed choices.

This bill will amend the recently passed Violent Crime Control and Law Enforcement Act of 1994 in three areas. The amendments would strike the references to urinalysis as the only drug testing method specifically listed pursuant to conditions of supervised release, conditions of parole, conditions of probation, and residential substance abuse treatment for prisoners. In its place it will include but not limit the choices of testing to: urine, hair, and blood testing. This will ensure that State and local agencies can make use of innovative technology.

When drug testing was first introduced, the methods available for testing provided only narrow windows of detection with limited accuracy. This bill will encourage law enforcement to incorporate new technology, such as hair analysis, into their current drug testing regimes.

Field studies conducted by the National Institute of Justice show that hair analysis is more effective than urine testing in detecting cocaine, PCP, and opiate users. Also, this innovative form of drug testing promises to be a less invasive, and potentially more revealing, alternative to urine screening. Finally the individual will probably find that snipping a lock of hair is far less offensive than asking for urine samples.

The bottom line is that drug use among prisoners on probation, parole, and early release is a constant concern of law enforcement. If there are means of testing which are reliable and detect abuse over greater time periods than those tests should be available and encouraged. The new drug testing technologies have such capability and this bill would simply add them to the list already set forth into law pursuant to enactment of the Violent Crime Control Act of 1994.

Mr. KYL. Mr. President, I am pleased to join Senator HEFLIN in introducing this bill on hair analysis. As noted in the January 1993, "Research in Brief," published by the National Institute of Justice, "Hair testing is relatively well established and * * * has several advantages over urine in testing for drugs."

First, hair greatly expands the time window for detection of an illicit drug. Generally, urine tests determine if drugs have been used in the past 2 to 4 days, but hair provides a 90-day history of information.

Second, brief periods of abstinence from drugs will not significantly alter the outcome of hair analysis. Additionally, hair analysis cannot be evaded as in urinalysis, where drug users can substitute clean samples or tamper with specimens. Drug residues remain permanently embedded in hair. They cannot be washed or bleached out.

Third, hair is easy to handle, and requires no special storage facilities or conditions. Compared with urine samples, it presents fewer risks of disease transmission.

Fourth, because hair records drug use chronologically and in amounts proportional to those consumed, the pattern and quantity of drug abuse is also provided.

Fifth, collecting comparable samples for repeat testing is easier with hair than with urine; a cosmetically undetectable snip of hair is easily collected under close supervision without causing the embarrassment of providing a urine sample.

Sixth, contaminating or altering a sample to distort or manipulate test results is much more difficult with hair than with urine. Furthermore, if the results of the first test are challenged, a second, newly collected sample can be analyzed as a safety net. This is not possible with urine because the original 3-day surveillance window will have passed and the subject can merely abstain from drug use in the few days prior to submitting a new sample.

In sum, the availability of hair analysis will give law enforcement another tool for drug testing.

By Mr. D'AMATO:

S. 915. A bill to govern relations between the United States and the Palestine Liberation Organization (PLO), to enforce compliance with standards of international conduct, and for other purposes.

MIDDLE EAST PEACE COMPLIANCE ACT OF 1995

Mr. D'AMATO. Mr. President, I rise today to introduce the Middle East Peace Compliance Act of 1995.

The fact of the matter is simple. The PLO is not complying with its responsibilities. It has failed to restrain the radicals in Gaza; it has failed to change the PLO Covenant; and it has failed to come clean with the amount of its assets. Most importantly, the PLO's overwhelming failure to restrain the radical elements within its areas of control is an insult to Israel and everyone who had placed hope in Yasir Arafat's ability to deliver the peace. In return for all of this is the fact that the United States will be sending \$100 million to the PLO and Palestinian authorities over the next year, if the administration is allowed to have its way.

Mr. President, while it is plain to see that the PLO has not lived up to its commitments, despite the State Department's protests to the contrary, one need only to look at the facts to understand the situation. Between September 13, 1993, the signing of the Dec-

laration of Principles, and May 4, 1994, the beginning of Gaza-Jericho self-rule, there were 373 attacks, with 110 Israelis killed, 70 of them civilians. There are said to be thousands of illegal weapons in the Gaza-Jericho area, at least 26,000, according to the Israeli newspaper Maariv.

