

Mr. SESSIONS. Thank you, Mr. President.

I thank the Senators from Utah and Maryland for their hospitality.

S. 891 "THE FAMILY IMPACT STATEMENT ACT OF 1997"

Mr. SESSIONS. Mr. President, last Thursday, June 12, I along with Senators DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT cosponsored S. 891, Senator SPENCER ABRAHAM's Family Impact Statement Act of 1997. I rise today in strong support of this important piece of legislation and to voice my complete disagreement with the recent anti-family action taken by President Clinton.

In 1987, President Ronald Reagan, realizing the importance of the American family and the need to be constantly aware of the negative impact that Federal laws and regulations can have on the family, signed Executive Order 12606. The purpose of this order was to ensure that the rights of the family are considered in the construction and carrying out of policies by executive departments and agencies.

Mr. President, even though we are faced with the staggering increase in out-of-wedlock births, rising rates of divorce, and increases in the number of child abuse cases, apparently President Clinton does not believe that considering the impact of Government regulations on families is good policy.

Much to my dismay, on April 21, 1997, President Clinton signed Executive Order 13045, thus stripping the American family any existing protection from harm in the formulation and application of Federal policies.

President Reagan's Executive order placed special emphasis on the relationship between the family and the Federal Government. President Reagan directed every Federal agency to assess all regulatory and statutory provisions "that may have significant potential negative impact on the family well-being." Before implementing any Federal policy, agency directors had to make certain that the programs they managed and the regulations they issued met certain family-friendly criteria. Specifically, they had to ask:

Does this action strengthen or erode the authority and rights of parents in educating, nurturing, and supervising their children?

Does it strengthen or erode the stability of the family, particularly the marital commitment?

Does it help the family perform its function, or does it substitute Government activity for that function?

Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?

Can the activity be carried out by a lower level of government or by the family itself?

What message, intended or otherwise, does this program send concerning the status of the family?

What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

The elimination of President Reagan's Executive order is just the latest in a series of decisions that indicates the Clinton administration's very different approach to family issues. From the outset of President Clinton's first term, it became clear that his administration intended to pursue policies sharply at odds with traditional American moral principles. White House actions have ranged from the incorporation of homosexuals into the military to the protection of partial birth abortion procedures.

Mr. President, many have suggested it is community villages, in other words Government, that raise children. But the real truth is, families raise children. Families are the ones who are there night and day to love, to care for, and to nurture children.

Many bureaucratic regulations produce little benefit, but can have unintended consequences. The examples are too numerous to mention. What our legislation will do is require the regulators to stop and take a moment to think through their regulations to make sure that, the most fundamental institution in civilization—the family, is not damaged by their actions. This is a reasonable and wise policy.

Mr. President, I find it very odd that of all the Executive Orders that exist, President Clinton would reach down and lift this one up for elimination. This body should speak out forcefully on this subject and I am confident we will. The families of America deserve no less.

S. 819, The Family Impact Statement Act of 1997, is a sound and reasonable piece of legislation which will restore a valuable pro-family policy that has been established for ten years.

I urge all my colleagues to stand united, Republicans and Democrats, to show that the preservation of the family is not a partisan issue. Our voices united will send a loud and clear message to the President and to this nation that we consider family protection to be one of America's most important issues and that we will not accept decisions which mark a retreat from our steadfast commitment to our Nation's families.

Mr. President, I strongly believe that American families must be considered when the Federal Government develops and implements policies and regulations that affect families. Therefore, I am honored to be an original cosponsor S. 891 the Family Impact Statement Act of 1997 which will reinstate the pro-family executive order of President Reagan.

I would like to thank my colleagues, Senators ABRAHAM, DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT for their dedicated work and help on this issue.

Mr. President, I yield the floor.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 393

(Purpose: To strike section 2101(g), limiting funding for U.S. memberships in international organizations and requiring withdrawal from organizations which exceed that limitation)

Mr. SARBANES. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 393.

The amendment is as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

Mr. SARBANES. Mr. President, this amendment, referring to pages 160 to 162 of the bill, takes out subsection (g), which is a subsection that puts forward the possibility that the United States might withdraw from the United Nations. I am very frank to tell you that I don't think the prospect of that eventuality ought to be raised in this legislation.

This legislation, in effect, says that if the amount of funds made available for U.S. membership exceed a certain figure, then withdrawal is required. Of course, we determine the amount of funds that are made available. In any event, even if the figure is exceeded, I don't think a withdrawal sanction ought to be incorporated in this legislation. If you stop and think about it, that is quite a sweeping proposition.

Let me quote from paragraph (2) of that subsection:

Notwithstanding any other provision of law, the United States shall withdraw from an international organization. . . .

It then goes on to set out the procedures for doing so, and the deadline for doing so. Let me read for a second.

Unless otherwise provided for in the instrument concerned, a withdrawal under this subsection shall be completed within one year in which the withdrawal is required.

Then it requires the President to submit a report on the withdrawal.

