

H.R. 687: Mr. DEFazio.  
 H.R. 695: Mr. WEXLER and Mr. WELLER.  
 H.R. 716: Mr. PACKARD and Mr. NEUMANN.  
 H.R. 724: Ms. WOOLSEY.  
 H.R. 753: Mr. SPRATT, Mr. SKAGGS, and Mr. MALONEY of Connecticut.  
 H.R. 755: Mr. ENGEL, Mr. FATTAH, Mr. MALONEY of Connecticut, and Mr. ENGLISH of Pennsylvania.  
 H.R. 777: Mr. UNDERWOOD, Mr. BAKER, Mr. GREENWOOD, Mr. SANDERS, Mr. THOMPSON, Mr. GONZALEZ, Mr. MALONEY of Connecticut, and Ms. BROWN of Florida.  
 H.R. 778: Mr. CAPPS.  
 H.R. 780: Mr. CAPPS.  
 H.R. 784: Mr. HORN.  
 H.R. 794: Mr. MARKEY.  
 H.R. 818: Ms. KILPATRICK.  
 H.R. 819: Ms. KILPATRICK.  
 H.R. 840: Mr. TORRES.  
 H.R. 850: Ms. DEGETTE.  
 H.R. 871: Ms. KAPTUR and Mr. LEWIS of Georgia.  
 H.R. 877: Mr. PARKER, Mr. MARTINEZ, Mr. SNOWBARGER, Mr. LEACH, Mr. PAYNE, Mr. GILMAN, Mrs. NORTHUP, and Mr. DEFazio.  
 H.R. 902: Mr. TAUZIN and Mr. PORTER.  
 H.R. 907: Mr. WICKER and Mr. HUTCHINSON.  
 H.R. 911: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. NEUMANN, and Mr. SHAW.  
 H.R. 937: Mr. COYNE.  
 H.R. 950: Ms. CHRISTIAN-GREEN.  
 H.R. 955: Mr. HILLEARY, Mr. CHRISTENSEN, Mr. TIAHRT, and Mr. FOX of Pennsylvania.  
 H.R. 988: Mr. ENGEL and Mr. PAYNE.  
 H.R. 989: Mr. KIND, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. ACKERMAN, Mr. EVENS, Mr. STARK, Mr. LIPINSKI, Mr. RUSH, Mr. MCGOVERN, Mr. MANTON, Mr. CASTLE, Mr. LAFALCE, Ms. MOLINARI, Mr. KLUG, and Mr. GILMAN.  
 H.R. 992: Mr. RADANOVICH, Mr. MCHUGH, and Mr. SKEEN.  
 H.R. 1009: Mr. CANNON and Mr. SMITH of Michigan.  
 H.R. 1010: Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. GOSS, Mr. BARCIA of Michigan, Mr. GRAHAM, and Mrs. NORTHUP.  
 H.R. 1037: Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. ENSIGN, Mr. WATKINS, and Mr. HOUGHTON.  
 H.R. 1043: Ms. BROWN of Florida and Mr. PARKER.  
 H.R. 1053: Mr. NORWOOD and Mr. LEWIS of Georgia.  
 H.R. 1054: Mr. GRAHAM and Mr. ROGAN.  
 H.R. 1059: Mr. KING of New York, Mr. BUNNING of Kentucky, Mr. DAVIS of Virginia, Mr. NEUMANN, Mr. OXLEY, and Mr. WAMP.  
 H.R. 1062: Mr. YOUNG of Alaska.  
 H.R. 1064: Mr. LIPINSKI.  
 H.R. 1068: Mr. CRANE, Mr. ENSIGN, and Mr. PETERSON of Minnesota.  
 H.R. 1070: Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mrs. MCCARTHY of New York, Mr. KLUG, Mr. ENGEL, Mr. FILNER, and Mr. WAXMAN.  
 H.R. 1077: Mr. MCGOVERN and Mr. MOAKLEY.  
 H.R. 1125: Mr. ENGEL.  
 H.R. 1130: Mr. CONYERS and Mr. POSHARD.  
 H.R. 1151: Ms. STABENOW.  
 H.R. 1162: Mr. GRAHAM.  
 H.R. 1169: Mr. LEWIS of California, Mr. WELLER, and Ms. DUNN of Washington.  
 H.R. 1188: Mr. MARTINEZ.  
 H.R. 1219: Mr. KUCINICH, Ms. DEGETTE, Ms. KILPATRICK, Mr. BOUCHER, and Mr. MALONEY of Connecticut.  
 H.R. 1248: Mr. BISHOP and Mr. WHITFIELD.  
 H.R. 1263: Ms. KILPATRICK.  
 H.R. 1285: Mr. SAM JOHNSON, Mr. MCCOLLUM, Ms. HARMAN, and Mr. MCINNIS.  
 H.R. 1299: Mr. SHUSTER and Mrs. NORTHUP.  
 H.R. 1315: Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, and Mr. FOX of Pennsylvania.  
 H.R. 1323: Mr. QUINN.  
 H.R. 1329: Ms. BROWN of Florida.

H.R. 1333: Mr. SENSENBRENNER.  
 H.R. 1348: Mr. HUNTER, Mr. COBLE, Mr. GILCHREST, Mr. WHITFIELD, Mr. CONDIT, Mr. PARKER, Mr. MORAN of Virginia, Mr. LEWIS of California, and Mr. CUNNINGHAM.  
 H.R. 1353: Mr. PETERSON of Minnesota.  
 H.R. 1362: Mr. SOLOMON, Mr. HOLDEN, Mr. SANDERS, Mr. METCALF, Mr. HINCHEY, Mr. WATTS of Oklahoma, Mr. LIPINSKI, Mr. BLUNT, Mr. GOODE, Mr. CLEMENT, and Mr. BLUMENAUER.  
 H.R. 1367: Mr. THOMPSON.  
 H.R. 1369: Mr. GRAHAM.  
 H.R. 1375: Mr. DELLUMS.  
 H.R. 1382: Ms. SLAUGHTER and Mr. BORSKI.  
 H.R. 1383: Mr. EVANS, Ms. LOFGREN, Mr. SANDLIN, Ms. DELAURO, Ms. ESHOO, and Mr. RANGEL.  
 H.R. 1395: Mr. LEWIS of Georgia.  
 H.R. 1430: Mr. MCINTYRE.  
 H.R. 1432: Ms. LOFGREN, Mr. FROST, Mr. ENGEL, Mr. FOX of Pennsylvania, and Mrs. MALONEY of New York.  
 H.R. 1434: Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. RAMSTAD, Mr. COLLINS, Mr. FROST, and Mr. HEFLEY.  
 H.R. 1438: Mr. DELLUMS.  
 H.R. 1441: Mr. BARCIA of Michigan.  
 H.R. 1468: Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. SAWYER, Mr. MEEHAN, Mr. FILNER, Mr. GONZALEZ, Mr. FROST, Ms. CHRISTIAN-GREEN, Mr. THOMPSON, and Mr. KENNEDY of Rhode Island.  
 H.R. 1475: Mr. RAMSTAD and Mr. MILLER of Florida.  
 H.R. 1492: Mr. LINDER.  
 H.R. 1493: Mr. LIPINSKI.  
 H.R. 1496: Mr. NETHERCUTT.  
 H.R. 1503: Ms. GRANGER.  
 H.R. 1505: Mrs. THURMAN, Mr. NEY, Mr. WALSH, Mr. CAMPBELL, and Mr. YATES.  
 H.R. 1506: Ms. CHRISTIAN-GREEN, Ms. RIVERS, Mr. FORD, Mr. FATTAH, Mr. MCGOVERN, and Mr. SCHUMER.  
 H.R. 1526: Mr. BONO, Mr. GORDON, Mr. HOUGHTON, Mr. DOYLE, Mr. BONILLA, Mr. CLEMENT, Mrs. ROUKEMA, Mr. BOSWELL, and Mrs. TAUSCHER.  
 H.R. 1532: Mr. LIPINSKI, Mr. BERRY, Mr. PASTOR, Mr. CLEMENT, Mr. KILDEE, Mr. KUCINICH, Mr. METCALF, Mr. CONDIT, and Mr. VISCLOSKEY.  
 H.R. 1543: Mr. COOK.  
 H.R. 1549: Mr. HALL of Ohio.  
 H.J. Res. 72: Mr. BOB SCHAFFER.  
 H. Con. Res. 54: Mr. LIPINSKI.  
 H. Con. Res. 65: Mr. DEFazio, Mr. MALONEY of Connecticut, Mr. VISCLOSKEY, Mr. KUCINICH, Mr. PASTOR, Ms. CHRISTIAN-GREEN, Mr. JOHN, Mr. COCKSEY, and Mr. LOBIONDO.  
 H. Con. Res. 75: Ms. KAPTUR and Mr. POSHARD.  
 H. Res. 37: Mr. PORTER and Mr. SHAYS.  
 H. Res. 61: Mr. LUTHER.  
 H. Res. 103: Mr. ACKERMAN, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. OXLEY, and Mr. WHITFIELD.  
 H. Res. 111: Mr. BONO, Mr. LINDER, Mr. STUMP, and Mr. PACKARD.  
 H. Res. 138: Ms. STABENOW.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

12. The SPEAKER presented a petition of the Mayor's Council of Guam, relative to Council Resolution No. 97-01, relative to expressing the sentiment of the mayors and vice mayors of Guam in welcoming the U.S.S. *Independence*; which was referred to the Committee on National Security.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. TOWNS

AMENDMENT No. 53: Page 256, after line 9, insert the following:

(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.

Page 256, line 10, strike "(10)" and insert "(11)".

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT No. 2: Page 51, after line 23, insert the following new title:

## TITLE IV

## UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

### SEC. 4001. SHORT TITLE.

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

### SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December

20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

**SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

(a) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2) if—

(A) the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise applicable under subsection (a); and

(B) a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

**SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.**

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term "joint resolution" means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on \_\_\_\_\_", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution approving the request by the President for an extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997."

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is re-

ferred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

**SEC. 4006. REPORT.**

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104-122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to ap-

propriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

**SEC. 4007. DEFINITIONS.**

As used in this Act:

(1) BOSNIAN ENTITIES.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT No. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

**TITLE IV**

**UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

**SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.**

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) **DECLARATIONS OF POLICY.**—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

**SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

(A) **PROHIBITION.**—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) **EXCEPTIONS.**—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after

the date otherwise application under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

**SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.**

(a) **TERMS OF THE RESOLUTION.**—For purposes of section 4003, the term “joint resolution” means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: “That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on \_\_\_\_\_”, the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: “Joint resolution approving the request by the President for an extension of the deployment on the grounds of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.”

(b) **REFERRAL.**—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) **DISCHARGE.**—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) **CONSIDERATION.**—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without

intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to reconsider the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) **CONSIDERATION BY OTHER HOUSE.**—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) **RULES OF THE SENATE AND HOUSE.**—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

#### SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104-122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

#### SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in

Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1486

OFFERED BY: MR. GILMAN

*(Amendment in the Nature of a Substitute)*

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Policy Reform Act".

#### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—International Affairs Agency Consolidation, Foreign Assistance Reform, and Foreign Assistance Authorizations.

(2) Division B—Foreign Relations Authorizations.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

#### DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS

##### TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.

Sec. 102. Declaration of policy.

##### TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

###### CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Short title

Sec. 202. Definitions.

###### CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SUBCHAPTER A—ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sec. 211. Abolition of United States International Development Cooperation Agency.

Sec. 212. Transfer of functions to United States Agency for International Development.

Sec. 213. Transition provisions.

SUBCHAPTER B—CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE

Sec. 221. Continuation of United States Agency for International Development and placement of Administrator of Agency under the direction of the Secretary of State.

###### SUBCHAPTER C—CONFORMING AMENDMENTS

Sec. 231. Conforming amendments.

Sec. 232. Other references.

Sec. 233. Effective date.

##### TITLE III—FOREIGN ASSISTANCE REFORM

Sec. 301. Graduation from development assistance.

Sec. 302. Limitation on government-to-government assistance.

Sec. 303. Micro- and small enterprise development credits.

Sec. 304. Microenterprise development grant assistance.

Sec. 305. Private sector enterprise funds.

Sec. 306. Development credit authority.

Sec. 307. Foreign government parking fines.

Sec. 308. Withholding United States assistance to countries that aid the Government of Cuba.

##### TITLE IV—DEFENSE AND SECURITY ASSISTANCE

###### CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

Sec. 401. Definition.

Sec. 402. Authorization of appropriations.

Sec. 403. Authority to withhold bilateral assistance and oppose multilateral development assistance for major illicit drug producing countries, drug-transit countries, and money laundering countries.

###### CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

Sec. 411. Nonproliferation, Antiterrorism, Demining, and Related Programs.

###### CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

Sec. 421. Authorization of appropriations.

Sec. 422. Assistance for Israel.

Sec. 423. Assistance for Egypt.

Sec. 424. Authorization of assistance to facilitate transition to NATO membership under NATO Participation Act of 1994.

Sec. 425. Loans for Greece and Turkey.

Sec. 426. Limitations on loans.

Sec. 427. Administrative expenses.

###### CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 431. Authorization of appropriations.

Sec. 432. IMET eligibility for Panama and Haiti.

###### CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Sec. 441. Authority to transfer naval vessels.

Sec. 442. Costs of transfers.

Sec. 443. Expiration of authority.

Sec. 444. Repair and refurbishment of vessels in United States shipyards.

###### CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

Sec. 451. Short title.

Sec. 452. Findings.

Sec. 453. Limitation on military assistance to the Government of Indonesia.

Sec. 454. United States military assistance and arms transfers defined.

###### CHAPTER 7—OTHER PROVISIONS

Sec. 461. Excess defense articles for certain European countries.

Sec. 462. Transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea.

Sec. 463. Additional requirements relating to stockpiling of defense articles for foreign countries.

Sec. 464. Delivery of drawdown by commercial transportation services.

Sec. 465. Cash Flow Financing Notification.

Sec. 466. Multinational arms sales code of conduct.

##### TITLE V—ECONOMIC ASSISTANCE

###### CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

Sec. 501. Economic support fund.

- Sec. 502. Assistance for Israel.
- Sec. 503. Assistance for Egypt.
- Sec. 504. International Fund for Ireland.
- Sec. 505. Assistance for training of civilian personnel of the Ministry of Defense of the Government of Nicaragua.
- Sec. 506. Availability of amounts for Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 and the Cuban Democracy Act of 1992.

## CHAPTER 2—DEVELOPMENT ASSISTANCE

## SUBCHAPTER A—DEVELOPMENT ASSISTANCE AUTHORITIES

- Sec. 511. Authorization of appropriations.
- Sec. 512. Child survival activities.
- Sec. 513. Requirement on assistance for Russian Federation.
- Sec. 514. Humanitarian assistance for Armenia and Azerbaijan.
- Sec. 515. Agricultural development and research assistance.
- Sec. 516. Activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region.
- Sec. 517. Support for agricultural development assistance.

## SUBCHAPTER B—OPERATING EXPENSES

- Sec. 521. Operating expenses generally.
- Sec. 522. Operating expenses of the Office of the Inspector General.

## CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

- Sec. 531. Urban and environmental credit program.

## CHAPTER 4—THE PEACE CORPS

- Sec. 541. Authorization of appropriations.
- Sec. 542. Activities of the Peace Corps in the former Soviet Union and Mongolia.
- Sec. 543. Amendments to the Peace Corps Act.

## CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

- Sec. 551. Authority to provide reconstruction assistance.
- Sec. 552. Authorizations of appropriations.