Furthermore, reports by independent peace monitors, the Judge Advocate General of the Israel Defense Forces [IDF] and the Congressional Peace Accords Monitoring [PAM] Group point to an additional and consistently widening pattern of PLO non-compliance that include:

- Failure to preempt terrorism;
- Failure to control the flow of illegal weapons into and inside of Gaza;
- Failure to apprehend, prosecute and adequately punish individuals accused of criminal or terrorist acts against Israelis;

- Failure to prevent the illegal diversion of international assistance to PLO activities;

- Failure to restrict the growth of the Palestinian police force in Gaza which now is conservatively estimated to be 17,000 instead of the 9,000 permitted by agreement with Israel; and

- Failure to confine Palestinian administrative offices to Gaza, while allowing them to proliferate, illegally, in Jerusalem.

It is said that there are networks of terrorist training camps in Gaza, and there is even film of recruits drilling chanting anti-Israeli slogans. Despite sweeping arrests in which the Palestinian authorities round up hundreds of Palestinians for questioning in relation to various bombings, attacks, and other violations, these demonstrations of supposed compliance with Israeli complaints amount to just public relations, in the words of Prime Minister Rabin, himself. Soon after, most of these mass arrests, the suspects are let go. Some system of justice.

As far as the covenant is concerned, the PLO shows no interest in abrogating those sections calling for the destruction of Israel. Despite promises to do so, the PLO has not even convened the Palestine National Council in order to amend the covenant. All the State Department can say is that they "hope that Arafat will do so, and [we] have encouraged him to follow through with this," in reference to changing the Covenant. This does not exactly exude confidence or the ability to influence a change.

It is for this reason that I am introducing the Middle East Peace Compliance Act of 1995. This legislation places a series of requirements on the PLO before they can receive money from the United States. Briefly, the requirements are as follows:

- Require that U.S. assistance may only be used for humanitarian projects for the benefit of Palestinians living under the Palestinian authority. All assistance must be channeled only through U.S. Government agencies or private voluntary organizations [PVO's];

Condition any U.S. assistance upon full financial and managerial accountability of the Palestinian authority;

Require the President to certify that no aid will go to individuals suspected of having harmed American citizens, while requiring that the PLO assist in the apprehension of and extradition to the United States of all such individuals now, or previously under its control;

Direct the President to provide specific counterterrorism technology and technical assistance to Israel; and

Require that the PLO pay compensation to U.S. victims of terrorism committed with PLO support and under its direction.

Mr. President, this bill is not the panacea. Nor is it the popular thing to do. It is however, the right thing to do. I want peace for Israel as much or more than anyone else does, but I don't want it on the wrong terms. Neville Chamberlain said that there would be peace "in our time" after Munich, and there wasn't. I want Israel to be safe and secure. I don't want Israel to become locked into an agreement with an organization that cannot deliver on its end of the bargain. I also do not want to have the U.S. taxpayers' money wasted. The issues are paramount.

This peace agreement is like a contract. When one side abides by the contract's terms and the other does not, then the deal has been broken. Now, I know that there will be some who will say that this aid should continue regardless, and that the violations are really not violations. Let me tell you, the violations of the PLO are real and they cannot be ignored or forgiven. They must be dealt with. If this is done, then there should be no problems. The terms for aid in this bill are not odious, they are not overreaching and they are not unreasonable. They are consistent with the requirements that our Government places upon all recipients of U.S. foreign assistance.

I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 915

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Middle East Peace Compliance Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Palestine Liberation Organization (PLO)" shall be defined as a membership organization encompassing all constituent groups that belong to the Palestine National Council and all individuals that have or continue to publicly demonstrated their allegiance to the Palestine Liberation Organization, or receive funds, directly or indirectly from sources controlled by the PLO. Its legal status is defined by U.S. law pursuant to Title X of Public Law 102-204 section 1002;

(2) for the purpose of this section, the term "foreign assistance" shall be the same as that used under section 634(b) of the Foreign Assistance Act of 1961 (P.L. 87-195); and

(3) the term "Palestinian Authority" shall be defined as the administrative entity established in the self-rule areas of Gaza and the West Bank in accordance with the Declaration of Principles signed in Washington, D.C. September 13, 1993, between Israel and the Palestine Liberation Organization (PLO).

SEC. 3. POLICY.