I hope that the managers of the bill, upon reflection, will agree with me that we ought not to be including in the legislation any provisions that carry with them the implication of withdrawal from the United Nations.

The United Nations is too important an organization, and our participation in it is too critical a matter to include in this legislation a provision of this sort. The provision on which I am focusing runs from pages 160 to 162, providing for the withdrawal of the United States from the United Nations.

My amendment is focused on a limited part of this bill. I have a lot of differences with other parts of this bill, as Members well know. I supported the effort earlier in the day to take out the

conditionality of the payment of our arrearages, which did not prove successful. But I am very frank to tell you that I find it a matter of very deep concern—even of dismay—that this legislation should even include within it the possibility for the consideration of the withdrawal of the United States from the United Nations. To suggest that we are thinking of withdrawal, or that withdrawal would be required under certain circumstances, in my judgment is very detrimental to our international leadership. It affects our credibility at the United Nations, and around the world.

What is sought in this bill, to stay within certain funding limitations, is within the control of the Congress in any event. So there would be other ways for the Congress, in making its decision on resources to be provided, to adhere to that standard. But I do not think we should put it in this legislation.

If we are going to withdraw from the United Nations, we ought to have a full-scale debate about withdrawing from the United Nations. Withdrawal from the United Nations is not some minor course of action to be taken lightly, not some form of discipline to address a problem that can be addressed in other ways. It is a very serious matter. I think even raising the prospect of withdrawal from the United Nations is harmful to American interests. I very much hope the managers of the bill will find it possible to accept this amendment.

I do not understand why we are, in effect, bringing in the most extreme remedy one could imagine, the one that most sharply affects our international leadership and our position in the United Nations, namely the remedy of withdrawal. I do not think this legislation ought to have any mention of withdrawal from the United Nations and I very much hope we will be able to take this particular section out of this legislation.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask for immediate consideration of my measure.

Mr. HELMS. Is there not a pending amendment?

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered.

AMENDMENT NO. 376

(Purpose: To authorize appropriations for the Center for Cultural and Technical Interchange between East and West)

Mr. INOUE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for himself, Mr. HATCH, Mr. HOLLINGS, and Mr. AKAKA, proposes an amendment numbered 376.

The amendment is as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) "Center for Cultural and Technical Interchange between East and West", \$18,000,000 for the fiscal year 1998 and \$15,000,000 for the fiscal year 1999.

Mr. AKAKA. Mr. President, I am pleased to join my friend, the senior Senator from Hawaii, in offering this amendment to restore funding for the East-West Center in fiscal years 1998 and 1999.

Over the past 37 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center has played a key role in promoting constructive American involvement in the Asia-Pacific region through its education, dialogue, research, and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and U.S. interests in the area, including international trade, economic cooperation and politics, security, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has welcomed more than 53,000 participants from over 60 nations and territories to research, education, and conference programs. Over 45,000 alumni have pursued degrees and participated in research, training, and dialogue under East-West Center grants.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and the nations of Asia and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. The EWC alumni association has 35 chapters throughout Asia. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the positive personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center's programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world's largest producer and consumer of goods and services. Their markets for energy

resources, telecommunications, and air travel are fast becoming the world's largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world's fastest growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission [JCC].

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is short-sighted to slash funding for the Center. While issues and developments in Asia are the focus of increased attention, and foreign affairs mandarins speak of the dawn of the Asian century, the United States has closed AID offices in the region and slashed funding for programs and organizations—like the East-West Center. These institutions are valuable to our Nation's understanding of Asia and the Pacific rim and our interaction with regional scholars, executives, and government leaders. Withdrawing our support sends signals to our friends and others in the region that our commitment and engagement are tenuous.

For over three decades we have invested in the East-West Center, creating an important resource that promotes regional understanding and cooperation, provides expertise on complex regional issues, and informs our foreign policy decisionmaking. The amendment we offer seeks to ensure the continued existence of the East-West Center and the quality of its programs. If the Congress ends funding for the Center, its viability will be threatened and its future brought into doubt. This amendment authorizes a modest, but essential, level of support for the continued operation of the East-West Center.

It communicates the importance our country places on exchange and cooperation with nations of the Asia-Pacific region and the lead role played by the East-West Center in promoting regional interaction and cooperation.

Mr. President, I want to conclude by thanking my friend and colleague from Hawaii for his leadership in this effort to preserve the mission and good work of the East-West Center. I also want to express my appreciation to our colleagues who have cosponsored this amendment and expressed support for the East-West Center.

I urge the adoption of the amendment.

Mr. INOUE. Mr. President, I ask this matter be temporarily set aside for final disposition.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 394

(Purpose: To limit the use of United States funds for certain activities by the United Nations and affiliated organizations)

Mr. ENZI. Mr. President, I rise to offer an amendment to the underlying legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 394.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, my amendment would ensure that American taxpayers get a fair deal when it comes to the \$900 million this bill authorizes us to pay in dues to international organizations. My amendment would ensure that the United Nations does not spend U.S. taxpayer money to sponsor conventions that result in stricter—and more expensive—environmental standards for Americans than other members have to bear.