## CHAPTER 6—DEBT RELIEF

- Sec. 561. Debt restructuring for foreign assistance.
- Sec. 562. Debt buybacks or sales for debt swaps.

## CHAPTER 7—OTHER ASSISTANCE PROVISIONS

- Sec. 571. Exemption from restrictions on assistance through nongovernmental organizations.
- Sec. 572. Funding requirements relating to United States private and voluntary organizations.
- Sec. 573. Documentation requested of private and voluntary organizations.
- Sec. 574. Encouragement of free enterprise and private participation.
- Sec. 575. Sense of the Congress relating to United States cooperatives and credit unions.
- Sec. 576. Food assistance to the Democratic People's Republic of Korea.
- Sec. 577. Withholding of assistance to countries that provide nuclear fuel to Cuba.

## TITLE VI—TRADE AND DEVELOPMENT AGENCY

- Sec. 601. Authorization of appropriations.

## TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

## CHAPTER 1—SPECIAL AUTHORITIES

- Sec. 701. Enhanced transfer authority.
- Sec. 702. Authority to meet unanticipated contingencies.

- Sec. 703. Special waiver authority.
- Sec. 704. Termination of assistance.
- Sec. 705. Local assistance to human rights groups in Cuba.

## CHAPTER 2—REPEALS

- Sec. 711. Repeal of obsolete provisions.

## DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

## TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Statement of history of legislation.
- Sec. 1003. Definitions.

## TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

- Sec. 1101. Administration of Foreign Affairs.
- Sec. 1102. International organizations, programs, and conferences.
- Sec. 1103. International commissions.
- Sec. 1104. Migration and refugee assistance.
- Sec. 1105. Asia Foundation.
- Sec. 1106. United States informational, educational, and cultural programs.
- Sec. 1107. United States arms control and disarmament.

## TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

## CHAPTER 1—AUTHORITIES AND ACTIVITIES

- Sec. 1201. Revision of Department of State rewards program.
- Sec. 1202. Foreign Service National Separation Liability Trust Fund.
- Sec. 1203. Capital Investment Fund.
- Sec. 1204. International Center reserve funds.
- Sec. 1205. Proceeds of sale of foreign properties.
- Sec. 1206. Reduction of reporting.
- Sec. 1207. Contracting for local guards services overseas.
- Sec. 1208. Preadjudication of claims.
- Sec. 1209. Expenses relating to certain international claims and proceedings.
- Sec. 1210. Establishment of fee account and providing for passport information services.
- Sec. 1211. Establishment of machine readable fee account.
- Sec. 1212. Retention of additional defense trade controls registration fees.
- Sec. 1213. Training.
- Sec. 1214. Recovery of costs of health care services.
- Sec. 1215. Fee for use of diplomatic reception rooms.
- Sec. 1216. Fees for commercial services.
- Sec. 1217. Budget presentation documents.
- Sec. 1218. Extension of certain adjudication provisions.
- Sec. 1219. Grants to overseas educational facilities.
- Sec. 1220. Grants to remedy international child abductions.

## CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

- Sec. 1241. Use of certain passport processing fees for enhanced passport services.
- Sec. 1242. Consular officers.
- Sec. 1243. Repeal of outdated consular receipt requirements.
- Sec. 1244. Elimination of duplicate publication requirements.

## CHAPTER 3—REFUGEES AND MIGRATION

- Sec. 1261. Report to Congress concerning Cuban emigration policies.
- Sec. 1262. Reprogramming of migration and refugee assistance funds.

## TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

## CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

- Sec. 1301. Coordinator for counterterrorism.
- Sec. 1302. Elimination of statutory establishment of certain positions of the Department of State.
- Sec. 1303. Establishment of Assistant Secretary of State for Human Resources.
- Sec. 1304. Establishment of Assistant Secretary of State for Diplomatic Security.
- Sec. 1305. Special envoy for Tibet.
- Sec. 1306. Responsibilities for bureau charged with refugee assistance.

## CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

- Sec. 1321. Authorized strength of the Foreign Service.
- Sec. 1322. Nonovertime differential pay.
- Sec. 1323. Authority of Secretary to separate convicted felons from service.
- Sec. 1324. Career counseling.
- Sec. 1325. Report concerning minorities and the Foreign Service.
- Sec. 1326. Retirement benefits for involuntary separation.
- Sec. 1327. Availability pay for certain criminal investigators within the diplomatic security service.
- Sec. 1328. Labor management relations.
- Sec. 1329. Office of the Inspector General.

## TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

- Sec. 1401. Extension of au pair programs.
- Sec. 1402. Retention of interest.
- Sec. 1403. Center for Cultural and Technical Interchange Between North and South.
- Sec. 1404. Use of selected program fees.
- Sec. 1405. Muskie fellowship program.
- Sec. 1406. Working group on United States Government sponsored international exchanges and training.
- Sec. 1407. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
- Sec. 1408. United States-Japan commission.
- Sec. 1409. Surrogate broadcasting studies.
- Sec. 1410. Authority to administer summer travel/work programs.
- Sec. 1411. Permanent administrative authorities regarding appropriations.
- Sec. 1412. Authorities of the broadcasting board of governors.

## TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

## CHAPTER 1—GENERAL PROVISIONS

- Sec. 1501. Service in international organizations.

- Sec. 1502. Organization of American States.

## CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

- Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
- Sec. 1522. Reports on efforts to promote full equality at the United Nations for Israel.
- Sec. 1523. United Nations Population Fund.
- Sec. 1524. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.

# TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

- Sec. 1601. Comprehensive compilation of arms control and disarmament studies.
- Sec. 1602. Use of funds.

## TITLE XVII—FOREIGN POLICY PROVISIONS

- Sec. 1701. United States policy regarding the involuntary return of refugees.
- Sec. 1702. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
- Sec. 1703. Reports on claims by United States firms against the Government of Saudi Arabia.
- Sec. 1704. Human rights reports.
- Sec. 1705. Reports on determinations under title IV of the Libertad Act.
- Sec. 1706. Reports and policy concerning diplomatic immunity.
- Sec. 1707. Congressional statement with respect to efficiency in the conduct of foreign policy.
- Sec. 1708. Congressional statement concerning Radio Free Europe/Radio Liberty.
- Sec. 1709. Programs or projects of the International Atomic Energy Agency in Cuba.
- Sec. 1710. United States policy with respect to Jerusalem as the capital of Israel.
- Sec. 1711. Report on compliance with the Hague Convention on International Child Abduction.
- Sec. 1712. Sense of Congress relating to recognition of the ecumenical patriarchate by the government of Turkey.
- Sec. 1713. Return of Hong Kong to People's Republic of China.
- Sec. 1714. Development of democracy in the Republic of Serbia.
- Sec. 1715. Relations with Vietnam.
- Sec. 1716. Statement concerning return of or compensation for wrongly confiscated foreign properties.

## DIVISION C—FUNDING LEVELS

- Sec. 2001. Authorization of appropriations for certain programs.

## DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN AS- SISTANCE REFORM, AND FOREIGN AS- SISTANCE AUTHORIZATIONS

### TITLE I—GENERAL PROVISIONS

#### SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Assistance Reform Act of 1997".

#### SEC. 102. DECLARATION OF POLICY.

The Congress declares the following:

(1) United States leadership overseas must be maintained to support America's vital national security, economic, and humanitarian overseas interests.

(2) As part of this leadership, United States foreign assistance programs are essential to support America's overseas interests.

(3) Following the end of the Cold War, foreign assistance programs must be reformed to take advantage of the opportunities for the United States in the 21st century.

### TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

#### CHAPTER 1—GENERAL PROVISIONS

##### SEC. 201. SHORT TITLE

This title may be cited as the "International Affairs Agency Consolidation Act of 1997".

##### SEC. 202. DEFINITIONS.

The following terms have the following meanings for the purposes of this title:

(1) The term "USAID" means the United States Agency for International Development.

(2) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

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

## CHAPTER 2—UNITED STATES INTER- NATIONAL DEVELOPMENT COOPERA- TION AGENCY

### Subchapter A—Abolition of United States International Development Cooperation Agency and Transfer of Functions to Unit- ed States Agency for International Develop- ment

#### SEC. 211. ABOLITION OF UNITED STATES INTER- NATIONAL DEVELOPMENT CO- OPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is hereby abolished.

(b) CONFORMING AMENDMENTS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Sections 1-101 through 1-103, sections 1-401 through 1-403, and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1-6 of such Delegation of Authority.

(4) Section 3 of Executive Order 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

#### SEC. 212. TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTER- NATIONAL DEVELOPMENT.

(a) IN GENERAL.—There are transferred to the Administrator of the United States Agency for International Development all functions of the Director of United States International Development Cooperation Agency and all functions of such Agency and any officer or component of such agency under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title.

(b) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

#### SEC. 213. TRANSITION PROVISIONS.

(a) TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND UNEXPENDED BALANCES.—

(1) PERSONNEL, PROPERTY, AND RECORDS.—So much of the personnel, property, and records of the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of the Office of Management and Budget shall provide.

(2) UNEXPENDED BALANCES.—To the extent provided in advance in appropriations Acts, so much of the unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available to the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for Inter-

national Development at such time or times as the Director of Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made.

(b) TERMINATING AGENCY AFFAIRS.—The Director of the Office of Management and Budget shall provide for terminating the affairs of the United States International Development Cooperation Agency and for such further measures and dispositions as such Director deems necessary to accomplish the purposes of this subchapter.

### Subchapter B—Continuation of United States Agency for International Development and Placement of Administrator of Agency under the Direction of the Secretary of State

#### SEC. 221. CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DE- VELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE.

(a) CONTINUATION OF USAID AS FEDERAL AGENCY.—The United States Agency for International Development, established in the Department of State pursuant to the State Department Delegation of Authority Numbered 104 (26 Fed. Reg. 10608) and subsequently transferred to the United States International Development Cooperation Agency pursuant to the International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), shall be continued in existence as a Federal agency of the United States.

(b) PLACEMENT OF ADMINISTRATOR OF USAID UNDER DIRECTION OF SECRETARY OF STATE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a))—

(A) shall continue to head such Agency; and

(B) shall be under the direction of the Secretary of State.

(2) OTHER REQUIREMENTS.—Except to the extent inconsistent with other provisions of this Act, the Administrator—

(A) shall continue to exercise all functions that the Administrator exercised before the effective date of this Act; and

(B) shall exercise all functions transferred to the Administrator pursuant to section 212.

(c) OTHER OFFICERS OF AID.—The other officers of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall continue to exercise such functions as the Administrator deems appropriate.

### Subchapter C—Conforming Amendments

#### SEC. 231. CONFORMING AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "the United States International Development Cooperation Agency" and inserting "the United States Agency for International Development".

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 8A) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by striking "Agency for International Development—" and all that follows through "shall supervise" and inserting "Agency for International Development shall supervise"; and

(C) by striking "and" at the end and inserting a period;

(2) by striking subsection (c); and

(3) by striking subsection (f).

(c) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980.—Section 316 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”; and

(B) in the second sentence, by striking “Director” and inserting “Administrator”; and

(2) in subsection (b), by striking “Director” and inserting “Administrator”;

(d) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 25(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(f)) is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(2) Section 26(b) of such Act (22 U.S.C. 2698(b)) is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(3) Section 32 of such Act (22 U.S.C. 2704) is amended in the second sentence by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(e) FOREIGN SERVICE ACT OF 1980.—(1) Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(2) Section 210 of such Act (22 U.S.C. 3930) is amended in the second sentence by striking “United States International Development Cooperation Agency” and inserting “United States Agency for International Development”.

(3) Section 1003(a) of such Act (22 U.S.C. 4103(a)) is amended by striking “United States International Development Cooperation Agency” and inserting “United States Agency for International Development”.

(4) Section 1101(c) of such Act (22 U.S.C. 4131(c)) is amended by striking “United States International Development Cooperation Agency” and inserting “United States Agency for International Development”.

(f) TITLE 26, UNITED STATES CODE.—(1) Section 170(m)(7) of title 26, United States Code, is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(2) Section 2055(g)(6) of title 26, United States Code, is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(g) TITLE 49, UNITED STATES CODE.—Section 40118(d) of title 49, United States Code, is amended by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

(h) EXPORT ADMINISTRATION ACT OF 1979.—Section 6(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(1) in the third sentence, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”;

(2) in the fourth sentence, by striking “Director” and inserting “Administrator”; and

(3) in the sixth sentence, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the United States Agency for International Development”.

#### SEC. 232. OTHER REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States International Development Cooperation Agency or any other officer or employee of the United States International Development Cooperation Agency shall be deemed to refer to the Administrator of the United States Agency for International Development; and

(2) the United States International Development Cooperation Agency shall be deemed to refer to the United States Agency for International Development.

#### SEC. 233. EFFECTIVE DATE.

This subchapter shall take effect 6 months after the date of the enactment of this Act.

### TITLE III—FOREIGN ASSISTANCE REFORM

#### SEC. 301. GRADUATION FROM DEVELOPMENT ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended to read as follows:

#### “SEC. 634. CONGRESSIONAL PRESENTATION DOCUMENTS.

“(a) REQUIREMENT FOR SUBMISSION.—As part of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall prepare and transmit to the Congress annual congressional presentation documents for the programs authorized under this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(b) MATERIALS TO BE INCLUDED.—The documents submitted pursuant to subsection (a) shall include—

“(1) the rationale and direct United States national interest for the allocation of assistance or contributions to each country, regional, or centrally-funded program, or organization, as the case may be;

“(2) a description of how each such program or contribution supports the objectives of this Act or the Arms Export Control Act, as the case may be;

“(3) a description of planned country, regional, or centrally-funded programs or contributions to international organizations and programs for the coming fiscal year; and

“(4) for each country for which assistance is requested under this Act or the Arms Export Control Act—

“(A) the total number of years since 1946 that the United States has provided assistance;

“(B) the total amount of bilateral assistance provided by the United States since 1946, including the principal amount of all loans, credits, and guarantees; and

“(C) the total amount of assistance provided to such country from all multilateral organizations to which the United States is a member, including all international financial institutions, the United Nations, and other international organizations.

#### “(c) GRADUATION FROM DEVELOPMENT ASSISTANCE.—

“(1) DETERMINATION.—As part of the congressional presentation documents transmitted to the Congress under this section, the President shall make a separate determination for each country identified in such documents for which bilateral development assistance is requested, estimating the year in which each such country will no longer be receiving bilateral development assistance.

“(2) DEVELOPMENT ASSISTANCE DEFINED.—For purposes of this section, the term “de-

velopment assistance” means assistance under—

“(A) chapter 1 of part I of this Act;

“(B) chapter 10 of part I of this Act;

“(C) chapter 11 of part I of this Act; and

“(D) the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).”

#### SEC. 302. LIMITATION ON GOVERNMENT-TO-GOVERNMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999, the President should allocate an aggregate level to private and voluntary organizations and cooperatives under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) which reflects an increasing level allocated to such organizations and cooperatives under such Act since fiscal year 1995.

(b) DEFINITION.—For purposes of this section, the term “private and voluntary organization” means a private non-governmental organization which—

(1) is organized under the laws of a country;

(2) receives funds from private sources;

(3) operates on a not-for-profit basis with appropriate tax-exempt status if the laws of the country grant such status to not-for-profit organizations;

(4) is voluntary in that it receives voluntary contributions of money, time, or in-kind support from the public; and

(5) is engaged or intends to be engaged in voluntary, charitable, development, or humanitarian assistance activities.