It is the policy and interest of the United States—

(1) to contribute to the advancement of peace and security in the Middle East by supporting efforts by Israel and the Palestine Liberation Organization (PLO) to reach a non-violent resolution of their conflict under the terms of the Declaration of Principles on Interim Self-Government Arrangement signed in Washington, D.C., September 13, 1993;

(2) to ensure that both Israel and the PLO fully and meaningfully comply with the terms and conditions of all agreements made between them;

(3) to demonstrate firm, consistent and unambiguous opposition to terrorism by insisting that Israel and the Palestine Liberation Organization take significant, material and timely steps to preempt terrorist attacks;

(4) to ensure that the Palestinian Authority fully accounts for basic human needs and infrastructure development funds expended by the United States in Gaza and Jericho in accordance with standard commercial principles and practices;

(5) to ensure that Israel and the Palestine Liberation Organization cooperative fully with U.S. law enforcement agencies to apprehend, prosecute and convict all individuals involved in the criminal injury or death of United States citizens or the willful damaging of United States property;

(6) to hold the PLO and its administrative authority in Gaza and Jericho accountable for unlawful acts carried out within its jurisdiction or emanating from territory under its administrative control;

(7) to ensure that all recipients of U.S. foreign assistance evidence a clear commitment to democracy, justice and the rule of law and conform to established standards of financial management and accountability; and

(8) to contribute to the long-term security, stability and economic health of the State of Israel through the maintenance of close bilateral ties and, to the greatest extent possible, to provide such levels of assistance to Israel as are necessary and sufficient to achieve these objectives, irrespective of the success or failure of the agreements between Israel and the PLO.

SEC. 4. FINDINGS AND DETERMINATIONS.

(a) Pursuant to the commitments between Israel and the PLO described in section 6 of this Act, the Congress makes the following findings:

(1) After decades of conflict, Israel and the PLO have entered a new era which presents an historic opportunity for peaceful coexistence and a stable democratic future for themselves and the region;

(2) The basis for this new relationship between Israel and the PLO is the set of agreements to which both parties are signatories and which emanate from the Declaration of Principles of Interim Self-Government Arrangements, signed in Washington, D.C. on September 13, 1993;

(3) The United States agrees to serve as a partner in the effort to bring about a lasting reconciliation and understanding between Israel and the PLO;

(4) The United States recognizes all of the agreements referred to in section 6 of this

Act are legally binding on Israel and the PLO, that they were entered into freely and in good faith and that Israel and the PLO are committed to their complete fulfillment;

(5) The United States is relying upon Israel and the PLO to honor their commitments to elected representatives and officials of the United States Government prior to and following the signing of the Declaration of Principles, including the promise of the PLO to halt terrorism emanating from areas under its control;

(6) The United States is committed to providing funding for infrastructure development and basic human needs in Gaza and Jericho, but not through any institution or entity of the PLO or the Palestinian Authority and only where Israel and the PLO have demonstrated that they have taken substantial, timely and meaningful steps toward full compliance under their respective agreements;

(7) The United States is resolute in its determination to ensure that in providing assistance to Palestinians living under the administrative control of the Palestinian Authority or elsewhere, the beneficiaries of such assistance shall be held to the same standard of financial accountability and management control as any other recipient of U.S. foreign assistance; and

(8) Since the signing of the Declaration of Principles, the United States has had sufficient time to evaluate the sincerity, commitment and effectiveness with which Israel and the PLO have complied with both the spirit and the letter of the joint agreements to which they are signatories.

(b) DETERMINATIONS.—Therefore, the Congress determines that:

(1) the PLO continues to demonstrate widespread and systematic disregard for both the spirit and the letter of the understandings reached in a succession of agreements between it and the State of Israel;

(2) information provided by the President on the compliance of the PLO with its agreements is often ambiguous, insufficient, at variance with the assessments of independent monitoring groups and falls short of the standards of accountability expected of other recipients of U.S. foreign assistance;

(3) the PLO specifically has failed to take substantial, timely and meaningful steps to fulfill its legal obligations in the following areas:

(A) AMENDING THE PLO COVENANT.—In violation of commitments made by the PLO in the letter of September 9, 1993 between the PLO leader and the Prime Minister of Israel, 1993, the PLO has failed to repeal the provisions of its Charter which declare Israel to be illegitimate and call for its elimination through armed struggle;

(B) PREVENTING TERRORISM.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex III, article I, section 5 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel and between the PLO leader and the Foreign Minister of Norway, the PLO has not legally banned terrorist organizations such as Hamas and Islamic Jihad and has done little to discipline them. In the 19 months before the Declaration of Principles there were 318 casualties from terrorism in Israel and the territories (68 people were killed and 250 injured). This is in contrast to the 19 months following the signing of the Declaration of Principles, there were 651 casualties from terrorism in Israel and the territories (134 people were killed and 517 injured), an increase of nearly 100 percent;