I know the chairman has worked very diligently to ensure that our money is carefully accounted for by these international organizations. He has placed some strict limitations on the use of our funds, both at the United Nations and by the various international boards in charge of spending our money, but frankly, I would like those limitations to be a little more explicit.

My amendment would prohibit the use of U.S. funds by the United Nations or any affiliated international organization to propose or promulgate treaties that impose new environmental costs on the United States—until, all other members of the United Nations have reached our level of environmental standards and enforcement.

Many Americans, and surely my constituents in Wyoming, have a hard

time understanding why we are writing a \$1 billion check to international organizations and then exercising little oversight on how the money is spent. I ask you to consider for a moment, the accountability requirements we place on our own citizens when it comes to use of public property or receipt of Government payments.

Ask a farmer what paperwork he or she had to fill out for the Farm Services Agency and the Natural Resource Conservation Service in order to get that corn or wheat payment last year—or what bureaucratic tests disaster victims must endure to enlist support from the Federal Government.

Ask an independent oil or gas producer how many reports they have to file with the Minerals Management Service or with the Bureau of Land Management in order to maintain a lease on Federal land.

Or ask a small business owner what records they have to keep in order to prove to Government inspectors that they are complying with OSHA regulations and with EPA regulations—or to prove they are complying with the Family and Medical Leave Act or the Fair Labor Standards Act.

Ask them how much it costs to have their taxes done. I raise these examples to show how much we expect of our own citizens. We place enormous levels of accountability on anybody who takes initiative in this country and we weigh them down with paperwork. We even hold them accountable to tell us exactly how much we will take from them in taxes.

And then we turn around and hand out their money. We spread it around, far and wide. There are \$900 million in payments to international organizations in this bill and there is almost no accountability. My constituents want fairness.

I am particularly concerned by our participation in the United Nations Framework Convention on Climate Change and my amendment is drafted to challenge that issue, among others. I am pleased that the committee wants to require the administration to tell Americans how much the treaty is going to cost. Americans should know how much it will cost and who will have to pay for it. We are using their money to negotiate this treaty. Let's be honest with them.

I think they might be surprised at what is being proposed. According to one independent estimate, complying with United Nations targets for greenhouse gas emissions could cost this country as much as \$350 billion per year! That is nearly \$1500 for every man, woman and child.

And while you are adding up that bill for the folks back home, don't forget to point out that we could also lose nearly 5 million jobs directly related to energy use and production. Then there will be several million more that are indirectly related.

That should make an impact on those hardworking American taxpayers

in your home State. But I'll tell you what will really get them—when they find out that developing countries don't have to comply. Countries like China, India, Brazil, and Mexico will only have to report on their emissions, not do anything about them.

All of this information may seem reasonable to some, but I will tell you, they don't buy it in Wyoming. International organizations should not be using American money to impose unfair requirements on Americans.

I understand the difficulty the chairman has had with these issues and I recognize his efforts in this bill to restrict the taxation authority of the United Nations. I would like to direct a question to the chairman from North Carolina, if I may.

Mr. Chairman, is it your belief that this bill adequately safeguards American taxpayers from any unauthorized use of United States funds by the United Nations or its affiliated environmental organizations?

Mr. HELMS. Mr. President, I thank the Senator for his amendment and I, of course, share his concern with the increasing number of United Nations treaties that impose regulatory burdens and, as he puts it, infringe on the rights of the American people. In fact, the pending bill, S. 903, addresses many of his concerns. I demanded that this legislation prohibit any funding to the United Nations until the Secretary of State certifies that the sovereignty of the United States has not been violated.

A lot of people giggled about that. But as the Senator knows, it is a very real problem, potentially. As the Senator also knows, many of us have worked for months to develop this comprehensive United Nations reform package. I think the Senator will understand, and I find myself in a position where I simply must be faithful to the deal into which I have made entry and participated. Senator BIDEN has been so cooperative. He is sticking to his bargain and I shall stick to mine. This bill requires a number of key reforms at the United Nations, but it certainly does not require every reform that I wanted.

Let me say again to the Senator from Wyoming, I support his efforts but I cannot support any amendment to change this package. But I will assure him that the Foreign Relations Committee this week will have hearings to consider United Nations climate change negotiations, and will hold additional hearings on actions by the United Nations that impose international regulatory burdens on the American people.

Mr. ENZI. Mr. President, in light of the assurances I have received from the chairman of the committee, and from his staff regarding the Presidential reporting requirements contained in the bill, I will withdraw my amendment.

I look forward to debating this issue again when we receive the Presidential reporting information.

Let me say before I close that this bill is a good example of a bipartisan effort to reduce the size of the Federal Government by consolidating agencies into the State Department. Furthermore, reform of our policies with regard to the U.N. are long overdue. The chairman has shown great leadership in negotiating this important bill.