#### (c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 1997, the United States Agency for International Development shall submit a report to the Congress on the amount of its funding being channeled through and private and voluntary organizations.

(2) ADDITIONAL REQUIREMENTS.—(A) The report should use fiscal year 1995 as a baseline and include an implementation plan for steadily increasing the percentage of assistance channeled through such organizations, consistent with the funding commitment announced by Vice President Gore in March 1995.

(B) The report should also indicate the proportion of funds made available under the following provisions and channeled through such organizations:

(i) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(ii) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(iii) Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346).

#### SEC. 303. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

#### “SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

“(a) FINDINGS AND POLICY.—The Congress finds and declares that—

“(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

“(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

“(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and



"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

"(A)(i) \$1,500,000 for each of the fiscal years 1998 and 1999 to carry out subsection (b)(1).

"(ii) Funds authorized to be appropriated under this subparagraph shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under such subsection.

"(B) \$500,000 for each of the fiscal years 1998 and 1999 to carry out paragraphs (2) and (3) of subsection (b).

"(2) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended."

#### **SEC. 304. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.**

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108, as amended by this Act, the following new section:

#### **"SEC. 108A. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.**

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for micro enterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of \$300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall, in accordance with section 1115 of title 31, United States Code (relating to performance plans), establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women."

#### **SEC. 305. PRIVATE SECTOR ENTERPRISE FUNDS.**

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 601 the following new section:

#### **"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.**

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

"(2) Funds may be made available under this section notwithstanding any other provision of law, except sections 502B and 490 of this Act.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)).

"(2) The authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(c) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under

section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(d) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(p)), that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year, shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(e) FUNDING.—(1) Amounts made available for a fiscal year to carry out chapter 1 of part I of this Act (relating to development assistance) and to carry out chapter 4 of part II of this Act (relating to the economic support fund) shall be available for such fiscal year to carry out this section, in addition to amounts otherwise available for such purposes.

"(2) In addition to amounts available under paragraph (1) for a fiscal year, amounts made available for such fiscal year to carry out chapter 10 of part I of this Act (relating to the Development Fund for Africa) shall be available for such fiscal year to carry out this section with respect to countries in Africa."

#### **SEC. 306. DEVELOPMENT CREDIT AUTHORITY.**

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 the following:

#### **"SEC. 107A. DEVELOPMENT CREDIT AUTHORITY.**

"(a) GENERAL AUTHORITY.—The President is authorized to use credit authority (loans, loan guarantees, and other investments involving the extension of credit) to achieve any of the development purposes of this part in cases where—

"(1) the borrowers or activities are deemed sufficiently creditworthy and do not otherwise have access to such credit; and

"(2) the use of credit authority would be appropriate to the achievement of such development purposes.

"(b) PRIORITY SECTOR POLICIES AND ACTIVITIES.—

"(1) IN GENERAL.—To the maximum extent practicable, preference shall be given to the use of credit authority to promote—

"(A) micro- and small enterprise development policies of section 108;

"(B) sustainable urban and environmental activities pursuant to the policy directives set forth in this part; and

"(C) other development activities that will support and enhance grant-financed policy and institutional reforms under this part.

"(2) DEVELOPMENT CREDIT AUTHORITY.—The credit authority described in paragraph (1) shall be known as the 'Development Credit Authority'.

"(c) GENERAL AUTHORITY.—

"(1) AUTHORITY.—Of the amounts made available to carry out this chapter, chapters 10 and 11 of this part, chapter 4 of part II of this Act, and the Support for East European Democracy (SEED) Act of 1989 for fiscal years 1998 and 1999, not more than \$13,000,000 for each such fiscal year may be made available to carry out this section.

"(2) LIMITATIONS.—(A) Funds made available under paragraph (1) shall be used for activities in the same geographic region for which such funds were originally allocated.

"(B) The President shall notify the congressional committees specified in section 634A at least fifteen days in advance of each transfer of funds under paragraph (1) in accordance with procedures applicable to reprogramming notifications under such section.



“(3) **SUBSIDY COST.**—Amounts made available under paragraph (1) shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.

“(4) **ADMINISTRATIVE EXPENSES.**—

“(A) **AMOUNTS MADE AVAILABLE.**—Of the amounts made available under paragraph (1) for a fiscal year, not more than \$1,500,000 may be made available for administrative expenses to carry out this section.

“(B) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated for administrative expenses to carry out this section and section 221 \$6,000,000 for each of the fiscal years 1998 and 1999.

“(C) **TRANSFER AUTHORITY.**—Amounts made available under and subparagraph (A) and amounts authorized to be appropriated under subparagraph (B) may be transferred and merged with amounts made available for ‘Operating Expenses of the Agency for International Development’.

“(5) **AVAILABILITY.**—Amounts made available under paragraph (1) are authorized to remain available until expended.

“(d) **GENERAL PROVISIONS APPLICABLE TO DEVELOPMENT CREDIT AUTHORITY.**—

“(1) **POLICY PROVISIONS.**—In providing the credit assistance authorized by this section, the President should apply, as appropriate, the policy provisions in this part applicable to development assistance activities.

“(2) **DEFAULT AND PROCUREMENT PROVISIONS.**—

“(A) **DEFAULT PROVISION.**—The provisions of section 620(q) of this Act, or any comparable provisions of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

“(B) **PROCUREMENT PROVISION.**—Assistance may be provided under this section without regard to section 604(a) of this Act.

“(3) **TERMS AND CONDITIONS OF CREDIT ASSISTANCE.**—(A) Assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the President may determine.

“(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single country or borrower, may not exceed \$100,000,000.

“(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(4) **FULL FAITH AND CREDIT.**—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

“(5) **CO-FINANCING AND RISK SHARING.**—

“(A) **IN GENERAL.**—(i) Assistance provided under this section shall be in the form of co-financing or risk sharing.

“(ii) Credit assistance may not be provided to a borrower under this section unless the Administrator of the United States Agency for International Development determines that there are reasonable prospects of repayment by such borrower.

“(B) **ADDITIONAL REQUIREMENT.**—The investment or risk of the United States in any one development activity may not exceed 80 percent of the total outstanding investment or risk.

“(6) **ELIGIBLE BORROWERS.**—

“(A) **IN GENERAL.**—(i) In order to be eligible to receive credit assistance under this section, a borrower shall be sufficiently credit worthy so that the estimated costs (as defined in section 502 of the Federal Credit Reform Act) of the proposed credit assistance for the borrower does not exceed 30 percent of the principal amount of credit assistance to be received.

“(ii) (I) In addition, with respect to the eligibility of foreign governments as an eligible borrowers under this section, the Administrator of the United States Agency for International Development shall make a determination that the additional debt of the government will not exceed the debt repayment capacity of the government.

“(II) In making the determination under subclause (I), the Administrator shall consult, as appropriate, with international financial institutions and other institutions or agencies that assess debt service capacity.

“(7) **ASSESSMENT OF CREDIT RISK.**—(A) The Administrator of the United States Agency for International Development shall use the Interagency Country Risk Assessment System (ICRAS) and the methodology approved by the Office of Management and Budget to assess the cost of risk credit assistance provided under this section to foreign governments.

“(B) With respect to the provision of credit to nongovernmental organizations, the Administrator—

“(i) shall consult with appropriate private sector institutions, including the two largest United States private sector debt rating agencies, prior to establishing the risk assessment standards and methodologies to be used; and

“(ii) shall periodically consult with such institutions in reviewing the performance of such standards and methodologies.

“(C) In addition, if the anticipated share of financing attributable to public sector owned or controlled entities, including the United States Agency for International Development, exceeds 49 percent, the Administrator shall determine the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of such assistance by using the cost and risk assessment determinations of the private sector co-financing entities.

“(8) **USE OF UNITED STATES TECHNOLOGY, FIRMS, AND EQUIPMENT.**—Activities financed under this section shall, to the maximum extent practicable, use or employ United States technology, firms, and equipment.”.

#### **SEC. 307. FOREIGN GOVERNMENT PARKING FINES.**

(a) **IN GENERAL.**—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

#### **“SEC. 620K. FOREIGN GOVERNMENT PARKING FINES.**

“(a) **IN GENERAL.**—An amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, Virginia, Maryland, New York, and New York City by the government of a foreign country as of the end of a fiscal year, as certified and transmitted to the President by the chief executive officer of each State, City, or District, shall be withheld from obligation for such country out of funds available in the next fiscal year to carry out part I of this Act, until the requirement of subsection (b) is satisfied.

“(b) **REQUIREMENT.**—The requirement of this subsection is satisfied when the Secretary of State determines and certifies to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, Virginia, Maryland, and New York.

“(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—For purposes of this section, the term ‘appropriate congressional committees’ means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to fines certified as of the end of fiscal year 1998 or any fiscal year thereafter.

(c) **TECHNICAL AMENDMENT.**—The second section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104-164 (110 Stat. 1436)—

(1) is redesignated as section 620J of such Act; and

(2) is inserted after section 620I of such Act.

#### **SEC. 308. WITHHOLDING UNITED STATES ASSISTANCE TO COUNTRIES THAT AID THE GOVERNMENT OF CUBA.**

(a) **IN GENERAL.**—Except as provided in subsection (a), not later than 180 days after the date of the enactment of this Act, the President shall withhold assistance under the Foreign Assistance Act of 1961 to any foreign government providing economic, development, or security assistance for, or engaging in nonmarket based trade with the Government of Cuba.

(b) **WAIVER.**—The President may waive the provisions of subsection (a) if the President certifies to the appropriate congressional committees that the provision of United States assistance is important to the national security of the United States.

(c) **NONMARKET BASED TRADE DEFINED.**—For the purpose of this section, the term “nonmarket based trade” means exports, imports, exchanges, or other arrangements that are provided for goods and services on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

(1) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

(2) imports from the Cuban Government at preferential tariff rates;

(3) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

(4) the exchange, reduction, or forgiveness of debt of the Cuban Government in exchange for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

#### **TITLE IV—DEFENSE AND SECURITY ASSISTANCE**

#### **CHAPTER 1—NARCOTICS CONTROL ASSISTANCE**

#### **SEC. 401. DEFINITION.**

(a) **IN GENERAL.**—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting “or under chapter 5 of part II” after “(including chapter 4 of part II)”; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: “, other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1)) is amended by striking "\$147,783,000 for fiscal year 1993 and \$171,500,000 for fiscal year 1994" and inserting "\$230,000,000 for each of the fiscal years 1998 and 1999".

**SEC. 403. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.**

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended to read as follows:

**"SEC. 490. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.**

"(a) IN GENERAL.—For every country identified in the report under section 489(a)(3), the President shall, on or after March 1, 1998, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purposes of this chapter, take one or more of the following actions:

"(1) Withhold from obligation and expenditure any or all United States assistance allocated each fiscal year in the report required by section 653 for each such country.

"(2) Instruct the Secretary of the Treasury to instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any such country.

"(b) CONSIDERATIONS.—In determining whether or not take one or more actions described in subsection (a), the President shall consider the extent to which—

"(1) the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

"(C) reached agreement, or is negotiating in good faith to reach agreement, to ensure that banks and other financial institutions of the country maintain adequate records of large United States currency transactions;

"(D) reached agreement, or is negotiating in good faith to reach agreement, to establish a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

"(E) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

"(2) such actions will—

"(A) promote the purposes of this chapter; and

"(B) affect other United States national interests.

"(c) CONSULTATIONS WITH THE CONGRESS.—

"(1) CONSULTATIONS.—The President shall consult with the Congress on the status of counter-narcotics cooperation between the

United States and each major illicit drug producing country, major drug-transit country, or major money laundering country.

"(2) PURPOSE.—

"(A) IN GENERAL.—The purpose of the consultations under paragraph (1) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in paragraph (1), including the strategy for achieving such goals and objectives.

"(B) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out subparagraph (A), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

"(i) on a quarterly basis for discussions and consultations; and

"(ii) whenever time-sensitive issues arise.

"(d) DEFINITION.—For purposes of this section, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development."

(b) CONFORMING AMENDMENTS.—(1) Section 481(e)(8) of such Act (22 U.S.C. 2291(e)(8)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(2) Section 485(b) of such Act (22 U.S.C. 2291d(b)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(3) Section 488(a)(3) of such Act (22 U.S.C. 2291g(a)(3)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(4) Section 489(a) of such Act (22 U.S.C. 2291h(a)) is amended—

(A) in paragraph (3)(A), by striking "as determined under section 490(h)"; and

(B) in the matter preceding subparagraph (A) of paragraph (7), by striking "paragraph (3)(D)" and inserting "paragraph (3)(C)".

**CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS****SEC. 411. NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS.**

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following (and conforming the table of contents accordingly):

**"CHAPTER 9—NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS****"SEC. 581. NONPROLIFERATION AND DISARMAMENT FUND.**

"(a) ESTABLISHMENT OF FUND.—The President shall establish a Nonproliferation and Disarmament Fund, which may be used notwithstanding any other provision of law, to promote bilateral and multilateral nonproliferation and disarmament activities—

"(1) to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons;

"(2) to dismantle and destroy nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

"(3) to prevent the diversion of weapons-related scientific and technical expertise; and

"(4) to support science and technology centers in Russia and the Ukraine.

"(b) PROHIBITED ACTIVITIES.—Amounts made available to carry out subsection (a) may not be used to implement United States obligations pursuant to bilateral or multilat-

eral arm control treaties or nonproliferation accords, including the payment of salaries and expenses.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) NOTIFICATION.—Amounts made available to carry out subsection (a) may be provided only if the congressional committees specified in section 634A of this Act are notified at least fifteen days before providing funds under such subsection in accordance with procedures applicable to reprogramming notifications under such section.

"(2) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND INTERNATIONAL ORGANIZATIONS.—Amounts made available to carry out subsection (a) may only be provided for the independent states of the former Soviet Union and international organizations if the Secretary of State—

"(A) determines it is in the national interest of the United States to do so; and

"(B) includes such determination in the notification described in paragraph (1).

"(d) AVAILABILITY OF AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for fiscal years 1998 and 1999—

"(A) not less than \$15,000,000 for each such fiscal year may be made available to carry out subsection (a); and

"(B) not more than \$5,000,000 of the amount made available under subparagraph (A) for fiscal year 1998, and not more than \$3,000,000 of such amount made available in fiscal year 1999, may be used to support export control programs.

"(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

**"SEC. 582. ASSISTANCE FOR ANTITERRORISM.**

"Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out chapter 8 of part II of this Act.

**"SEC. 583. ASSISTANCE FOR DEMINING.**

"The President is authorized to provide assistance for demining activities, notwithstanding any other provision of law, including—

"(1) to enhance the ability of countries, international organizations, and nongovernmental organizations to detect and clear landmines; and

"(2) to educate affected populations about the dangers of landmines.

**"SEC. 584. ASSISTANCE FOR RELATED PROGRAMS.**

"(a) IN GENERAL.—Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out section 301 of this Act for voluntary contributions to the International Atomic Energy Agency (IAEA) and the Korean Peninsula Energy Development Organization (KEDO) and to programs administered by such organizations. —

"(b) LIMITATION.—Of the amounts made available under subsection (a) for fiscal years 1998 and 1999, not more than \$30,000,000 may be made available for each fiscal year to KEDO for the administrative expenses and heavy fuel oil costs associated with implementation of the Agreed Framework.