(C) PROSECUTING TERRORISTS.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex III, article I, section 5 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel

and between the PLO leader and the Foreign Minister of Norway, the PLO has failed to investigate terrorist incidents, prosecute terrorists according to the rule of law, or ensure that the sentences imposed for terrorist acts are more than perfunctory. The PLO repeatedly has declared that it considers terrorist organizations such as Hamas and Islamic Jihad as legitimate opposition groups with whom they are prepared to conduct a dialog. The PLO has not legally banned extremist organizations and instead, employs Hamas sympathizers in its administration in Gaza;

(D) PREVENTING INCITEMENT TO VIOLENCE.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Article XII, paragraph 1 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel and between the PLO leader and the Foreign Minister of Norway, PLO officials continue to advocate holy war (jihad) against Israel, glorify suicide bombers, lend support and comfort to terrorist groups and issue propaganda delegitimizing Israeli sovereignty even within its pre-1967 borders;

(E) BARRING UNAUTHORIZED FORCES.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Article IX, section 2, the PLO continues to permit illegal military and paramilitary groups to conduct terrorist operations against Israel from administrative areas under its control;

(F) CONFISCATING UNAUTHORIZED WEAPONS.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex I, article VIII, sec. 8, the PLO has failed to fulfill its commitment made to the United States Vice President on March 24, 1995, to take significant steps to disarm military and paramilitary groups under its administrative control, to license weapons or to substantially enforce, by judicial means, individual violations;

(G) EXCLUDING TERRORISTS FROM SECURITY SERVICES.—In violation of the terms agreed to in the Gaza-Jericho agreement, Annex I, article III, sec. 4(b), the PLO continues to employ policemen who have been convicted of serious crimes;

(H) EXTRADITING TERRORISTS.—In violation of the terms agreed to in annex III, article II, sec. 7, the PLO consistently refuses to extradite individuals suspected of terrorist crimes against Israeli citizens and has not complied with earlier demands of the U.S. Government to extradite individuals suspected of crimes against Americans to the United States;

(I) PROHIBITING THE LOCATION OF INSTITUTIONS OF THE PALESTINIAN AUTHORITY OUTSIDE OF GAZA AND JERICHO.—Under Article V of the Gaza-Jericho Agreement, the Palestinian Authority is limited but has attempted to extend its authority beyond the boundaries of Gaza and Jericho. It has failed to live up to its commitment not to operate offices in Jerusalem and has opened at least 7 institutions in and around the city;

(J) FACILITATING THE RELEASE OF ISRAELI POWS/MIAS.—The PLO has failed to provide Israel with information it possesses on the condition and possible whereabouts of at least one Israeli MIA;

(K) AVOIDING AND PUNISHING THE ILLEGAL TRANSFER OF FUNDS.—In violation of the spirit of the Gaza-Jericho agreement and standard international principles and practices of financial accountability, administrative authorities in Gaza have diverted substantial amounts of development assistance to activities of the PLO both inside and outside of Gaza and Jericho; and

(L) PREVENTING INFILTRATIONS.—In violation of the term agreed to in the Gaza-Jericho Agreement, Article IV(2)(c), the Palestinian Police authorities has failed to halt infiltrations from Egypt to Gaza and from Gaza to Israel.

SEC. 5. GENERAL RESTRICTIONS ON ASSISTANCE.

Notwithstanding any other provision of law, the following restrictions shall apply with regard to all assistance provided by the United States and intended to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority:

(1) All funds made available to areas under the administrative control of the Palestinian Authority shall be provided only through agencies or entities of the United States Government or private voluntary organizations designated by the Secretary of State and registered in the United States. *Provided*, That no funds shall be obligated or expended for any projects or activities of the Palestinian Authority in Jerusalem or that benefit Palestinians living in Jerusalem;

(2) Under no circumstances and notwithstanding any other provision of law, none of the funds authorized or appropriated under this or any other Act shall be made available, directly or indirectly, to benefit the Palestine Liberation Organization (PLO), its agents, entities, projects, programs, institutions or activities under its control, or directly or indirectly, to benefit the operation of the Palestinian Authority in Gaza, Jericho or any other area it may control;

(3) Funds made authorized or appropriated under this or any other Act shall only be made available for humanitarian assistance, economic development and basic human needs infrastructure projects or activities which directly benefit Palestinians in areas under the administrative control of the Palestinian Authority;

(4) The total amount of United States Assistance benefitting the Palestinians resident in areas under the administrative control of the PLO and the Palestinian Authority for any single year shall not exceed the largest total contribution by a member of the Arab League to the Palestinian Authority in the previous full calendar year;