I yield the floor.

The amendment (No. 394) was withdrawn.

Mr. HELMS. I thank the Senator and I assure him we will not forget his interests.

AMENDMENT NO. 392

Mr. HELMS. Mr. President, Senator BENNETT offered an amendment which regular order would make the pending business, would it not?

The PRESIDING OFFICER. Regular order does put us back on the Bennett amendment.

Mr. HELMS. I thank the Chair. Let me make a few comments before we consider regular order.

On February 8 of last year, 1996, I sent a letter to President Clinton urging that he no longer tolerate Chinese-Iranian missile cooperation and transfers. At that time I noted that U.S. nonproliferation laws provided "a clear, legal requirement—and I am quoting from my letter—that sanctions be levied against China for its missile sales to Iran," and I appealed to the President at that time to act decisively. In response, the President assured me that he would, in fact, and in deed, implement the missile sanctions law, and he used the words, "faithfully and fully" when the United States had determined that sanctionable activities have occurred.

Senator BENNETT and I were speaking about that a while ago. We have been waiting for more than a year. Meanwhile, repeated media reports have confirmed beyond any peradventure whatsoever that Chinese-Iranian missile cooperation continues apace, and that the United States is well aware of these activities and that the administration has deliberately elected to ignore Sections 73 and 81 of the Arms Export Control Act, and the 1992 Iran-Iraq nonproliferation act.

In fact, an article in the Washington Times last November 21, I believe it was, purports to quote from a classified October 2, 1996 CIA report entitled, "Arms Transfers to State Sponsors of Terrorism." Among the transfers reported are missile guidance components, 400 metric tons of chemicals for Iran's chemical warfare program, and advanced cruise missiles.

There can be no doubt that China's provision of advanced missile technology and equipment to Iran directly threatens our national security interests and directly contravenes U.S. law. Over the past several years, Iran has purchased Sunburn, C-801 and C-802 antiship cruise missiles, fast attack missile boats, diesel submarines, and naval mine warfare capabilities.

In addition, Iran has reportedly been constructing tunnels along the coast of

the Persian Gulf to shelter ballistic missiles. And Iran may have deployed antishipping missiles on islands at the mouth of the Persian Gulf—which, as anybody who has been there knows, is a natural choke point, useful for strangling our flow of oil through the gulf.

These new capabilities pose a serious risk to the U.S. naval presence in the region, and to Saudi Arabia, Bahrain and Qatar's oil and natural gas refineries along the coast.

The point is, the White House should be prepared to, as it promised, fully and faithfully respond with the sanctions required by law for China's proliferation activities, as the President assured me he would in a letter last year.

In closing, I welcome Senator BENNETT's remarks and his amendment.

Let me inquire of the Chair if the yeas and nays have been obtained on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. HELMS. I think this would be a good time to have a rollcall vote.

Mr. KERRY addressed the Chair.

Mr. HELMS. How long will the Senator need?

Mr. KERRY. Mr. President, if I can ask the Senator if Senator WELLSTONE and I can proceed as we had discussed for a few moments outside of the legislative business.

Mr. HELMS. That is what I am inquiring about.

Mr. KERRY. Somewhere, say, around 12 minutes I think we should be able to finish; 12 minutes, Mr. President, divided between the two of us.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there a unanimous-consent request?

Mr. KERRY. Mr. President, I ask unanimous consent that Senator WELLSTONE and I be permitted to proceed as in morning business, with the interruption not to show in the course of the legislative day on the foreign relations bill.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. SARBANES. Reserving the right to object. Can I ask the parliamentary situation? I take it the Bennett amendment was offered and set aside, and then I offered an amendment and that was set aside. Is there another amendment pending?

The PRESIDING OFFICER. The Senator from Hawaii offered an amendment, and that has been set aside, and the regular order is the Bennett amendment.

Mr. SARBANES. I simply say to the chairman, I am quite happy to cooperate with the committee in setting aside the amendments, but I ask the chairman if I can have the courtesy of being given a little bit of notice—not much—just in order to get here when the chairman thinks he may go back to considering my amendment.

Mr. HELMS. Very well. I give that assurance to Senator SARBANES.

Mr. SARBANES. I thank the Chair. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. HELMS. Just one moment, Mr. President. I suggest that the Cloakrooms be notified of the proximity of the vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of Mr. KERRY and Mr. WELLSTONE pertaining to the introduction of S. 918 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. In connection with the pending amendment to be voted on shortly by the distinguished Senator from Utah, I hope that my request will be approved that we await the arrival of Senator BIDEN, because he may want to have some comments on it, too.

So in that context, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. I suggest we go to the vote.