**"SEC. 585. DEFINITIONS.**

"As used in this chapter—

"(1) AGREED FRAMEWORK.—The term 'Agreed Framework' means the documents agreed to between the United States and the Democratic People's Republic of Korea on October 21, 1994, regarding elimination of the nuclear weapons program of the Democratic People's Republic of Korea and the provision of certain assistance to that country.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' has the meaning

given such term in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

**"SEC. 586. AUTHORIZATION OF APPROPRIATIONS.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$110,000,000 for fiscal year 1998 and \$111,000,000 for fiscal year 1999, in addition to amounts otherwise available for such purposes, to carry out the purpose of this chapter. —

"(b) ADMINISTRATIVE AUTHORITIES.—Any agency of the United States Government may utilize such funds in accordance with authority granted under this Act or under authority governing the activities of that agency.

"(c) DESIGNATION OF ACCOUNT.—Appropriations pursuant to subsection (a) may be referred to as the "Nonproliferation, Antiterrorism, Demining and Related Programs Account" or "NADR Account".

(b) REFERENCE IN OTHER PROVISIONS OF LAW.—A reference in any other provision of law to section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) shall be deemed to include a reference to chapter 9 of part II of the Foreign Assistance Act of 1961, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) is hereby repealed.

(2) The table of contents of such Act is amended by striking the item relating to section 504.

**CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM**

**SEC. 421. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) \$3,318,000,000 for fiscal year 1998; and

(2) \$3,274,250,000 for fiscal year 1999.

**SEC. 422. ASSISTANCE FOR ISRAEL.**

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than \$1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than \$475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

**SEC. 423. ASSISTANCE FOR EGYPT.**

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program" account), not less than \$1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

**SEC. 424. AUTHORIZATION OF ASSISTANCE TO FACILITATE TRANSITION TO NATO MEMBERSHIP UNDER NATO PARTICIPATION ACT OF 1994.**

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than \$50,900,000 for each such fiscal year shall be made available for the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(b) TERMS OF ASSISTANCE.—The assistance provided under subsection (a) may be provided on a grant basis, and may also be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans to countries eligible for assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

**SEC. 425. LOANS FOR GREECE AND TURKEY.**

Of the amounts made available for fiscal year 1998 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) not more than \$12,850,000 shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) not more than \$33,150,000 shall be made available for such subsidy cost of direct loans for Turkey.

**SEC. 426. LIMITATIONS ON LOANS.**

Of the amounts made available for fiscal year 1999 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans, no such amounts shall be made available to any country which has an Inter-Agency Country Risk Assessment Systems (ICRAS) rating of less than grade C-.

**SEC. 427. ADMINISTRATIVE EXPENSES.**

Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not more than \$23,250,000 for each of the fiscal years 1998 and 1999 may be made available for necessary expenses for the general costs of administration of military assistance and sales, including expenses incurred in purchasing passenger motor vehicles for replacement for use outside the United States.

**CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING**

**SEC. 431. AUTHORIZATION OF APPROPRIATIONS.**

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "\$56,221,000 for the fiscal year 1986 and \$56,221,000 for the fiscal year 1987" and inserting "\$50,000,000 for each of the fiscal years 1998 and 1999".

**SEC. 432. IMET ELIGIBILITY FOR PANAMA AND HAITI.**

Notwithstanding section 660(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(c)), assistance under chapter 5 of part II of such Act (22 U.S.C. 2347) may be provided to Pan-

ama and Haiti for each of the fiscal years 1998 and 1999.

**CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES**

**SEC. 441. AUTHORITY TO TRANSFER NAVAL VESSELS.**

(a) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "HUNLEY" class submarine tender HOLLAND (AS 32).

(b) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "KAISER" class oiler ISHERWOOD (T-AO 191).

(c) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "KNOX" class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINSTER (FFT 1097), and the "OLIVER HAZARD PERRY" class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) ISRAEL.—The Secretary of the Navy is authorized to transfer to the Government of Israel the "NEWPORT" class tank landing ship PEORIA (LST 1183).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship BARBOUR COUNTY (LST 1195).

(f) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "KNOX" class frigate ROARK (FF 1053).

(g) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "KNOX" class frigates WHIPPLE (FF 1062) and DOWNES (FF 1070).

(h) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185).

(i) FORM OF TRANSFERS.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

**SEC. 442. COSTS OF TRANSFERS.**

Any expense of the United States in connection with a transfer authorized by this chapter shall be charged to the recipient.

**SEC. 443. EXPIRATION OF AUTHORITY.**

The authority granted by section 451 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

**SEC. 444. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.**

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this chapter, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

**CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT**

**SEC. 451. SHORT TITLE.**

This chapter may be cited as the "Indonesia Military Assistance Accountability Act".

**SEC. 452. FINDINGS.**

The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as "Pancasila", which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995-96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, "I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance."

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

#### **SEC. 453. LIMITATION ON MILITARY ASSISTANCE TO THE GOVERNMENT OF INDONESIA.**

(a) IN GENERAL.—The United States shall not provide military assistance and arms transfers programs for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements:

(1) DOMESTIC MONITORING OF ELECTIONS.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the

Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) PROTECTION OF NONGOVERNMENTAL ORGANIZATIONS.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) ACCOUNTABILITY FOR ATTACK ON PDI HEADQUARTERS.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) RESOLUTION OF CONFLICT IN EAST TIMOR.—

(A) ESTABLISHMENT OF DIALOGUE.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) REDUCTION OF TROOPS.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) RELEASE OF POLITICAL PRISONERS.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) IMPROVEMENT IN LABOR RIGHTS.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(b) WAIVERS.—

(1) IN GENERAL.—The limitation on United States military assistance and arms transfers under subsection (a) shall not apply if the President determines and notifies the Congress that—

(A) an emergency exists that requires providing such assistance or arms transfers for the Government of Indonesia; or

(B) subject to paragraph (2), it is in the national interest of the United States to provide such assistance or arms transfers for the Government of Indonesia.

(2) APPLICABILITY.—A determination under paragraph (1)(B) shall not become effective until 15 days after the date on which the President notifies the Congress in accordance with such paragraph.

(c) EFFECTIVE DATE.—The limitation on United States military assistance and arms transfers under subsection (a) shall apply only with respect to assistance provided for, and arms transfers made pursuant to agreements entered into, fiscal years beginning after the date of enactment of this Act.

#### **SEC. 454. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.**

As used in this chapter, the term "military assistance and arms transfers" means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) relating to international military education and training or "IMET", except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

#### **CHAPTER 7—OTHER PROVISIONS**

#### **SEC. 461. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.**

Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1998 and 1999".

#### **SEC. 462. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.**

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) ITEMS DESCRIBED.—The items described in this paragraph are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) CONCESSIONS.—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

#### **SEC. 463. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.**

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and \$60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than \$40,000,000 may be made available for stockpiles in the Republic of Korea and not more than \$20,000,000 may be made available for stockpiles in Thailand."

**SEC. 464. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.**

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: “, including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.”;

(2) by redesignating subsection (c) as subsection (d); and

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

“(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.”.

**SEC. 465. CASH FLOW FINANCING NOTIFICATION.**

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) in the second subsection (d)—

(A) by striking “(d)” and inserting “(e)”;

and

(B) by striking the semicolon at the end and inserting a period; and

(2) by adding at the end the following:

“(f) For each country that has been approved for cash flow financing (as defined in subsection (e)) under section 23 of this Act (relating to the ‘Foreign Military Financing Program’), any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of \$100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act and through the regular notification procedures of the Committee on Appropriations.”.

**SEC. 466. MULTINATIONAL ARMS SALES CODE OF CONDUCT.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall convene negotiations with all Wassenaar Arrangement countries for the purpose of establishing a multinational arms sales code of conduct.

(b) CONDUCT OF NEGOTIATIONS.—Such negotiations shall achieve agreement on restricting or prohibiting arms transfers to countries that—

(1) do not respect democratic processes and the rule of law;

(2) do not adhere to internationally-recognized norms on human rights; or

(3) are engaged in acts of armed aggression.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall prepare and transmit to the Committee on International Relations of the House of Representative and the Committee on Foreign Relations of the Senate a report on—

(1) efforts to establish a multinational arms sales code of conduct;

(2) progress toward establishing such code of conduct; and

(3) any obstacles that impede the establishment of such code of conduct.

**TITLE V—ECONOMIC ASSISTANCE****CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE****SEC. 501. ECONOMIC SUPPORT FUND.**

Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

“(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter \$2,388,350,000 for fiscal year 1998 and \$2,350,600,000 for fiscal year 1999.”.

**SEC. 502. ASSISTANCE FOR ISRAEL.**

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than \$1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) CASH TRANSFER.—The total amount of funds allocated for Israel for each fiscal year under subsection (a) shall be made available on a grant basis as a cash transfer.

(2) EXPEDITED DISBURSEMENT.—Such funds shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADDITIONAL REQUIREMENT.—In exercising the authority of this subsection, the President shall ensure that the amount of funds provided as a cash transfer to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

**SEC. 503. ASSISTANCE FOR EGYPT.**

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than \$815,000,000 for each such fiscal year shall be available only for Egypt.

(b) ADDITIONAL REQUIREMENT.—In exercising the authority of this section, the President shall ensure that the amount of funds provided as a cash transfer to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(c) DECLARATION OF POLICY.—The Congress declares the following:

(1) Assistance to Egypt is based in great measure upon Egypt's continued implementation of the Camp David accords and the Egyptian-Israeli peace treaty.

(2) Fulfillment by Egypt of its obligations under the agreements described in paragraph (1) has been disappointing, particularly the failure by Egypt to meet fully its commitment made at Camp David to establish with Israel “relationships normal to states at peace with one another”, and in its recent support for reimposing the Arab economic boycott of Israel.

(3) Support for future funding levels of assistance for Egypt will be determined largely on whether Egypt fulfills its obligations to develop normal relations with Israel and to promote peace with Israel and other critical United States interests both in Egypt and the wider Arab world.

**SEC. 504. INTERNATIONAL FUND FOR IRELAND.**

(a) FUNDING.—Of the amounts made available for fiscal years 1998 and 1999 for assist-

ance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not more than \$19,600,000 for each of the fiscal years 1998 and 1999 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415).

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: “United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.”.

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking “The United States” and inserting the following:

“(1) IN GENERAL.—The United States”;

(ii) by striking “in this Act may be used” and inserting the following: “in this Act—

“(A) may be used”;

(iii) by striking the period and inserting “; and”;

(iv) by adding at the end the following:

“(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice.”;

(B) in the second sentence, by striking “The restrictions” and inserting the following:

“(2) ADDITIONAL REQUIREMENTS.—The restrictions”.

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking “principle of equality” and all that follows and inserting “principles of economic justice; and”;

(B) in subparagraph (B), by inserting before the period at the end the following: “and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment”.

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”;

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

“(4) each individual or entity receiving assistance from United States contributions to the International Fund has agreed in writing to comply with the principles of economic justice.”.

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

“(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.”.

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

“(3) the term ‘Northern Ireland’ includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

“(4) the term ‘principles of economic justice’ means the following principles:

“(A) Increasing the representation of individuals from underrepresented religious

groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H)."

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

#### **SEC. 505. ASSISTANCE FOR TRAINING OF CIVILIAN PERSONNEL OF THE MINISTRY OF DEFENSE OF THE GOVERNMENT OF NICARAGUA.**

Notwithstanding section 531(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(e)), amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of such Act (22 U.S.C. 2346; relating to the economic support fund) may be made available for assistance and training for civilian personnel of the Ministry of Defense of the Government of Nicaragua if, prior to the provision of such assistance, the Secretary of State determines and reports to the Congress that such assistance is necessary to establishing a civilian Ministry of Defense capable of effective oversight and management of the Nicaraguan armed forces and ensuring respect for civilian authority and human rights.

#### **SEC. 506. AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992.**

Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than \$2,000,000 for each such fiscal year shall be made available to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

### **CHAPTER 2—DEVELOPMENT ASSISTANCE** **Subchapter A—Development Assistance Authorities**

#### **SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

(a) DEVELOPMENT ASSISTANCE FUND.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 and before section 107A, as added by this Act, the following:

#### **"SEC. 107. DEVELOPMENT ASSISTANCE FUND.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out sections 103 through 106, in addition to amounts otherwise available for such purposes, \$1,203,000,000 for each of the fiscal years 1998 and 1999.

"(b) ADDITIONAL USE OF AMOUNTS.—Of the amounts authorized to be appropriated under subsection (a)—

"(1) the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980;

"(2) \$2,500,000 for fiscal year 1998 and \$4,000,000 for fiscal year 1999 may be made available to carry out section 510 of the International Security and Development Cooperation Act of 1980 (relating to the African Development Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 510 of such Act); and

"(3) \$2,000,000 for fiscal year 1998 and \$7,000,000 for fiscal year 1999 may be made available to carry out section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 401 of such Act).

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended."

(b) DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended to read as follows:

"(a) IN GENERAL.—Of the amounts made available to carry out sections 103 through 106 (including section 104(c)) for fiscal years 1998 and 1999, not less than \$700,000,000 for each of the fiscal years 1998 and 1999 shall be made available to carry out this chapter (in addition to amounts otherwise available for such purposes).

"(b) AVAILABILITY.—Amounts made available under subsection (a) are authorized to remain available until expended."

(c) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 498C(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295c(a)) is amended by striking "for fiscal year 1993 \$410,000,000" and inserting "for economic assistance and related programs, \$839,900,000 for fiscal year 1998 and \$789,900,000 for fiscal year 1999".

(d) ASSISTANCE FOR EAST EUROPEAN COUNTRIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the President, in addition to amounts otherwise available for such purposes, \$471,000,000 for fiscal year 1998 and \$337,000,000 for fiscal year 1999 for economic assistance and related programs for Eastern Europe and the Baltic states under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(2) DEBT RELIEF FOR BOSNIA AND HERZEGOVINA.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated for fiscal years 1998 and 1999 under paragraph (1), not more than \$5,000,000 may be made available for the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of modifying direct loans and loan guarantees for Bosnia and Herzegovina.

(3) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(e) INTER-AMERICAN FOUNDATION.—Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the President to carry out programs under this section, in addition to amounts otherwise available for such purposes, \$20,000,000 for fiscal year 1998 and \$15,000,000 for fiscal year 1999.

"(B) Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended."

(f) AFRICAN DEVELOPMENT FOUNDATION.—The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h-8) is amended by striking "\$3,872,000 for fiscal year 1986 and \$3,872,000 for fiscal year 1987" and inserting "\$11,500,000 for fiscal year 1998 and \$10,000,000 for fiscal year 1999."

#### **SEC. 512. CHILD SURVIVAL ACTIVITIES.**

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended to read as follows:

"(c) ASSISTANCE FOR CHILD SURVIVAL, HEALTH, BASIC EDUCATION FOR CHILDREN, AND DISEASE PREVENTION.—

"(1) AUTHORITY.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for child survival and health programs, including programs that address the special health and nutrition needs of children and mothers, and basic education programs for children. Assistance under this subsection may be used for the following:

"(A) Activities whose primary purpose is to reduce child morbidity and child mortality and which have a substantial, direct, and measurable impact on child morbidity and child mortality, such as—

"(i) immunization;

"(ii) oral rehydration;

"(iii) activities relating to Vitamin A deficiency, iodine deficiency, and other micronutrients;

"(iv) programs designed to reduce child malnutrition;

"(v) programs to prevent and treat acute respiratory infections;

"(vi) programs for the prevention, treatment, and control of, and research on, polio, malaria and other diseases primarily affecting children; and

"(vii) programs whose primary purpose is to prevent neonatal mortality.