(5) None of the funds authorized or appropriated under this or any other Act shall be made available to benefit, directly or indirectly, Palestinians living under the administrative control of the Palestinian Authority until the PLO substantially, materially and in a timely fashion complies with the provisions of section 7 of this Act;

(6) No funds made available by this or any other Act and intended to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority shall be used for the purchase, lease, or acquisition by any means of lethal equipment, supplies or infrastructure to support that equipment or its use in military or paramilitary operations or training; and

(7) No funds shall be made available under this or any other Act to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority should be PLO conclude a formal or informal arrangement with Hamas, Islamic Jihad or any other group practicing or supporting terrorism under which the terrorist activities of these groups, either inside or outside of Gaza and Jericho, will be allowed to continue or be tolerated in any respect.

(8) As set forth in section 585 of the Foreign Operations, Export Financing, and Related Programs 1995 Appropriations and 1994 Supplemental Appropriations Act (Public Law 103-306):

(A) None of the funds made available under this or any other Act shall be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Prin-

ciples: *Provided*, That is restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

(B) Meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

(9) No funds made available under this or any other Act shall be used to benefit any individual who has directly participated in, or conspired in, or was an accessory to, the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.

SEC. 6. PLO-ISRAEL COMMITMENTS DESCRIBED.

The commitments referred to under this Act and recognized by the United States are the legally binding commitments made by the Palestine Liberation Organization and Israel in the following declarations:

(1) the PLO letter of September 9, 1993, to the Prime Minister of Israel;

(2) the PLO letter of September 9, 1993, to the Foreign Minister of Norway;

(3) the Declaration of Principles on Interim Self-Government Arrangements signed in Washington, D.C. on September 13, 1993;

(4) the Agreement between Israel and the PLO signed in Cairo on May 4, 1994; and

(5) the Joint Communiqué between Israel and the PLO issued at Blair House; in Washington, D.C., February 12, 1995.

SEC. 7. REQUIREMENTS FOR THE TRANSFER OF FUNDS.

IN GENERAL.—Notwithstanding any other provision of law, none of the funds authorized or appropriated under this or any other Act shall be made available, directly or indirectly, to benefit Palestinians living under the administrative control of the PLO or the Palestinian Authority in Gaza, Jericho or any other area it may control, until the following requirements set forth in this section are fully met and certified to Congress by the President of the United States:

(1) SUBSTANTIAL, MATERIAL AND TIMELY COMPLIANCE.—That the PLO and the Palestinian Authority have made substantial, material and timely progress in meeting their legal obligations as set forth in the agreements between the PLO and Israel and as enumerated in section 6 of this Act. The President shall submit to the relevant congressional committees a quarterly report that:

(A) comprehensively evaluates the compliance record of the PLO according to each specific commitment set forth in its agreements with Israel and;

(B) establishes, as appropriate, both objective and subjective measures to assess PLO compliance; and

(C) measures PLO compliance against each previous quarterly assessment and demonstrates significant and continual improvement each quarter.

(2) FINANCIAL ACCOUNTABILITY.—Sixty days following the enactment of this Act and every 180 days thereafter, the President of the United States shall submit to the relevant congressional committees a financial audit carried out by the General Accounting Office (GAO), which provides a full accounting of all United States assistance which

benefits, directly or indirectly, the projects, programs or activities of the Palestinian Authority in Gaza, Jericho or any other area it may control, since September 13, 1993, including, but not limited to, the following:

(A) the obligation and disbursement of all funds, by project, activity, and date, as well as by prime contractor, all subcontractors, and their country(ies) of origin;

(B) the organization(s) or individual(s) responsible for the receipt and obligation of U.S. assistance;

(C) the amount of both private and international donor funds that benefit the PLO or the Palestinian Authority in Gaza, Jericho or any other area it may control, and to which the United States may be a contributor;

(D) the ultimate beneficiaries of the assistance; and

(3) REPORT ON THE POSSIBLE MISUSE OF FUNDS.—Pursuant to section 7(a), the President shall also provide the relevant congressional committees with a comprehensive accounting of all United States and International donor funds, credits, guarantees, insurance, in-kind assistance and other resource transfers to the PLO, the Palestinian Authority or other associated entities under their control which the General Accounting Office believes may have been misused, diverted or illegally converted for purposes other than those originally intended by the donors and shall include a decision of—

(A) the possible reasons for the diversion of resources and the likely uses toward which they were put;

(B) the manner and mechanism(s) by which the resources were misdirected;

(C) the person(s) and institution likely responsible for the misdirection of the resources; and

(D) the efforts being made by the Palestinian Authority, the President and the international community to account for and recover the misdirected resources.