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the amendment offered by the Senator from Utah, amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho [Mr. KEMPTHORNE] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent to attend a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—96

Abraham	Byrd	Durbin
Akaka	Campbell	Enzi
Allard	Chafee	Faircloth
Ashcroft	Cleland	Feingold
Baucus	Coats	Feinstein
Bennett	Cochran	Ford
Biden	Collins	Frist
Bingaman	Conrad	Glenn
Bond	Coverdell	Gorton
Boxer	Craig	Graham
Breaux	D'Amato	Gramm
Brownback	DeWine	Grams
Bryan	Dodd	Grassley
Bumpers	Domenici	Gregg
Burns	Dorgan	Hagel

Hatch	Lieberman	Roth
Helms	Lott	Santorum
Hollings	Lugar	Sarbanes
Hutchinson	Mack	Sessions
Hutchison	McCain	Shelby
Inhofe	McConnell	Smith (NH)
Inouye	Mikulski	Smith (OR)
Jeffords	Moseley-Braun	Snowe
Kennedy	Moynihan	Specter
Kerrey	Murkowski	Stevens
Kerry	Murray	Thomas
Kohl	Nickles	Thompson
Kyl	Reed	Thurmond
Landrieu	Reid	Torricelli
Lautenberg	Robb	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden

NOT VOTING—4

Daschle	Johnson
Harkin	Kempthorne

The amendment (No. 392) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. What is the pending business now?

The PRESIDING OFFICER. The Sarbanes amendment numbered 393.

Mr. HELMS. Is there any other amendment behind that one?

The PRESIDING OFFICER. The Inouye amendment No. 376.

Mr. HELMS. Just those two?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I have just proposed to the majority leader we move in cycles of three amendments, certainly for rollcall purposes, and he thinks that would be a good idea. It may be that we will be able to handle some of these on a voice vote, but I do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending business be set aside.

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

AMENDMENT NO. 395

(Purpose: To eliminate provisions creating new Federal agency)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Iowa [Mr. HARKIN] and the Senator from Oregon [Mr. WYDEN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 395.

Mr. FEINGOLD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike sections 321 through 326 and insert the following:

“SEC. 321.—INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of State for Public Diplomacy.”

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to S. 903, the State Department authorization bill for fiscal year 1998. What my amendment would do is strike the provisions in division A of the bill concerning international broadcasting activities in the United States.

Mr. President, I find it rather extraordinary that in the very bill that seeks to reorganize and consolidate the foreign policy apparatus of the U.S. Government, we find language to create a new independent Federal agency to administer the U.S. international broadcasting program. Let me be clear on this: This bill creates a new Federal agency. It grants that agency the authorities and mandates that all Federal agencies have under title 5. It also gives the agency the authority to hire temporary workers and to grant them reimbursement for their services, and it also gives the agency the authority to receive donations. So despite the claims you will shortly hear that are to the contrary, make no mistake, Mr. President, this is a new agency.

Now, some will argue, of course, that there is no net increase in Federal agencies since at the same time that we create a new independent agency to operate the international broadcasting operations, we are also abolishing the U.S. Information Agency. So you will probably hear the argument that we are giving up one and adding a new one. I am afraid, though, Mr. President, that that argument hardly passes the laugh test. It is a new agency. You can be sure of one thing: It is going to act like an agency, too.

This language simply makes no sense in light of the hard work that the Congress invested in 1993 and 1994 in restructuring the United States' role in overseas broadcasting. We consolidated various programs and we took some very clear steps to move Radio Free Europe and Radio Liberty down the road to privatization.

In the United States International Broadcasting Act of 1994, the Foreign Relations Committee took the lead in doing something that is all too unusual. It is unusual to find a program eliminated in Washington, but we, in that committee, and on this floor, Mr. President, actually wiped out a Federal agency. At the time, that agency was called the Board for International

Broadcasting or the BIB. We consolidated all of our Government's international broadcasting programs, including the Voice of America, as well as the so-called surrogate programs, such as RFE/RL. We did it within one Federal agency—the U.S. Information Agency, which is the government's public diplomacy arm.

The 1994 act imposed tight fiscal controls on the two programs that were rife with fiscal abuse and mismanagement. It mandated steps toward privatization for Radio Free Europe and Radio Liberty. Very importantly, it also ensured an active role by the inspector general. As a result, Mr. President—and this is no small matter—of this one series of actions and consolidation, we saved the Federal Government, the taxpayers of this country, on this one change alone, close to \$1 billion over a 9-year period. This isn't me talking about what can be done if we do something—we did it. We started in 1993 and we saved \$1 billion. That was my first bill here as a Member of the Senate. I am extremely pleased that the changes proposed in this bill cannot undo the fiscal progress that we have made in the past. I add that, at this time, when we are trying so hard to finalize our promising work on balancing the budget that this \$1 billion in savings was an important step in that direction.

But there was more to the story—a story of abuse. At the time Congress took this action, the RFE/RL was spending 25 percent of their budget on administrative costs, while the Voice of America was spending less than half of that—only 12 percent. Lavish salaries. Mr. President, there were salaries of \$200,000 to \$300,000, paid by the American taxpayers; and perks for executives that were a deeply ingrained way of life in these programs. These excesses are what inspired me and other Members of Congress to take a long hard look at how to fix this problem. This, of course, is our role—to oversee the programs of the executive branch and protect the dollars of the people who elect us.