"(B) Other child survival activities such as—

"(i) basic integrated health services;

"(ii) assistance for displaced and orphaned children;

"(iii) safe water and sanitation;

"(iv) health programs, and related education programs, which primarily address the needs of mothers and children; and

"(v) related health planning and research.

"(C) Basic education programs for mothers and children.

"(D) Other disease activities such as programs for the prevention, treatment and control of, and research on, tuberculosis, HIV/AIDS, and other diseases.

"(2) PRIORITY.—Child survival activities administered by the United States Agency for International Development under this subsection shall be primarily devoted to activities of the type described in paragraph (1)(A).

"(3) APPLICATION OF OTHER AUTHORITIES.—Funds made available to carry out this subsection that are provided for countries receiving assistance under chapters 10 and 11 of part I of this Act or the Support for East European Democracy (SEED) Act of 1989, may be made available—

"(A) only for the activities described in of paragraph (1); and

"(B) except to the extent inconsistent with subparagraph (A), pursuant to the authorities otherwise applicable to the provision of assistance for such countries.



“(4) INTERNATIONAL ORGANIZATIONS.—Funds made available to carry out this subsection may be used to make contributions on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

“(5) PVO/CHILD SURVIVAL GRANTS PROGRAM.—Of amounts made available to carry out this subsection for a fiscal year, not less than \$30,000,000 should be provided to the private and voluntary organizations under the PVO/Child Survival grants program carried out by the United States Agency for International Development.

“(6) REPORT.—The Administrator of the United States Agency for International Development shall report to Congress, as part of the congressional presentation document required under section 634 of this Act, the total amounts to be provided for activities under each subparagraph of paragraph (1).

“(7) AUTHORIZATION OF APPROPRIATIONS.—(A) In addition to amounts otherwise available for such purposes, and in addition to amounts made available under section 107, there are authorized to be appropriated to the President \$600,000,000 for each of the fiscal years 1998 and 1999 for use in carrying out this subsection.

“(B) Amounts appropriated under this paragraph are authorized to remain available until expended.

“(8) DESIGNATION OF FUND.—Appropriations pursuant to this subsection may be referred to as the ‘Child Survival and Disease Programs Fund’.”

#### **SEC. 513. REQUIREMENT ON ASSISTANCE TO THE RUSSIAN FEDERATION.**

(a) IN GENERAL.—Of the amounts made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999, not more than \$95,000,000 for each such fiscal year may be provided to the Russian Federation unless the President determines and reports to the Congress for each such fiscal year that—

(1) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, ballistic missile or nuclear programs in Iran, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such programs in Iran by persons and entities subject to its jurisdiction; and

(2) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, nuclear reactor projects in Cuba, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such projects in Cuba by persons and entities subject to its jurisdiction.

(b) ADDITIONAL LIMITATION.—

(1) IN GENERAL.—Notwithstanding subsection (a), none of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People's Republic of China.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

#### **SEC. 514. HUMANITARIAN ASSISTANCE FOR ARMENIA AND AZERBAIJAN.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should

seek cooperation from the governments of Armenia and Azerbaijan to ensure that humanitarian assistance, including assistance delivered through nongovernmental organizations and private and voluntary organizations, shall be available to all needy citizens within Armenia and Azerbaijan, including those individuals in the region of Nagorno-Karabakh.

(b) REPORT.—The President shall prepare and transmit a report to the Congress on humanitarian needs throughout Armenia and Azerbaijan and the provision of assistance to meet such needs by United States and other donor organizations and states.

#### **SEC. 515. AGRICULTURAL DEVELOPMENT AND RESEARCH ASSISTANCE.**

(a) FINDINGS.—The Congress finds that the proportion of United States development assistance devoted to agricultural development and research has declined sharply from 17 percent in 1990 to 8 percent in 1996.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) United States investment in international agricultural development and research has been a critical part of many economic development successes;

(2) agricultural development and research advance food security, thereby reducing poverty, increasing political stability, and promoting United States exports; and

(3) the United States Agency for International Development should increase the emphasis it places on agricultural development and research and expand the role of agricultural development and research in poverty relief, child survival, and environmental programs.

#### **SEC. 516. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND THE ASIA AND THE PACIFIC REGION.**

Of the amounts made available for fiscal years 1998 and 1999 for assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a through 2151d), including assistance under section 104(c) of such Act (22 U.S.C. 2151b(c)), the amount made available for activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region should be in at least the same proportion to the total amount of such assistance made available as the amount identified in the congressional presentation documents for development assistance for each of the fiscal years 1998 and 1999, respectively, for each such region is to the total amount requested for development assistance for each such fiscal year.

#### **SEC. 517. SUPPORT FOR AGRICULTURAL DEVELOPMENT ASSISTANCE.**

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999 the President should allocate an aggregate level to programs under section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition) in amounts equal to the level provided to such programs in fiscal year 1997.

(b) INCREASING LEVELS.—If appropriations for programs under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance) increase in fiscal year 1998 or 1999 above levels provided in fiscal year 1997, the President should allocate an increasing level for programs under section 103 of such Act (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition).

#### **Subchapter B—Operating Expenses**

#### **SEC. 521. OPERATING EXPENSES GENERALLY.**

Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

“(1) \$473,000,000 for fiscal year 1998 and \$465,000,000 for fiscal year 1999 for necessary

operating expenses of the United States Agency for International Development (other than the Office of the Inspector General of such agency);”

#### **SEC. 522. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.**

Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)), as amended by this Act, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

“(2) \$29,047,000 for each of the fiscal years 1998 and 1999 for necessary operating expenses of the Office of the Inspector General of such agency; and”.

#### **CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM**

#### **SEC. 531. URBAN AND ENVIRONMENTAL CREDIT PROGRAM.**

(a) IN GENERAL.—The heading for title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended to read as follows:

“TITLE III—URBAN AND ENVIRONMENTAL CREDIT PROGRAM”.

(b) REPEALS.—(1) Section 222(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(k)) is hereby repealed.

(2) Section 222A of such Act (22 U.S.C. 2182a) is hereby repealed.

(3) Section 223(j) of such Act (22 U.S.C. 2183(j)) is hereby repealed.

#### **CHAPTER 4—THE PEACE CORPS**

#### **SEC. 541. AUTHORIZATION OF APPROPRIATIONS.**

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

“(b)(1) There are authorized to be appropriated to carry out the purposes of this Act \$222,000,000 for fiscal year 1998 and \$225,000,000 for fiscal year 1999.

“(2) Amounts authorized to be appropriated under paragraph (1)—

“(A) with respect to fiscal year 1998 are authorized to remain available until September 30, 1999; and

“(B) with respect to fiscal year 1999 are authorized to remain available until September 30, 2000.”.

#### **SEC. 542. ACTIVITIES OF THE PEACE CORPS IN THE FORMER SOVIET UNION AND MONGOLIA.**

Of the amounts made available for fiscal years 1998 and 1999 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union), not more than \$11,000,000 for each such fiscal year shall be available for activities of the Peace Corps in the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992) and Mongolia.

#### **SEC. 543. AMENDMENTS TO THE PEACE CORPS ACT.**

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking “Civil Service Commission” and inserting “Office of Personnel Management”; and

(2) in subsection (h), by striking “the Federal Voting Assistance Act of 1955” and all that follows through the end of the subsection and inserting “sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code.”; and

(3) in subsection (j), by striking “section 1757 of the Revised Statutes” and all that



follows through the end of the subsection and inserting "section 3331 of title 5, United States Code";.

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code"; and

(2) in subsection (a)(5), by striking "Provided, That" and all that follows through the end of the paragraph and inserting "except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management";.

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—  
(A) by striking "Public Law 84-918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)"; and

(B) by striking "specified in that Act" and inserting "or other organizations specified in section 3372(b) of such title"; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "section 9 of Public Law 60-328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code";

(B) in paragraph (6), by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)";

(C) in paragraph (11)—

(i) by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)"; and

(ii) by striking "and" at the end;

(D) in paragraph (12), by striking the period at the end and by inserting "; and"; and

(E) by adding at the end the following:  
"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code";.

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

"(e) Funds made available for the purposes of this Act may not be used to pay for abortions";.

## CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

### SEC. 551. AUTHORITY TO PROVIDE RECONSTRUCTION ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking "and rehabilitation" and inserting "rehabilitation, and reconstruction, as the case may be";

(2) in subsection (b), by striking "and rehabilitation" and inserting "rehabilitation, and reconstruction"; and

(3) in subsection (c), by striking "and rehabilitation" and inserting "rehabilitation, and reconstruction";.

### SEC. 552. AUTHORIZATIONS OF APPROPRIATIONS.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended in the first sentence to read as follows: "There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, \$190,000,000 for each of the fiscal years 1998 and 1999";.

## CHAPTER 6—DEBT RELIEF

### SEC. 561. DEBT RESTRUCTURING FOR FOREIGN ASSISTANCE.

Chapter 6 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2271 et seq.) is amended to read as follows:

## "CHAPTER 6—DEBT RELIEF

### "SEC. 461. SPECIAL DEBT RELIEF FOR POOR COUNTRIES.

"(a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States Government by a country described in subsection (b) as a result of—

"(1) loans or guarantees issued under this Act; or

"(2) credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(b) COUNTRY DESCRIBED.—A country described in this subsection is a country—

"(1) with a heavy debt burden that is eligible to borrow from the International Development Association but not from the International Bank for Reconstruction and Development (commonly referred to as an 'IDA-only' country);

"(2) the government of which—

"(A) does not have an excessive level of military expenditures;

"(B) has not repeatedly provided support for acts of international terrorism; and

"(C) is not failing to cooperate with the United States on international narcotics control matters;

"(3) the government (including the military or other security forces of such government) of which does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

"(4) that is not ineligible for assistance because of the application of section 527(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

"(c) LIMITATIONS.—The authority under subsection (a) may be exercised—

"(1) only to implement multilateral official debt relief ad referendum agreements (commonly referred to as 'Paris Club Agreed Minutes'); and

"(2) only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

"(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to the exercise of authority under subsection (a)—

"(1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country; and

"(2) may be exercised notwithstanding section 620(r) of this Act or any comparable provision of law.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President for the purpose of carrying out this section and the Foreign Operations, Export Financing, and Related Programs Supplemental Appropriations Act, 1994 (title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994; Public Law 103-306) \$32,000,000 for each of the fiscal years 1998 and 1999.

"(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended";.

### SEC. 562. DEBT BUYBACKS OR SALES FOR DEBT SWAPS.

Part IV of the Foreign Assistance Act of 1961 (22 U.S.C. 2430 et seq.) is amended by adding at the end the following:

### "SEC. 711. AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES.

"(a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other

provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to this Act, to the government of any eligible country, as defined in section 702(6), or on receipt of payment from an eligible purchaser or such eligible country, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

"(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

"(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities (i) that link conservation and sustainable use of natural resources with local community development, and (ii) for child survival and other child development activities, in a manner consistent with sections 707 through 710, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

"(3) ADMINISTRATION.—The Facility, as defined in section 702(8), shall notify the Administrator of the United States Agency for International Development of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(4) LIMITATION.—To the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are necessary, the authorities of this subsection shall be available only where such appropriations are made in advance.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in an account or accounts established in the Treasury for the repayment of such loan.

"(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

"(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps";.

## CHAPTER 7—OTHER ASSISTANCE PROVISIONS

### SEC. 571. EXEMPTION FROM RESTRICTIONS ON ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

"(e)(1) Subject to paragraph (3), restrictions contained in this Act or any other provision of law with respect to assistance for a country shall not be construed to restrict assistance under this chapter, chapter 10, and

chapter 11 of this part, chapter 4 of part II, or the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), in support of programs of nongovernmental organizations.

"(2) The President shall take into consideration, in any case in which a restriction on assistance for a country would be applicable but for this subsection, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

"(3) Whenever the authority of this subsection is used to furnish assistance in support of a program of a nongovernmental organization, the President shall notify the congressional committees specified in section 634A(a) of this Act in accordance with procedures applicable to reprogramming notifications under that section. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance."

**SEC. 572. FUNDING REQUIREMENTS RELATING TO UNITED STATES PRIVATE AND VOLUNTARY ORGANIZATIONS.**

(a) IN GENERAL.—Section 123(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(g)) is amended to read as follows:

"(g) Funds made available to carry out this chapter or chapter 10 of this part may not be made available to any United States private and voluntary organization, except any cooperative development organization, that obtains less than 20 percent of its total annual funding for its international activities from sources other than the United States Government."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to funds made available for programs of any United States private and voluntary organization on or after the date of the enactment of this Act.

**SEC. 573. DOCUMENTATION REQUESTED OF PRIVATE AND VOLUNTARY ORGANIZATIONS.**

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v), as added by this Act, the following:

"(w) None of the funds made available to carry out this Act shall be available to any private and voluntary organization which—

"(1) fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development; or

"(2) is not registered with the United States Agency for International Development."

**SEC. 574. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.**

Section 601(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2351(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding the following:

"(2) To the maximum extent feasible, in providing assistance under Part I of this Act, the President should give special emphasis to programs and activities that encourage the creation and development of private enterprise and free market systems, including—

"(A) the development of private cooperatives, credit unions, labor unions, and civic and professional associations;

"(B) the reform and restructuring of banking and financial systems; and

"(C) the development and strengthening of commercial laws and regulations, including laws and regulations to protect intellectual property."

**SEC. 575. SENSE OF THE CONGRESS RELATING TO UNITED STATES COOPERATIVES AND CREDIT UNIONS.**

It is the sense of the Congress that—

(1) United States cooperatives and cooperative development organizations and credit unions can provide an opportunity for people in developing countries to participate directly in democratic decisionmaking for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings; and

(2) such organizations should be utilized in fostering democracy, free markets, community-based development, and self-help projects.

**SEC. 576. FOOD ASSISTANCE TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

None of the funds made available in this division and the amendments made by this division shall be made available for assistance for food to the Democratic People's Republic of Korea unless the President certifies to the Congress that—

(1) the Government of the Republic of Korea does not oppose the delivery of United States assistance for food to the Democratic People's Republic of Korea;

(2) the United States Government is confident that previous United States assistance for food and official concessional food deliveries have not been diverted to military needs;

(3) military stocks of the Democratic People's Republic of Korea have been tapped to respond to unmet food aid needs;

(4) the World Food Program and other international food delivery organizations have been permitted to take and have taken all reasonable steps to ensure that all upcoming food aid deliveries will not be diverted from intended recipients; and

(5) the Government of the United States has directly acted to encourage, and acting through appropriate international organizations, has encouraged such organizations to urge, the Democratic People's Republic of Korea to initiate fundamental structural reforms of its agricultural sector.

**SEC. 577. WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA.**

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any en-

tity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits."

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

**TITLE VI—TRADE AND DEVELOPMENT AGENCY**

**SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)(A)) is amended to read as follows:

"(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, \$43,000,000 for each of the fiscal years 1998 and 1999."

**TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS**

**CHAPTER 1—SPECIAL AUTHORITIES**

**SEC. 701. ENHANCED TRANSFER AUTHORITY.**

Section 610 of the Foreign Assistance Act of 1961 (22 U.S.C. 2360) is amended to read as follows:

**"SEC. 610. TRANSFER BETWEEN ACCOUNTS.**

"(a) GENERAL AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.), not to exceed 20 percent of the funds made available to carry out any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) or section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

"(1) may be transferred to, and consolidated with, the funds in any other account or fund available to carry out any provision of this Act or the Arms Export Control Act; and

"(2) may be used for any purpose for which funds in that account or fund may be used.