(4) PENALTIES AND DEDUCTIONS.—Not less than thirty (30) days following the issuance to Congress of the findings set forth in section 7(2) the President shall deduct one dollar from the amount of funds or other resources appropriated to benefit Palestinians living in areas controlled by the Palestinian Authority for each dollar which the General Accounting Office is able to demonstrate may have been diverted by Palestinians for purposes other than what they were originally intended.

(5) ACCOUNTABILITY FOR PAST TERRORISM.—The President shall certify to the relevant congressional committees that the Palestine Liberation Organization has taken substantial, material and timely steps to provide information to United States law enforcement agencies leading to the arrest and extradition to the United States for prosecution of individuals connected directly or indirectly with the Palestine Liberation Organization and alleged to have been responsible for terrorist attacks on American citizens or property since 1964 to include, but not be limited to, the kidnapping, or murders of:

(A) David Berger, in Munich, Germany, September, 1972;

(B) Cleo A. Noel, Jr., United States Ambassador to the Sudan, and G. Curtis Moore, U.S. Diplomat, in Khartoum, March 2, 1973;

(C) Gail Rubin, in Israel, March 11, 1978;

(D) Leon Klinghoffer on the cruise ship Achille Lauro, October 8, 1985; and

(E) Gail Klein, in Jerusalem, October 15, 1986.

(6) REPORT TO THE CONGRESS.—Pursuant to subsection (B) of this section, the President shall report to the relevant congressional committees, in both classified and unclassified form, no later than September 1, 1995, and every 180 days thereafter, on:

(A) the name, date, location, and circumstance of all Americans alleged to have been killed or injured, directly or indirectly, by members, agents, supporters or surrogates of the Palestine Liberation Organization from 1964 to the present;

(B) the name, date, precise location, and circumstances of all violent incidents against Israelis or others by any terrorist group, organization, entity or individual operating in Israel or the territories controlled by Israel or the PLO and to indicate—

(i) where the violent incident was planned, organized and launched;

(ii) how and through what means the violent incident was funded;

(iii) the source and type of any lethal equipment used in any violent incident; and

(iv) whether the United States has been able to independently confirm information provided by either Israel or the PLO regarding violent incidents reported under this subsection.

(C) the status of all warrants issued by U.S. law enforcement agencies, Interpol, or other international police authorities, for the arrest of members of the Palestine Liberation Organization, to include, but not be limited to, the name of the individual, the date and nature of the crime alleged to have been committed, the statute under which prosecution is being sought, and the level and nature of the cooperation provided by the Palestine Liberation Organization in the apprehension, prosecution and conviction of this individual(s);

(D) the disposition of all past and current investigations into the criminal activities of the Palestine Liberation Organization as well as the warrants for the arrest of alleged members of the Palestine Liberation Organization that have been revoked or suspended by agencies of entities of the United States Government since 1964 and reason for the revocation or suspension; and

(E) the name of any individual who currently serves as an official or agent of the Palestine Liberation Organization or the Palestinian Authority who at any time has been subject to a United States or international arrest warrant or has been placed on a U.S. Government "watch list."

(7) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by subsection (4) of this section with respect to the PLO, the President shall also consider and report, in both classified and unclassified form, to the relevant congressional committees the following:

(A) Have the actions of the PLO resulted in the maximum reductions in terrorism carried out by members or affiliates of the PLO? Has the PLO leadership publicly, in Arabic, English and Hebrew, and using all major print and electric media outlets, strongly condemned acts of terrorism against Israel and the West when they occur?

(B) Has the PLO taken legal and law enforcement measures to enforce in areas under its administrative control, to the maximum extent possible, the elimination of terrorist acts and the suppression of criminal elements responsible for terrorism as evidenced by the seizure of illegal weapons, the closure of offices and training areas belonging to terrorist organizations and the arrest and prosecution of violators involved in the incitement, recruitment, training, planning, or conduct of terrorist operations affecting the United States, Israel or other countries?

(C) Has the PLO taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering of profits derived from smuggling, narcotics trafficking, illegal weapons transactions or other criminal activity as evidenced by the enactment and enforcement by the PLO of laws prohibiting such conduct?