In this particular case, we actually did a pretty good job, after many years. Now, though, Mr. President, I am concerned about what will happen in the future. Now the Foreign Relations Committee has reported out a bill that includes language to recreate what, to me, looks virtually identical to this old BIB, the agency we finally got rid of. It creates an independent Federal agency, governed by a board of directors. Others may say that the Broadcasting Board of Governors, or the BBG, under the arrangement assumed by this bill, is very different from the old BIB. I will agree that the BBG is a stronger, more disciplined body than its predecessor; but because of its worldwide presence, international broadcasting is unfortunately an area that is almost inherently vulnerable to mismanagement and abuse. It is very hard to oversee, especially if

it is constituted through an independent agency.

In the past, the BIB fell prey to these vulnerabilities and exercised virtually no control over the abuse of the radios under its jurisdiction. There were two decades worth of GAO and inspector general reports noting fiscal and other problems with the radios, but the BIB just chose to ignore them. Spending abuses were brought under control under the BBG structure because of very detailed congressional mandates contained in the 1994 legislation. That didn't happen because the board suddenly decided to clean up its act nor because of any inherent qualities of the BBG itself; it is because we here in Congress did our job and mandated that this organization clean up its act.

Mr. President, it is my view that recreating this independent structure is a roadmap for a return to where we started out 3 years ago. I find it simply incomprehensible that just as we are consolidating our foreign policy apparatus under the reorganization plan in this bill, we would create a new Federal agency that is virtually identical to the one we wiped out less than 3 years ago.

Mr. President, let me outline briefly the problems I have with this broadcasting section of the bill. First, fiscal abuse. The structure proposed by the bill, as I have indicated, has historically been a breeding ground for fiscal abuses. These weren't just uncovered 3 years ago. I have a stack of GAO reports and IG reports going back two decades documenting the fiscal abuses that this independent structure generated. It was this independent structure, sitting out by itself, not being managed or controlled by any part of our Federal Government directly, that had these problems.

A colleague from many years ago, Senator John Pastore, in 1976, said of the problems of this organization, "The abuse has reached the point of becoming almost scandalous * * *". That is what we put an end to in 1994. We put an end, finally, to two decades of abuse.

A second problem, Mr. President, is privatization. We made a clear commitment in 1994 that Radio Free Europe and Radio Liberty would be privatized by the end of this century, only 2½ years from now. Mr. President, why would we now recreate an independent agency to administer the grants for Radio Free Europe and Radio Liberty for such a short period of time? If we create this new entity, I can assure you that somehow it will find a justification to continue. All of the hard work and all of the consensus that was developed around the basic idea that it is high time that RFE/RL be privatized will be under attack. We have a chance to finally privatize something. We are almost there. But this bill seeks to undo that.

Third, Mr. President, as I have indicated several times, and will again, this bill creates a new Federal agency.

I find it hard to believe that this Congress, which has been dedicated to downsizing the Federal Government and achieving deficit reduction, would choose to create today a new Federal agency—an agency that isn't even needed. That is exactly what these provisions will do—create an unnecessary, new Federal agency, with all the overhead, all the bureaucracy, and all of the trappings of a brand new agency.

Mr. President, I also wish to respond briefly to the arguments made by the proponents of this proposal and, in particular, my good friend and leader on these issues, the Senator from Delaware, Senator BIDEN, who cares deeply about this issue.

First, Mr. President, he asserts that the fiscal controls and measures designed to curb the kinds of flagrant abuses that plagued RFE/RL in the past will be retained under the new structure, and that nothing we achieved in terms of deficit reduction will be lost as a result of the new structure he has proposed. I sure hope he is right; but I doubt it. I appreciate the intent, but I am concerned that history has shown that just the opposite is going to happen, that what we have achieved could well be undermined by recreating the kind of structure and incentives that led to these problems in the first place.

Now, what do I mean by incentives? I mean the natural propensity of any institution—especially an entirely independent institution—to protect itself, to try to expand itself, and to relentlessly try to find a way to justify its existence. That is inherent in the nature of independent agencies.

If the radios are actually going to be privatized by the end of 1999, what is this new Federal agency going to be doing in 2½ years? Are they going to be running the Voice of America? Is there a reason, all of a sudden, after all these years, to create a new agency to run the Voice of America? I don't think so. I don't think the Senator from Delaware would be proposing this structure if his concern was the independence of the Voice of America. Rather, his concern has been clearly stated in the past, and it is to house the surrogate radios, Radio Free Europe/Radio Liberty, and others that are scheduled to lose their Federal support in 1999.