"(b) LIMITATION ON AMOUNT OF INCREASE.—The total amount in the account or fund for the benefit of which transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available.

"(c) NOTIFICATION.—The President shall notify in writing the congressional committees specified in section 634A at least fifteen days in advance of each such transfer between accounts in accordance with procedures applicable to reprogramming notifications under such section."

**SEC. 702. AUTHORITY TO MEET UNANTICIPATED CONTINGENCIES.**

Paragraph (1) of section 451(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended by striking "\$25,000,000" and inserting "\$50,000,000".

**SEC. 703. SPECIAL WAIVER AUTHORITY.**

(a) LAWS AFFECTED.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended by striking subsections (a)(1) and (a)(2) and inserting the following:

"(a) AUTHORITY TO AUTHORIZE ASSISTANCE, SALES, AND OTHER ACTIONS; LIMITATIONS.—(1) The President may authorize assistance, sales, or other action under this Act, the Arms Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations legislation, without regard to any of the provisions described in subsection (b), if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or assistance, sales, or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and

“(B) with respect to other assistance or actions that to do so is important to the national interests of the United States.

“(2) The President may waive any provision described in paragraph (1), (2), or (3) of subsection (b) that would otherwise prohibit or restrict assistance or other action under any provision of law not described in those paragraphs if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the national interests of the United States.”.

(b) ANNUAL CEILINGS.—Section 614(a)(4) of such Act (22 U.S.C. 2364(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “\$750,000,000” and inserting “\$1,000,000,000”;

(B) in clause (ii), by striking “\$250,000,000” and inserting “\$500,000,000”; and

(C) in clause (iii), by striking “\$100,000,000” and inserting “\$200,000,000”; and

(2) in subparagraph (C)—

(A) by striking “\$50,000,000” and inserting “\$75,000,000”; and

(B) by striking “\$1,000,000,000” and inserting “\$1,500,000,000”.

(c) LAWS WHICH MAY BE WAIVED.—Section 614 of such Act (22 U.S.C. 2364) is amended by striking subsections (b) and (c) and inserting the following:

“(b) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a)(1) and (a)(2) are—

“(1) the provisions of this Act;

“(2) the provisions of the Arms Export Control Act;

“(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations legislation, including any amendment made by any such Act;

“(4) any other provision of law that restricts assistance, sales or leases, or other action under the Acts referred to in paragraph (1), (2), or (3); and

“(5) any law relating to receipts and credits accruing to the United States.”.

(d) CONFORMING AMENDMENT.—Section 614(a)(4)(B) of such Act (22 U.S.C. 2364(a)(4)(B)) is amended by striking “the Arms Export Control Act or under”.

#### SEC. 704. TERMINATION OF ASSISTANCE.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

##### “SEC. 617. TERMINATION OF ASSISTANCE.

“(a) IN GENERAL.—(1) In order to ensure the effectiveness of assistance provided under this Act, notwithstanding any other provision of law, funds made available under this Act or the Arms Export Control Act to carry out any program, project, or activity of assistance shall remain available for obligation for a period not to exceed 8 months after the date of termination of such assistance for the necessary expenses of winding up such programs, projects, or activities, and funds so obligated may remain available until expended.

“(2) Funds obligated to carry out any program, project, or activity of assistance before the effective date of the termination of such assistance are authorized to be available for expenditure for the necessary expenses of winding up such programs, projects, and activities, notwithstanding any provision of law restricting the expenditure of funds, and may be reobligated to meet any other necessary expenses arising from the termination of such assistance.

“(3) The necessary expenses of winding up programs, projects, and activities of assistance include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

“(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor to carry out any program, project, or activity of assistance under this Act that was subsequently terminated pursuant to law.

“(c) GUARANTEE PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into before the effective date of the termination of assistance.”.

#### SEC. 705. LOCAL ASSISTANCE TO HUMAN RIGHTS GROUPS IN CUBA.

Section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) is amended by adding at the end the following:

“(d) LOCAL ASSISTANCE.—

“(1) IN GENERAL.—For the purposes of providing assistance to independent nongovernmental organizations and individuals in Cuba as authorized by subsection (a), amounts made available under such subsection may be used for assistance to individuals and nongovernmental organizations in Cuba and for local costs incurred in delivering such assistance.

“(2) CERTIFICATION.—A certification by a representative of a United States or local nongovernmental organization, or other entity, administering assistance described in paragraph (1), that such assistance is being used for its intended purpose, shall be deemed to satisfy any accountability requirement of the United States Agency for International Development for the administration of such assistance.”.

### CHAPTER 2—REPEALS

#### SEC. 711. REPEAL OF OBSOLETE PROVISIONS.

(a) 1987 FOREIGN ASSISTANCE APPROPRIATIONS ACT.—Section 539(g)(2) of the Foreign Assistance and Related Programs Appropriations Act, 1987, as included in Public Law 99-591, is hereby repealed.

(b) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is hereby repealed except for section 1, section 204, and title III of such Act.

(c) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is hereby repealed except for section 1, section 131, section 132, section 502, section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(d) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is hereby repealed.

(e) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is hereby repealed.

(f) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is hereby repealed.

(g) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is hereby repealed.

(h) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is hereby repealed except for section 1, section 709, and section 714.

(i) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is hereby repealed except for section 1, section 110, section 316, and title V.

(j) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is hereby repealed.

(k) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is hereby repealed.

(l) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is hereby repealed.

(m) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is hereby repealed, except for section 1, title IV, and section 603(a)(2).

(n) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is hereby repealed.

(o) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is hereby repealed except for section 1, section 132(b), and section 133.

(p) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is hereby repealed.

(q) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act of 1976 is hereby repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(r) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is hereby repealed.

(s) 1975 BIB ACT.—Public Law 94-104 is hereby repealed.

(t) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is hereby repealed.

(u) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is hereby repealed.

(v) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is hereby repealed.

(w) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is hereby repealed.

(x) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is hereby repealed.

(y) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is hereby repealed except for the first section and part IV.

(z) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is hereby repealed.

(aa) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is hereby repealed.

(bb) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is hereby repealed.

(cc) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is hereby repealed.

(dd) 1954 MUTUAL SECURITY ACT.—Sections 402 and 417 of the Mutual Security Act of 1954 are hereby repealed.

(ee) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983.—Section 109 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, is hereby repealed.

(ff) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985.—Sections 1004 and 1005(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, are hereby repealed.

(gg) SAVINGS PROVISION.—Except as otherwise provided in this Act, the repeal by this Act of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

### DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

#### TITLE X—GENERAL PROVISIONS

##### SEC. 1001. SHORT TITLE.

This division may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1998 and 1999” and shall be effective for all purposes as if enacted as a separate Act.

##### SEC. 1002. STATEMENT OF HISTORY OF LEGISLATION.

This division consists of H.R. 1253, the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, which was introduced by Representative Smith of New Jersey on April

9, 1997, and amended and reported by the Subcommittee on International Operations and Human Rights of the Committee on International Relations on April 10, 1997.

#### SEC. 1003. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

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

(6) The term "Secretary" means the Secretary of State.

(7) The term "USIA" means the United States Information Agency.

#### TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

##### SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—For "Diplomatic and Consular Programs", of the Department of State \$1,291,977,000 for the fiscal year 1998 and \$1,291,977,000 for the fiscal year 1999.

(2) **SALARIES AND EXPENSES.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For "Salaries and Expenses", of the Department of State \$363,513,000 for the fiscal year 1998 and \$363,513,000 for the fiscal year 1999.

(B) **LIMITATIONS.**—Of the amounts authorized to be appropriated by subparagraph (A) \$2,000,000 for fiscal year 1998 and \$2,000,000 for fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) **CAPITAL INVESTMENT FUND.**—For "Capital Investment Fund", of the Department of State \$64,000,000 for the fiscal year 1998 and \$64,000,000 for the fiscal year 1999.

(4) **SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.**—For "Security and Maintenance of Buildings Abroad", \$373,081,000 for the fiscal year 1998 and \$373,081,000 for the fiscal year 1999.

(5) **REPRESENTATION ALLOWANCES.**—For "Representation Allowances", \$4,300,000 for the fiscal year 1998 and \$4,300,000 for the fiscal year 1999.

(6) **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.**—For "Emergencies in the Diplomatic and Consular Service", \$5,500,000 for the fiscal year 1998 and \$5,500,000 for the fiscal year 1999.

(7) **OFFICE OF THE INSPECTOR GENERAL.**—For "Office of the Inspector General", \$28,300,000 for the fiscal year 1998 and \$28,300,000 for the fiscal year 1999.

(8) **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.**—For "Payment to the American Institute in Taiwan", \$14,490,000 for the fiscal year 1998 and \$14,490,000 for the fiscal year 1999.

(9) **PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.**—For "Protection of Foreign Missions and Officials", \$7,900,000 for the fiscal

year 1998 and \$7,900,000 for the fiscal year 1999.

(10) **REPATRIATION LOANS.**—For "Repatriation Loans", \$1,200,000 for the fiscal year 1998 and \$1,200,000 for the fiscal year 1999, for administrative expenses.

##### SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) **ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**—There are authorized to be appropriated for "Contributions to International Organizations", \$960,389,000 for the fiscal year 1998 and \$987,590,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) **VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", \$199,725,000 for the fiscal year 1998 and \$199,725,000 for the fiscal year 1999.

(2) **LIMITATIONS.**—

(A) **WORLD FOOD PROGRAM.**—Of the amounts authorized to be appropriated under paragraph (1), \$5,000,000 for the fiscal year 1998 and \$5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(B) **UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.**—Of the amount authorized to be appropriated under paragraph (1), \$3,000,000 for the fiscal year 1998 and \$3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(C) **INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.**—Of the amounts authorized to be appropriated under paragraph (1), \$10,000,000 for the fiscal year 1998 and \$10,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(3) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(c) **ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", \$240,000,000 for the fiscal year 1998 and \$240,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) **VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.**—There are authorized to be appropriated for "Peacekeeping Operations", \$87,600,000 for the fiscal year 1998 and \$67,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87-195.

(e) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated for "International Conferences and Contingencies", \$3,000,000 for the fiscal year 1998 and \$3,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and

to carry out other authorities in law consistent with such purposes.

(f) **FOREIGN CURRENCY EXCHANGE RATES.**—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) **LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.**—

(1) Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

##### SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.**—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" \$18,490,000 for the fiscal year 1998 and \$18,490,000 for the fiscal year 1999; and

(B) for "Construction" \$6,493,000 for the fiscal year 1998 and \$6,493,000 for the fiscal year 1999.

(2) **INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.**—For "International Boundary Commission, United States and Canada", \$785,000 for the fiscal year 1998 and \$785,000 for the fiscal year 1999.

(3) **INTERNATIONAL JOINT COMMISSION.**—For "International Joint Commission", \$3,225,000 for the fiscal year 1998 and \$3,225,000 for the fiscal year 1999.

(4) **INTERNATIONAL FISHERIES COMMISSIONS.**—For "International Fisheries Commissions", \$14,549,000 for the fiscal year 1998 and \$14,549,000 for the fiscal year 1999.

##### SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **MIGRATION AND REFUGEE ASSISTANCE.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for

"Migration and Refugee Assistance" for authorized activities, \$623,000,000 for the fiscal year 1998 and \$623,000,000 for the fiscal year 1999.

(2) **LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.**—Of the amounts authorized to be appropriated in paragraph (1), \$1,000,000 for the fiscal year 1998 and \$1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(b) **REFUGEES RESETTLING IN ISRAEL.**—There are authorized to be appropriated \$80,000,000 for the fiscal year 1998 and \$80,000,000 for the fiscal year 1999 for assistance for refugees resettling in Israel from other countries.

(c) **HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.**—There are authorized to be appropriated \$1,500,000 for the fiscal year 1998 and \$1,500,000 for the fiscal year 1999 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(d) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to this section are authorized to be available until expended.

#### **SEC. 1105. ASIA FOUNDATION.**

There are authorized to be appropriated for "Asia Foundation", \$10,000,000 for the fiscal year 1998 and \$10,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to Asia Foundation and to carry out other authorities in law consistent with such purposes.

#### **SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.**

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) **SALARIES AND EXPENSES.**—For "Salaries and Expenses", \$434,097,000 for the fiscal year 1998 and \$434,097,000 for the fiscal year 1999.

(2) **TECHNOLOGY FUND.**—For "Technology Fund" for the United States Information Agency, \$6,350,000 for the fiscal year 1998 and \$6,350,000 for the fiscal year 1999.

(3) **EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**—

(A) **FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.**—For the "Fulbright Academic Exchange Programs", \$94,236,000 for the fiscal year 1998 and \$94,236,000 for the fiscal year 1999.

(B) **SOUTH PACIFIC EXCHANGES.**—For the "South Pacific Exchanges", \$500,000 for the fiscal year 1998 and \$500,000 for the fiscal year 1999.

(C) **EAST TIMORESE SCHOLARSHIPS.**—For the "East Timorese Scholarships", \$500,000 for the fiscal year 1998 and \$500,000 for the fiscal year 1999.

(D) **TIBETAN EXCHANGES.**—For the "Educational and Cultural Exchanges with Tibet"

under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), \$500,000 for the fiscal year 1998 and \$500,000 for the fiscal year 1999.

(E) **OTHER PROGRAMS.**—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", and "Institute for Representative Government", \$97,995,000 for the fiscal year 1998 and \$97,995,000 for the fiscal year 1999.

(4) **INTERNATIONAL BROADCASTING ACTIVITIES.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For "International Broadcasting Activities", \$334,655,000 for the fiscal year 1998, and \$334,655,000 for the fiscal year 1999.

(B) **ALLOCATION.**—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) **RADIO CONSTRUCTION.**—For "Radio Construction", \$30,000,000 for the fiscal year 1998, and \$30,000,000 for the fiscal year 1999.

(6) **RADIO FREE ASIA.**—For "Radio Free Asia", \$10,000,000 for the fiscal year 1998 and \$10,000,000 for the fiscal year 1999.

(7) **BROADCASTING TO CUBA.**—For "Broadcasting to Cuba", \$22,095,000 for the fiscal year 1998 and \$22,095,000 for the fiscal year 1999.

(8) **CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**—For "Center for Cultural and Technical Interchange between East and West", \$10,000,000 for the fiscal year 1998 and \$10,000,000 for the fiscal year 1999.

(9) **NATIONAL ENDOWMENT FOR DEMOCRACY.**—For "National Endowment for Democracy", \$30,000,000 for the fiscal year 1998 and \$30,000,000 for the fiscal year 1999.

(10) **CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.**—For "Center for Cultural and Technical Interchange between North and South", \$2,000,000 for the fiscal year 1998 and \$2,000,000 for the fiscal year 1999.

#### **SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.**

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) \$44,000,000 for the fiscal year 1998 and \$44,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1998 and 1999 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

### **TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES CHAPTER 1—AUTHORITIES AND ACTIVITIES**

#### **SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.**

(a) **IN GENERAL.**—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

#### **"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.**

"(a) **ESTABLISHMENT.**—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the

Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) **PURPOSE.**—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii); or

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) **COORDINATION.**—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) **FUNDING.**—(1) There is authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

"(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed \$15,000,000.

"(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

"(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed \$2,000,000.

"(2) A reward under this section of more than \$100,000 may not be made without the approval of the President or the Secretary of State.