(D) Has the PLO taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the execution of terrorist acts or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

(E) Has the PLO, as a matter of policy or practice, encouraged or facilitated the continued sponsorship of terrorist acts?

(F) Does any senior official of the PLO engage in, encourage, or facilitate the incitement, recruitment, training, planning, or conduct of terrorist operations affecting the United States, Israel or other states or condone other internationally recognized criminal activity?

(G) Has the PLO investigated aggressively all cases in which any citizen of the United States or member of the United States Government has been the victim, since 1964, of acts or threats of violence, inflicted by or with the complicity of any agent of the PLO or any political subdivision or supporter thereof, and energetically sought to bring the perpetrators of such offense to justice?

(H) Having been requested to do so by the United States Government, does the PLO fail to provide reasonable cooperation to lawful activities of United States law enforcement agents, including the refusal of permission to such agents engaged in counter-terrorism to pursue suspected terrorists or other criminal elements that may support terrorist activities into areas or facilities it controls?

(I) Has the PLO or its administrative authority in Gaza and Jericho adopted legal codes in order to enable law enforcement officials to move more effectively against terrorists, the supporters of terrorism and other related criminal elements, such as effective conspiracy laws and asset seizure laws?

(J) Has the PLO expeditiously processed United States, Israeli, or other countries' extradition requests relating to terrorism, narcotics trafficking or other criminal offenses?

(K) Has the PLO refused to protect or given haven to any known terrorist, drug trafficker or other accused or convicted of a serious criminal offense, and has it expeditiously processed extradition requests relating to acts of terrorism or narcotics trafficking made by other countries?

(L) Has the PLO cooperated, both publicly and privately, with efforts undertaken by the President of the United States to end the Arab League boycott of Israel and if so, to what extent and to what practical effect?

(8) VICTIMS OF TERRORISM COMPENSATION.—Pursuant to section 5570 of P.L. 99-399 no funds shall be made available to benefit the PLO, the Palestinian Authority or any person or entity under its control until the President certifies to the relevant congressional committees that full and fair compensation is provided by the Palestine Liberation Organization to United States victims of PLO terrorism after adjudication in a United Court of law.

(9) PREEMPTION OF TERRORISM.—The President shall make available to Israel, equipment for the state-of-the-art security examination of cargo containers and vehicles: *Provided*, That this equipment shall include automated, non-intrusive inspection technology, or technologies, for the direct detection and chemical elemental identification of contraband: *Provided further*, That some of this equipment may be in the form of technology in the advanced stages of development and suitable for field testing and evaluation: *Provided further*, That not less than \$40,000,000 is authorized to be appropriated in Fiscal Year 1996 for the purposes set forth in this section from the funds made available by the United States to support the agreements between Israel and the PLO: *Provided*

further, That the President shall negotiate the transfer of this technology no later than September 30, 1995, and prior to the obligation of not more than \$50,000,000 in United States funds to benefit Palestinians living in Gaza, Jericho or any additional territories which might be administered by the PLO: *Provided further*, That it is the purpose of this section to enable the United States to support efforts by both Israel and the PLO to meet their compliance obligations and—

(A) to assist them in combating terrorism; (B) to assist them in combating narcotics smuggling and other contraband smuggling; and

(C) to assist them in ensuring proper manifesting and customs regulation compliance and revenue collection.

(10) REVIEW OF LEGISLATION.—Prior to the disbursement of any funds authorized under this or any other Act for the benefit of the PLO, the Palestinian Authority or any of its constituencies, activities or projects, the President shall carry out, and report to the relevant congressional committees, a thorough review of pertinent legislation affecting the status of the PLO to include, but not be limited to, Title X of Public Law 100-204 and shall recommend to Congress modifications consistent with U.S. policy toward countering terrorism and promoting peace in the Middle East.

(11) PRESIDENTIAL DISCLOSURE.—No later than 60 days following the enactment of this Act, the President shall disclose in a classified manner to the relevant congressional committees, the substance of any secret agreements, understandings, or promises, either formal or informal, between the United States and Israel, and the United States and the PLO, connected with the implementation of the Declaration of Principles, that—

(A) commits the United States to any course of action in its foreign, diplomatic or security policies;

(B) commits the United States to provide funds or other forms of assistance for particular projects or activities;

(C) provides assurances to particular individuals who may or may not be targets of a U.S. or international criminal investigation; and

(D) extends to particular individuals the promise of protection or safety should future circumstances warrant it.