Even Radio Free Asia, RFA, has a sunset date in the authorizing legislation that terminates its authority in 1998. So what is the agency going to do after all these rather up and coming dates arrive? What are they going to do, Mr. President? Are they going to lobby Members to extend these deadlines? I am concerned that they will. Is there any doubt in the minds of anyone in this room that if we create a new Federal agency, it will do all it can to find good reasons to argue that it has to continue to exist.

Secondly, the proponents of these provisions will say that we are talking about something different here because the broadcasting functions have been

successfully consolidated into one agency. We mandated the consolidation intentionally, Mr. President, to save money and to eliminate duplication. Mr. President, if these provisions are adopted, the gains we made in both of these areas could be lost. Rather than using, in the name of efficiency, the accounting, personnel, and support services that already exist in the State Department—as it has with the services of USIA—this new entity will have to have its own legal office; it will have to have its own personnel department; it will have to have its own publication office, and who knows what else. That is what you get when you set up a new Federal agency. That agency needs all of those new things, instead of having the State Department handle it under its current budget.

Again, these provisions—and, Mr. President, I hope I am making the case—head in completely the opposite direction, not only of the whole spirit of the last couple of Congresses, but specifically in the opposite direction of the whole point of the bill the distinguished chairman of the Foreign Relations Committee has put forward in terms of consolidation and reorganization.

Now, some may say that Congress can protect the taxpayer by maintaining the spending caps we put into the 1994 legislation. I am certainly glad those caps are still there, and that may be true for those programs that are capped. But what is not clear is what happens with administrative costs.

Mr. President, the comptroller's office of USIA has explained to my staff that some \$28 million in administrative services are currently provided to the broadcasting operations by the United States Information Agency. This represents expenditures that are over and above the annual operating budget for the broadcasting operations. Instead, these costs are borne by USIA for property and for housekeeping functions, such as payroll, the payment and vouchers, accounting, contracting, and security. On these latter items, broadcasting "borrows" partial time from USIA employees to carry out highly specialized tasks. If the broadcasting operations are to be separated out from USIA, as is contemplated by this bill now, it remains very unclear how broadcasting would get these services. Would the new public diplomacy bureau at the State Department have to provide these services and, if so, how would that be calculated? Or what would concern me the most is, will the new broadcasting entity, this new Federal agency, simply have to hire its own people, new Federal employees, new Federal positions to carry out those services?

The point, Mr. President, is that the broadcasting operations currently appear to gain significant economies of scale by using the infrastructure of the USIA. That is what we caused to happen a few years ago. After decades of

abuse, we finally forced this Government to show some efficiency and consolidation, and we got some economic benefit out of it. Instead, creating a new agency may lead us to lose those savings and force this new entity to come to Congress for new funds, or it may lead to a situation in which the broadcasting activities lose out when, for every new attorney, or office, or light bulb, and all the bureaucracy that goes with it, there will be less broadcasting hours to some far-flung place in the world to which we believe it is in our national interest to communicate. I guess this doesn't make any sense to me.

Third, Mr. President—and this is really the most philosophical of the arguments—there are those who really passionately believe that an independent structure is required or is necessary in order to protect what is called the “journalistic independence” of these programs, and really this question gets to the core of what is going on.

Either you think it is our national interest to continue to pay for—not just subsidize, but pay for—independent radio programs, or you don't! I, for one, think it is essential to compare the surrogate radios to the Voice of America. VOA was created to be, and remains, an essential tool for the U.S. government to communicate U.S. policies and prerogatives to the rest of the world. Let me quote directly from the President's budget request concerning VOA's mission: “The Voice of America was founded in 1942 to provide accurate, objective and comprehensive news and information about America and the world to listeners in other countries.” VOA now broadcasts in more than 50 languages. WORLDNET television similarly supports and explains U.S. policy objectives to foreign audiences worldwide. VOA and WORLDNET employees are U.S. government employees, and no one doubts that a primary mission is to communicate the views of the U.S. government.

The surrogates—Radio Free Europe and Radio Liberty—on the other hand, concentrate their resources on reporting and analyzing domestic and regional events in the countries to which they broadcast. As someone who believes strongly in the rights of free speech and expression, I do not doubt that the development of independent media is perhaps one of the most important challenges for a newly democratizing country. And I do not question those who think that the United States should actively support or encourage such outlets. But that does not necessarily imply that we should bear the cost of running an entire service! The fact that U.S. tax payers are still subsidizing RFE/RL broadcasts to Poland astounds me. We are, in fact, subsidizing the competition in Poland and, in so doing, may even be preventing the development of other alternatives for this kind of activity in that country. But setting aside for a moment

whether we should continue to pay for broadcasting in countries like Poland, let me focus upon the issue of so-called “journalistic independence.”

Mr. President, let me just briefly review some of the history.

First, Radio Free Europe and Radio Liberty were established by the CIA, a fact widely known, for the purpose of undermining communist governments.

Second, they have been funded by the US taxpayers from their inception, a fact that is also widely known and not disputed.