"(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—(1) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, at the sole discretion of the Secretary of State the resources of the rewards program authorized by this section, shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DEFINITIONS.—As used in this section—

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

"(2) the term 'act of international terrorism' includes, but is not limited to—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of

1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(j) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review."

(b) USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1998, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President is authorized and directed to take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.

#### SEC. 1202. FOREIGN SERVICE NATIONAL SEPARATION LIABILITY TRUST FUND.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(e) INTEREST.—The Secretary of the Treasury shall deposit amounts in the fund in interest-bearing accounts. Any interest earned on such deposits may be credited to the fund without further appropriation."

#### SEC. 1203. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a) by inserting "and enhancement" after "procurement";

(2) in subsection (c) by striking "are authorized to" and inserting "shall";

(3) in subsection (d) by striking "for expenditure to procure capital equipment and information technology" and inserting in lieu thereof "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogrammings under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710)."

#### SEC. 1204. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90-533) is amended by adding at the end the following new sentence: "Amounts in the reserve may be deposited in interest-bearing accounts and the Secretary may retain for the purposes set forth in this section any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation."

#### SEC. 1205. PROCEEDS OF SALE OF FOREIGN PROPERTIES.

Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end the following new subsection:

"(d) Any proceeds held or deposited pursuant to this section may be deposited in interest bearing accounts. The Secretary of State may retain interest earned on such deposits for the purposes of this section without returning such interest to the Treasury of the United States and interest earned may be obligated and expended without further appropriation."

#### SEC. 1206. REDUCTION OF REPORTING.

(a) REPORT ON FOREIGN SERVICE PERSONNEL IN EACH AGENCY.—Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

(b) REPORT ON PARTICIPATION BY U.S. MILITARY PERSONNEL ABROAD IN U.S. ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation."

(c) COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711) is repealed.

(d) ANNUAL REPORT ON SOCIAL AND ECONOMIC GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

(e) REPORT.—Section 308 of the Chemical and Biological Weapons and Warfare Elimination Act of 1991 (22 U.S.C. 5606) is repealed.

#### SEC. 1207. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 5 percent;"

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

#### SEC. 1208. PREADJUDICATION OF CLAIMS.

Section 4(a) of the International Claims Settlement Act (22 U.S.C. 1623(a)) is amended—

(1) in the first sentence by striking "1948, or" and inserting "1948,";

(2) by inserting before the period at the end of the first sentence "or included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State"; and

(3) in paragraph (1) by striking "the applicable" and inserting "any applicable".



**SEC. 1209. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.**

(a) **RECOVERY OF CERTAIN EXPENSES.**—The Department of State Appropriation Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by striking "extraordinary".

(b) **PROCUREMENT OF SERVICES.**—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

**SEC. 1210. ESTABLISHMENT OF FEE ACCOUNT AND PROVIDING FOR PASSPORT INFORMATION SERVICES.**

(a) **DISPOSITION OF FEES.**—Amounts collected by the Department of State pursuant to section 281 of the Immigration and Nationality Act (8 U.S.C. 1351), section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), section 16 of the Act of August 18, 1856 (22 U.S.C. 4219), and section 9701 of title 31, United States Code, shall be deposited in a special fund of the Treasury.

(b) **USE OF FUNDS.**—Subject to subsections (d) and (e), amounts collected and deposited in the special fund in the Treasury pursuant to subsection (a) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for the following purposes:

(1) To pay all necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956.

(2) Representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress.

(3) Acquisition by exchange or purchase of passenger motor vehicles as authorized by section 1343 of title 31, United States Code, section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), and section 7 of the State Department Basic Authorities Act (22 U.S.C. 2674).

(4) Expenses of general administration of the Department of State.

(5) To carry out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-300) and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851).

(c) **AVAILABILITY OF FUNDS.**—Amounts collected and deposited in the special fund pursuant to subsection (a) are authorized to remain available until expended.

(d) **LIMITATION.**—For any fiscal year, any amount deposited in the special fund under subsection (a) that exceeds \$455,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.

(e) **PASSPORT INFORMATION SERVICES.**—For each of the fiscal years 1998 and 1999, \$5,000,000 of the amounts available in the fund shall be available only for the purpose of providing passport information without charge to citizens of the United States, including—

(1) information about who is eligible to receive a United States passport and how and where to apply;

(2) information about the status of pending applications; and

(3) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

**SEC. 1211. ESTABLISHMENT OF MACHINE READABLE FEE ACCOUNT.**

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by redesignating paragraph (4) as paragraph (6);

(2) by striking paragraph (5);

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) Amounts collected under the authority of paragraph (1) shall be deposited in a special fund of the Treasury.

"(3) Subject to paragraph (5), fees deposited in the special fund pursuant to paragraph (2) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

"(4) Amounts deposited pursuant to paragraph (2) shall remain available for obligation until expended.

"(5) For any fiscal year, any amount collected pursuant to the authority of paragraph (1) that exceeds \$140,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956."

**SEC. 1212. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.**

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "\$700,000 of the" and inserting "all";

(2) at the end of paragraph (1) by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

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

(4) by adding at the end the following new paragraph (3):

"(3) the enhancement of defense trade export compliance and enforcement activities to include compliance audits of United States and foreign parties, the conduct of administrative proceedings, end-use monitoring of direct commercial arms sales and transfer, and cooperation in criminal proceedings related to defense trade export controls."

**SEC. 1213. TRAINING.**

(a) **INSTITUTE FOR TRAINING.**—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after paragraph (3) of subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, in the discretion of the Secretary, provide appropriate training and related services through the institution to employees of United States companies engaged in business abroad, and to the families of such employees.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the judiciary.

"(2) Congressional staff members and employees of the judiciary may participate on a reimbursable, space-available basis in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department of State and of other agencies in the field of foreign relations."

(b) **FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.**—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding after section 52 the following new section:

**"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.**

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center Facility of the Department of State. Funds collected under the authority of this section, including reimbursements, surcharges, and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended."

**SEC. 1214. RECOVERY OF COSTS OF HEALTH CARE SERVICES.**

(a) **AUTHORITIES.**—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" after "employees," and

(B) by inserting before the period " , and (for care provided abroad) such other persons as are designated by the Secretary of State";

(2) in subsection (d), by inserting " , subject to subsections (g) through (i)" before "the Secretary"; and

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

"(g)(1)(A) In the case of a covered beneficiary who is provided health care under this section and who is enrolled in a covered health benefits plan of a third-party payer, the United States shall have the right to collect from the third-party payer a reasonable charge amount for the care to the extent that the payment would be made under such plan for such care under the conditions specified in paragraph (2) if a claim were submitted by or on behalf of the covered beneficiary.

"(B) Such a covered beneficiary is not required to pay any deductible, copayment, or other cost-sharing under the covered health benefits plan or under this section for health care provided under this section.

"(2) With respect to health care provided under this section to a covered beneficiary, for purposes of carrying out paragraph (1)—

"(A) the reasonable charge amount (as defined in paragraph (9)(C)) shall be treated by the third-party payer as the payment basis otherwise allowable for the care under the plan;

"(B) under regulations, if the covered health benefits plan restricts or differentiates in benefit payments based on whether



a provider of health care has a participation agreement with the third-party payer, the Secretary shall be treated as having such an agreement as results in the highest level of payment under this subsection;

"(C) no provision of the health benefit plan having the effect of excluding from coverage or limiting payment of charges for certain care shall operate to prevent collection under subsection (a), including (but not limited to) any provision that limits coverage or payment on the basis that—

"(i) the care was provided outside the United States,

"(ii) the care was provided by a governmental entity,

"(iii) the covered beneficiary (or any other person) has no obligation to pay for the care,

"(iv) the provider of the care is not licensed to provide the care in the United States or other location,

"(v) a condition of coverage relating to utilization review, prior authorization, or similar utilization control has not been met, or

"(vi) in the case that drugs were provided, the provision of the drugs for any indicated purpose has not been approved by the Federal Food, Drug, and Cosmetic Administration;

"(D) if the covered health benefits plan contains a requirement for payment of a deductible, copayment, or similar cost-sharing by the beneficiary—

"(i) the beneficiary's not having paid such cost-sharing with respect to the care shall not preclude collection under this section, and

"(ii) the amount the United States may collect under this section shall be reduced by application of the appropriate cost-sharing;

"(E) amounts that would be payable by the third-party payer under this section but for the application of a deductible under subparagraph (D)(ii) shall be counted towards such deductible notwithstanding that under paragraph (1)(B) the individual is not charged for the care and did not pay an amount towards such care; and

"(F) the Secretary may apply such other provisions as may be appropriate to carry out this section in an equitable manner.

"(3) In exercising authority under paragraph (1)—

"(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

"(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this section; and

"(C) the Secretary may compromise, settle, or waive a claim of the United States under this section.

"(4) No law of any State, or of any political subdivision of a State, shall operate to prevent or hinder collection by the United States under this section.

"(5) If collection is sought from a third-party payer for health care furnished a covered beneficiary under this section, under regulations medical records of the beneficiary shall be made available for inspection and review by representatives of the third-party payer for the sole purpose of permitting the third-party payer to verify, consistent with this subsection that—

"(A) the care for which recovery or collection is sought were furnished to the beneficiary; and

"(B) except as otherwise provided in this subsection, the provision of such care to the beneficiary meets criteria generally applicable under the covered health benefits plan.

"(6) The Secretary shall establish (and periodically update) a schedule of reasonable charge amounts for health care provided under this section. The amount under such

schedule for health care shall be based on charges or fee schedule amounts recognized by third-party payers under covered health benefits plans for payment purposes for similar health care services furnished in the Metropolitan Washington, District of Columbia, area.

"(7) The Secretary shall establish a procedure under which a covered beneficiary may elect to have subsection (h) apply instead of this subsection with respect to some or all health care provided to the beneficiary under this section.

"(8) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended.

"(9) For purposes of this section:

"(A) The term 'covered beneficiary' means a member or employee (or family member of such a member of employee) described in subsection (a) who is enrolled under a covered health benefits plan.

"(B)(i) Subject to clause (ii), the term 'covered health benefits plan' means a health benefits plan offered under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

"(ii) Such term does not include such a health benefits plan (such as a plan of a staff-model health maintenance organization) as the Secretary determines pursuant to regulations to be structured in a manner that impedes the application of this subsection to individuals enrolled under the plan. To the extent practicable, the Secretary shall seek to disseminate to members of the Service and designated employees described in subsection (a) who are eligible to receive health care under this section the names of plans excluded under this clause.

"(C) The term 'reasonable charge amount' means, with respect to health care provided under this section, the amount for such care specified in the schedule established under paragraph (6).

"(D) The term 'third-party payer' means an entity that offers a covered health benefits plan.

"(h)(1) In the case of an individual who—

"(A) receives health care pursuant to this section; and

"(B)(i) is not a covered beneficiary (including by virtue of enrollment only in a health benefits plan excluded under subsection (g)(9)(B)(ii)), or

"(ii) is such a covered beneficiary and has made an election described in subsection (g)(7) with respect to such care,

the Secretary is authorized to collect from the individual the full reasonable charge amount for such care.

"(2) The United States shall have the same rights against such individuals with respect to collection of such amounts as the United States has with respect to collection of amounts against a third-party payer under subsection (g), except that the rights under this subsection shall be exercised without regard to any rules for deductibles, coinsurance, or other cost-sharing.

"(i) Subsections (g) and (h) shall apply to reimbursement for the cost of hospitalization and related outpatient expenses paid for under subsection (d) only to the extent provided in regulations. Nothing in this subsection, or subsections (g) and (h), shall be construed as limiting any authority the Secretary otherwise has with respect to obtaining reimbursement for the payments made under subsection (d)."

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall apply to items and services provided on and after the first

day of the first month that begins more than 1 year after the date of the enactment of this Act.

(2) In order to carry out such amendments in a timely manner, the Secretary of State is authorized to issue interim, final regulations that take effect pending notice and opportunity for public comment.

#### SEC. 1215. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding after section 53 (as added by section 213(b)) the following new section:

#### "SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under the authority of this section (including any reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended."

#### SEC. 1216. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation until expended."

#### SEC. 1217. BUDGET PRESENTATION DOCUMENTS.

The Secretary of State shall include in the annual Congressional Presentation Document and the Budget in Brief, a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also include the previous year's collection and the projected expenditures from all collections accounts.

#### SEC. 1218. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, 1998, and 1999"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1999"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1999".

#### SEC. 1219. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities."

#### SEC. 1220. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

(a) GRANT AUTHORITY.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act."

## CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

### SEC. 1241. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103-317; 22 U.S.C. 214), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

### SEC. 1242. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTH ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by inserting "(or any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe)" after "consular officer".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689, 22 U.S.C. 4191), is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

### SEC. 1243. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214) (concerning accounting for consular fees) are repealed.

### SEC. 1244. ELIMINATION OF DUPLICATE PUBLICATION REQUIREMENTS.

(a) FEDERAL REGISTER PUBLICATION OF TRAVEL ADVISORIES.—Section 44908(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(b) PUBLICATION IN THE FEDERAL REGISTER OF TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (Public Law 99-399; 100 Stat. 891; 46 U.S.C. App. 1804(a)) is amended by striking the second sentence.

## CHAPTER 3—REFUGEES AND MIGRATION

### SEC. 1261. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall in-

clude in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

### SEC. 1262. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended by adding at the end the following new subsection:

"(c) EMERGENCY WAIVER OF NOTIFICATION REQUIREMENT.—The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the appropriate congressional committees shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances."

## TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

### CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

#### SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) COORDINATOR FOR COUNTERTERRORISM.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (e).

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism

of the Department of State on the day before the effective date of this division may continue to serve in that position.

### SEC. 1302. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSARING.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

### SEC. 1303. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RESOURCES.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding after paragraph (2) the following new paragraph:

"(3) ASSISTANT SECRETARY FOR HUMAN RESOURCES.—There shall be in the Department of State an Assistant Secretary for Human Resources who shall be responsible to the Secretary of State for matters relating to human resources including the implementation of personnel policies and programs within the Department of State and international affairs functions and activities carried out through the Department of State. The Assistant Secretary shall have substantial professional qualifications in the field of human resource policy and management."

### SEC. 1304. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) as amended by section 1303 is further amended by adding after paragraph (3) the following new paragraph:

"(4) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There shall be in the Department of State an Assistant Secretary for Diplomatic Security who shall be responsible to the Secretary of State for matters relating to diplomatic security. The Assistant Secretary shall have substantial professional qualifications in the field of Federal law enforcement, intelligence, or security."

### SEC. 1305. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

**SEC. 1306. RESPONSIBILITIES FOR BUREAU CHARGED WITH REFUGEE ASSISTANCE.**

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

**CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE**

**SEC. 1321. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.**

(a) **END FISCAL YEAR 1998 LEVELS.**—The number of members of the Foreign Service authorized to be employed as of September 30, 1998—

(1) for the Department of State, shall not exceed 8,700, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,000, of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1070, of whom not more than 140 shall be members of the Senior Foreign Service.

(b) **END FISCAL YEAR 1999 LEVELS.**—The number of members of the Foreign Service authorized to be employed as of September 30, 1999—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,000 of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1065 of whom not more than 135 shall be members of the Senior Foreign Service.

(c) **DEFINITION.**—For the purposes of this section, the term “members of the Foreign Service” is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) **WAIVER AUTHORITY.**—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives. Such notice shall include

an explanation of the circumstances and necessity for such waiver.

**SEC. 1322. NONOVERTIME DIFFERENTIAL PAY.**

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”; and

(2) at the end of section 5546(a), by adding the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”.