(12) PROVISIONS THAT MAY BE SUSPENDED.—Subject to the requirements of section 7 and the prior approval of the Chairmen of the relevant committees of the Congress of the United States the President may suspend only the following provisions of law for a period not to extend beyond May 31, 1996—

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w) as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

SEC. 8. FINANCIAL DISCLOSURE.

(a) Within thirty (30) days of the enactment of this Act, the President shall request

that both the Palestine Liberation Organization and the Palestine Authority provide to the United States, comprehensive financial statements of their assets and income for the prior year: *Provided*, That in addition to these statements, the President shall certify to the Congress that:

(1) the United States Government has no knowledge of information as to other further assets or income of the Palestine Liberation Organization or Palestinian Authority; and

(2) the Palestine Liberation Organization and Palestinian Authority are spending and investing substantially all of their respective assets and income for the welfare and benefit of the Palestinian people in the areas administered by the Palestinian Authority and for purposes related exclusively to the duties and functions of the Palestinian Authority as authorized under agreements between Israel and the PLO.

(b) No funds shall be obligated or expended for the benefit of the Palestinian people in areas administered by the Palestinian Authority until the President has delivered to the relevant congressional committees the information required in section 8(a).

(c) President shall report to the relevant congressional committees, in both classified and unclassified form, no later than September 1, 1995, and every 180 days thereafter, on all the assistance provided by the international community to the PLO and the Palestinian Authority, or any affiliated organization or entity, both directly and indirectly, to include:

(1) the amount of such assistance, by project, and whether the assistance is provided in cash or in kind;

(2) the organization or entity through which the international assistance is disbursed;

(3) the use(s), by project, to which the international assistance is being put; and

(4) the ultimate beneficiaries of the assistance.

SEC. 9. PROHIBITION ON FORMAL DIPLOMATIC REPRESENTATION.

Notwithstanding any other provision of law, the President of the United States shall make no commitments and shall provide no funds for the obligation or expenditure, for any activity leading to the establishment, on either a temporary or permanent basis, of any United States diplomatic post, to include an embassy, consulate or interest section in any territory under the administrative control of the PLO or the Palestinian Authority.

SEC. 10. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this Act, the term "relevant congressional committees" means—

(1) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 11. TERM OF THIS ACT.

This Act shall become effective upon the day of enactment and expire no earlier than May 31, 1996 unless amended.

By Mr. FRIST (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, and Mr. HARKIN):

S. 916. A bill to amend the Individuals With Disabilities Education Act to extend the act, and for other purposes; to the Committee on Labor and Human Resources.

INDIVIDUALS WITH DISABILITIES EDUCATION EXTENSION ACT

Mr. FRIST. Mr. President, as a strong supporter of appropriate education programs for individuals with disabilities, I am today, along with nine of my colleagues, introducing a bill that will amend the Individuals with Disabilities Education Act. The bill cited as the "Individuals With Disabilities Education Act Amendments of 1995," will extend 15 discretionary grant programs that support early intervention and special education research, demonstrations, technical assistance, and personal preparation through fiscal year 1996.

The IDEA is the principal Federal law that funds early intervention and special education programs for infants, toddlers, children, and youth with disabilities. Currently IDEA authorizes 3 formula grant programs and 15 discretionary grant programs. These discretionary grant programs expire September 30, 1995.

This legislation will send an important signal to family members of infants, toddlers, children, and youth with disabilities that Congress intends to continue supporting and funding these important programs. Part H of this legislation serves more than 76,000 infants and toddlers with disabilities. This extension also serves as a signal to States that part H and the other discretionary programs are important programs addressing the education needs of individuals with disabilities. Further, this bill lets our colleagues on the Senate Appropriations Committee know of our intent to reauthorize these programs, so that they will appropriate funds for these programs in fiscal year 1996.

This legislation extends the 15 discretionary programs under IDEA through September 30, 1996. This bill contains no substantive amendments to IDEA, and is a temporary measure allowing us additional time to develop a comprehensive reauthorization of IDEA. It is our intent to complete a comprehensive reauthorization bill in the early fall of 1995. When the comprehensive reauthorization is passed, it will repeal the extension.

The following colleagues from the Committee on Labor and Human Resources have joined me as cosponsors of this bill: Senator NANCY LANDON KASSEBAUM, Senator JAMES M. JEFFORDS, Senator DAN COATS, Senator MIKE DEWINE, Senator EDWARD M. KENNEDY, Senator CLAIBORNE PELL, Senator CHRISTOPHER J. DODD, Senator PAUL SIMON, and Senator TOM HARKIN.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. HELMS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of