**SEC. 1323. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE.**

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking “A member” and inserting “Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member”.

**SEC. 1324. CAREER COUNSELING.**

(a) **IN GENERAL.**—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following sentence: “Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment to training or to another assignment that consists primarily of paid time to conduct a job search and without other substantive duties, except that career members of the Service who upon their separation are not eligible to receive an immediate annuity and have not been assigned to a post in the United States during the 12 months prior to their separation from the Service may be permitted up to 2 months of paid time to conduct a job search.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

**SEC. 1325. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.**

The Secretary of State shall annually submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written foreign service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written foreign service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral foreign service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minorities in the Foreign Service officer corps.

(6) The numbers and percentages of all minority Foreign Service officers at each grade, particularly at the senior levels in policy directive positions.

(7) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

**SEC. 1326. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.**

(a) **BENEFITS.**—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A) by inserting “or any other applicable provision of chapter 84 of title 5, United States Code,” after “section 811,”;

(2) in subsection (a) by inserting “or section 855, as appropriate” after “section 806”; and

(3) in subsection (b)(2)—

(A) by inserting “(A) for those participants in the Foreign Service Retirement and Disability System,” before “a refund”; and

(B) by inserting before the period at the end “; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851”; and

(C) by inserting “(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)” after “age 60”.

(b) **ENTITLEMENT TO ANNUITY.**—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1) by inserting “611,” after “608,”;

(2) in paragraph (1) by inserting “and for participants in the Foreign Service Pension System” after “for participants in the Foreign Service Retirement and Disability System”; and

(3) in paragraph (3) by striking “or 610” and inserting “610, or 611”.

(c) **EFFECTIVE DATES.**—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 after January 1, 1996.

**SEC. 1327. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.**

(a) **IN GENERAL.**—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) For purposes of this section, the term ‘criminal investigator’ includes an officer occupying a position under title II of Public Law 99-399 if—

“(A) subject to subparagraph (C), such officer meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof);

“(B) the primary duties of the position held by such officer consist of performing—

“(i) protective functions; or

“(ii) criminal investigations; and

“(C) such officer satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

“(2) In applying subsection (h) with respect to an officer under this subsection—

“(A) any reference in such subsection to ‘basic pay’ shall be considered to include amounts designated as ‘salary’;

“(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

“(C) paragraph (2)(B) of such subsection shall be applied by substituting for ‘Office of

Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99-399" and inserting "Public Law 99-399, subject to subsection (k)".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

#### SEC. 1328. LABOR MANAGEMENT RELATIONS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department."

#### SEC. 1329. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding after paragraph (3) the following new paragraphs:

"(4) In the case of a formal interview where an employee is the likely subject or target of an Inspector General criminal investigation, the Inspector General shall make all best efforts to provide the employee with notice of the full range of his or her rights, including the right to retain counsel and the right to remain silent, as well as the identification of those attending the interview.

"(5) In carrying out the duties and responsibilities established under this section, the Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law."

(b) REPORT.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(1) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the Arms Control and Disarmament Agency.

(2) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

#### TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

##### SEC. 1401. EXTENSION OF AU PAIR PROGRAMS.

Section 1(b) of the Act entitled "An Act to extend au pair programs." (Public Law 104-72; 109 Stat. 1065(b)) is amended by striking "through fiscal year 1997".

##### SEC. 1402. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned by be obligated and expended for the purposes for which the grant was made without further appropriation.

##### SEC. 1403. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "\$10,000,000" and inserting "\$4,000,000".

##### SEC. 1404. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting "educational advising and counseling, exchange visitor program services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe," after "library services,".

##### SEC. 1405. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in the first sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,"; and

(2) in the second sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,".

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by striking "Soviet Union" each place it appears and inserting "Independent States of the Former Soviet Union"; and

(2) in the section heading by inserting "INDEPENDENT STATES OF THE FORMER" after "FROM THE".

##### SEC. 1406. WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460)

is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government Sponsored International Exchanges and Training (hereinafter in this section referred to as "the Working Group").

"(2) For purposes of this subsection, the term 'Government sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative designated by the Secretary of State.

"(C) A senior representative designated by the Secretary of Defense.

"(D) A senior representative designated by the Secretary of Education.

"(E) A senior representative designated by the Attorney General.

"(F) A senior representative designated by the Administrator of the Agency for International Development.

"(G) Senior representatives of other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the adviser and the director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government sponsored international exchange and training programs, to identify how each Government sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop and thereafter assess, annually, a coordinated and cost-effective strategy for all United States Government sponsored

international exchange and training programs, and to issue a report on such strategy. This strategy will include an action plan for consolidating United States Government sponsored international exchange and training programs with the objective of achieving a minimum 10 percent cost saving through consolidation or the elimination of duplication.

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility of transferring funds and program management for the ATLAS and/or the Mandela Fellows programs in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost advantages of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report promulgated pursuant to paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group."

#### **SEC. 1407. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) **ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.**—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) **SCHOLARSHIPS FOR TIBETANS AND BURMESE.**—

(1) **IN GENERAL.**—For each of the fiscal years 1998 and 1999, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) **WAIVER.**—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) **SCHOLARSHIP DEFINED.**—For the purposes of this section, the term "scholarship" means an amount to be used for full or par-

tial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

#### **SEC. 1408. UNITED STATES-JAPAN COMMISSION.**

(a) **RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.**—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan."

(b) **REVISION OF NAME OF COMMISSION.**—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Commission shall be designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) **REVISION OF NAME OF TRUST FUND.**—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Trust Fund shall be designated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

#### **SEC. 1409. SURROGATE BROADCASTING STUDIES.**

(a) **RADIO FREE AFRICA.**—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

(b) **RADIO FREE IRAN.**—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of a Radio Free Europe/Radio Liberty broadcasting service to Iran and transmit the results of the study to the appropriate congressional committees.

#### **SEC. 1410. AUTHORITY TO ADMINISTER SUMMER TRAVEL/WORK PROGRAMS.**

The Director of the United States Information Agency is authorized to administer summer travel/work programs without regard to preplacement requirements.

#### **SEC. 1411. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.**

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

#### **SEC. 1412. AUTHORITIES OF THE BROADCASTING BOARD OF GOVERNORS.**

(a) **AUTHORITIES.**—Section 305(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(1)) is amended by striking "direct and".

(b) **DIRECTOR OF THE BUREAU.**—The first sentence of section 307(b)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206(b)(1)) is amended to read as follows: "The Director of the Bureau shall be appointed by the Board with the concurrence of the Director of the United States Information Agency."

(c) **RESPONSIBILITIES OF THE DIRECTOR.**—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206) is amended by adding at the end the following new subsection:

"(c) **RESPONSIBILITIES OF THE DIRECTOR.**—The Director shall organize and chair a coordinating committee to examine long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of RFA, RFE/RL, the Broadcasting Board of Governors, and, as appropriate, from the Office of Cuba Broadcasting, the Voice of America, and WorldNet."

(d) **RADIO BROADCASTING TO CUBA.**—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

(e) **TELEVISION BROADCASTING TO CUBA.**—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

### **TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES**

#### **CHAPTER 1—GENERAL PROVISIONS**

#### **SEC. 1501. SERVICE IN INTERNATIONAL ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, he is entitled to the rate of basic pay to which he would have been entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee."

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply with respect to transfers which take effect on or after the date of the enactment of this Act.

#### **SEC. 1502. ORGANIZATION OF AMERICAN STATES.**

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely

dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

## CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

### SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

### SEC. 1522. REPORTS ON EFFORTS TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that the United States must help promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only long-standing member of the organization to be denied acceptance into any of the United Nations' regional blocs.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc.

(2) Efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body.

(3) Specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group

(WEOG) on their position concerning Israel's acceptance into their organization.

(4) Other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

### SEC. 1523. UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than \$25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—

(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—

(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

### SEC. 1524. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

## TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

### SEC. 1601. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Section 39 of the Arms Control and Disarmament Act (22 U.S.C. 2579) is repealed.

### SEC. 1602. USE OF FUNDS.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by striking "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" and inserting "any other Act".

## TITLE XVII—FOREIGN POLICY PROVISIONS

### SEC. 1701. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by this division shall be avail-

able to effect the involuntary return by the United States of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967.

(b) MIGRATION AND REFUGEE ASSISTANCE.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

### SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

### SEC. 1703. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Within 60 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, shall report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect when the Secretary of

State, in coordination with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

#### SEC. 1704. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of resources and oversight dedicated to such policies;".

#### SEC. 1705. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) is amended by adding at the end the following:

"(e) REPORTS TO CONGRESS.—The Secretary of State shall, not later than 30 days after the date of the enactment of this subsection and every 3 months thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this section. Each report shall include—

"(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to this section;

"(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to this section;

"(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to this section;

"(4) an explanation of the status of the review under way for the cases referred to in paragraph (1); and

"(5) an unclassified explanation of each determination of the Secretary of State under subsection (a) and each finding of the Secretary under subsection (c)—

"(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

"(B) in the preceding 3-month period, in the case of each subsequent report.".

#### SEC. 1706. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate

authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—The term "serious criminal offense" means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

#### SEC. 1707. CONGRESSIONAL STATEMENT WITH RESPECT TO EFFICIENCY IN THE CONDUCT OF FOREIGN POLICY.

It is the sense of the Congress that the Secretary, after consultation with the appropriate congressional committees, should submit a plan to the Congress to consolidate some or all of the functions currently performed by the Department of State, the agency for International Development, and the Arms Control and Disarmament Agency, in order to increase efficiency and accountability in the conduct of the foreign policy of the United States.

#### SEC. 1708. CONGRESSIONAL STATEMENT CONCERNING RADIO FREE EUROPE/RADIO LIBERTY.

It is the sense of the Congress that Radio Free Europe/Radio Liberty should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression. Recent events in Serbia, Belarus, and Slovakia, among other nations, demonstrate that even after the end of communist rule in such nations, tyranny under other names still threatens the freedom of their peoples, and hence the stability of Europe and the national security interest of the United States. The Broadcasting Board of Governors should therefore continue to allocate sufficient funds to Radio Free Europe/Radio Liberty to continue

broadcasting at current levels to target countries and to increase these levels in response to renewed threats to freedom.

#### SEC. 1709. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—

(1) IN GENERAL.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(A) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997, or the date of the enactment of this Act, whichever occurs later.

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).



**SEC. 1710. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.**

(a) **LIMITATION.**—Of the amounts authorized to be appropriated by section 1101(4) for "Acquisition and Maintenance of Buildings Abroad" \$25,000,000 for the fiscal year 1998 and \$75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) **LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.**—None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) **LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.**—None of the funds authorized to be appropriated by this division may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) **RECORD OF PLACE OF BIRTH.**—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.

**SEC. 1711. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.**

Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the fiscal years 1998 and 1999, the Secretary shall provide to the appropriate congressional committees a report on the compliance with the provisions of the Hague Convention on the Civil Aspects of International Child Abduction by the signatories to such convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of such convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

**SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.**

It is the sense of the Congress that the United States—

(1) should recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) should encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) should use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

**SEC. 1713. RETURN OF HONG KONG TO PEOPLE'S REPUBLIC OF CHINA.**

It is the sense of the Congress that—

(1) the return of Hong Kong to the People's Republic of China should be carried out in a peaceful manner, with respect for the rule of law and respect for human rights, freedom of speech, freedom of the press, freedom of association, freedom of movement; and

(2) these basic freedoms are not incompatible with the rich culture and history of the People's Republic of China.

**SEC. 1714. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.**

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

(1) The United States stands as a beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Republic of Serbia completed municipal elections on November 17, 1996.

(5) In 14 of Serbia's 18 largest cities, and in a total of 42 major municipalities, candidates representing parties in opposition to the Socialist Party of President Milosevic and the Yugoslav United Left Party of his wife Mirjana Markovic won a majority of the votes cast.

(6) Socialist Party-controlled election commissions and government authorities thwarted the people's will by annulling free elections in the cities of Belgrade, Nis, Smederevska Palanka, and several other cities where opposition party candidates won fair elections.

(7) Countries belonging to the Organization for Security and Cooperation in Europe (OSCE) on January 3, 1997, called upon President Milosevic and all the political forces in the Republic of Serbia to honor the people's will and honor the election results.

(8) Hundreds of thousands of Serbs marched in the streets of Belgrade on a daily basis from November 20, 1996, through February 1997, demanding the implementation of the election results and greater democracy in the country.

(9) The partial reinstatement of opposition party victories in January 1997 and the subsequent enactment by the Serbian legislature of a special law implementing the results of all the 1996 municipal elections does not atone for the Milosevic regime's trampling of rule of law, orderly succession of power, and freedom of speech and of assembly.

(10) The Serbian authorities have sought to continue to hinder the growth of a free and independent news media in the Republic of Serbia, in particular the broadcast news media, and harassed journalists performing their professional duties.

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

(1) the United States, the Organization for Security and Cooperation in Europe (OSCE), and the international community should continue to press the Government of the Republic of Serbia to ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997, and to fully abide by their outcome;

(2) the United States, the OSCE, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(3) the normalization of relations between the Federal Republic of Yugoslavia and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997;

(B) abide by the outcome of such elections; and

(C) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law.

**SEC. 1715. RELATIONS WITH VIETNAM.**

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

(1) the development of a cooperative bilateral relationship between the United States and the Socialist Republic of Vietnam should facilitate maximum progress toward resolving outstanding POW/MIA issues, promote the protection of human rights including universally recognized religious, political, and other freedoms, contribute to regional stability, and encourage continued development of mutually beneficial economic relations;

(2) the satisfactory resolution of United States concerns with respect to outstanding POW/MIA, human rights, and refugee issues is essential to the full normalization of relations between the United States and Vietnam;

(3) the United States should upgrade the priority afforded to the ongoing bilateral human rights dialog between the United States and Vietnam by requiring the Department of State to schedule the next dialog with Vietnam, and all subsequent dialogs, at a level no lower than that of Assistant Secretary of State;

(4) during any future negotiations regarding the provision of Overseas Private Investment Corporation insurance to American companies investing in Vietnam and the granting of Generalized System of Preference status for Vietnam, the United States Government should strictly hold the Government of Vietnam to internationally recognized worker rights standards, including the right of association, the right to organize and bargain collectively, and the prohibition on the use of any forced or compulsory labor; and

(5) the Department of State should consult with other governments to develop a coordinated multilateral strategy to encourage Vietnam to invite the United Nations Special Rapporteur on Religious Intolerance to visit Vietnam to carry out inquiries and make recommendations.

(b) **REPORT TO CONGRESS.**—In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary shall report to the appropriate congressional committees, not later than 90 days after the enactment of this Act and every 180 days thereafter during fiscal years 1998 and 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved POW/MIA cases and the recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including but not limited to Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including, but not limited to, unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including, but not limited to, sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101-167).

**SEC. 1716. STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGFULLY CONFISCATED FOREIGN PROPERTIES.**

The Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with prin-

ciples of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally obtained property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states

that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

**DIVISION C—FUNDING LEVELS**

**SEC. 2001. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.**

Subject to section 634A of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for fiscal year 1998, \$116,878,000. Amounts made available pursuant to such authorization shall be transferred to and merged with funds made available to accounts authorized to be appropriated by this Act (and amendments made by this Act) that are below the President's fiscal year 1998 request. Amounts transferred and merged under this subsection may not increase an appropriation account above the President's fiscal year 1998 request.