Third, the Board of Directors for this new entity, like the current one, is appointed by the President of the United States. I would like to know how you can be independent of the U.S. government when your governing board is appointed by the President of the United States!

Let me make sure everyone understands the bizarre relationship between the BBG and RFE/RL. This is an interlocking board of directors: the members of the BBG are—by statute—identical to the members of the RFE/RL board. As bizarre as it may be to an outsider, the BBG gives a grant to RFE/RL, even through they each have the same board. And these board members are all appointed by the President of the United States!

Fourth, their budget is debated by Congress each year. Numerous Congressional committees call them up to account for how this money is being spent. We are even debating it right now.

So how can you even make any kind of claim to be independent on those facts? No one is going to buy it.

In fact, as the fifth point, let us be honest. The rest of the world views these radios as belonging to—guess who? The United States. Whatever games you want to play with their names or their governing structures, everybody knows these broadcasts represent the views of the United States. U.S. officials parade through these facilities abroad all the time.

When President Clinton was in Prague in early 1994, the President of the Czech Republic offered the United States facilities within Prague to house RFE/RL. The Czech President offered the buildings to the U.S. President, because he knew, as the whole world knows, that these radios are 100 percent owned by the US government, paid for by the US taxpayers, and subject to oversight by the US Congress.

Frankly, Mr. President, I do not see how these programs can ever really be independent as long as they are dependent upon federal funding. If they want journalistic independence, the best way is the old-fashioned way: stop taking Federal dollars.

If these programs need autonomy and independence, the best thing they can do is to privatize.

Mr. President, I know the debate over “journalistic independence” and over how the United States can best support newly emerging democracies is

one that can be highly emotional for many Members of this Chamber. But whichever side my colleagues come out on, I urge you to consider what I find to be the most offensive part of this bill, and that is the provision to create a new, independent federal agency.

I do not want to be repetitive, but I just can't believe that the Senate, that this body that is working so hard to eliminate inefficiencies and duplications in the Government, would have supported provisions such as these in a bill such as this.

So Mr. President, let me point out that my amendment has been endorsed by groups who have worked hard to reduce the Federal deficit and eliminate unnecessary spending programs, including Citizens Against Government Waste and Taxpayers for Common Sense.

Mr. President, I ask unanimous consent that a letter from Taxpayers for Common Sense regarding this amendment and in support of the amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, to conclude, the letter from Taxpayers for Common Sense really did a good job of reiterating that the question underlying this debate is whether the Senate is capable of following through on budget cuts. If we today recreate the same BIB structure we abolished just 3 years ago, the savings achieved in the 1994 act could be jeopardized and the effort to privatize these radios could be undermined by this new agency as it desperately struggles to justify its existence.

I hope that the Members of the Senate will reject the creation of this new Federal agency and adopt my amendment.

Mr. President, I yield the floor.

EXHIBIT 1

TAXPAYERS FOR COMMON SENSE,
Washington, DC, June 13, 1997.

Attn: Foreign Relations L.A.—floor action Monday, June 16.

TAXPAYERS ASK: WHY CAN'T SENATE CUT?
SUPPORT FEINGOLD AMENDMENT ON STATE
DEPT. AUTHORIZATION

THE 1994 LAW TERMINATED THE BIB AND SAID
RADIO FREE EUROPE WILL BE PRIVATIZED
WHY DOES COMMITTEE BILL CREATE NEW
AGENCY FOR RFE

DEAR SENATOR: When the Senate considers the State Department Reauthorization bill, Taxpayers for Common Sense strongly urges you to support the Feingold amendment.

In 1994, Congress passed legislation terminating the Board of International Broadcasting (BIB), an independent federal agency responsible for administering Radio Free Europe and Radio Liberty [RFE/RL]. In doing so, the legislation mandated that steps be taken to privatize RFE/RL. The legislation also established a Broadcasting Board of Governors within the U.S. Information Agency in order to curb extensive internal problems that plagued the programs under the BIB structure.

Contrary to the law and to congressional intent—and contrary to the House bill—the

version of the State Department Authorization Bill recently reported by the Foreign Relations Committee would actually create a new federal agency strikingly similar to the old BIB. Congress terminated the BIB just three years ago with overwhelming bipartisan support. The BIB structure fostered rampant fiscal abuses, lavish executive salaries and executive perks, despite numerous GAO and Inspector General reports noting fiscal problems over the course of two decades.

The Feingold amendment would strike the provisions that would create a new federal agency and ensure that RFE/RL is privatized by December 31, 1999, as indicated by the International Broadcasting Act of 1994. TCS supports this amendment. While the budgetary savings may be relatively small compared to the entire federal budget, the questions at stake are large: Can the Senate follow through on budget cuts? Is the Senate incapable of maintaining even this tiny budget cut? Is foreign spending exempt from the budget cuts that impact Americans at home? The Feingold amendment is a step toward restoring the confidence of American taxpayers that U.S. international programs are wise expenditures.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I admire the Senator's tenacity, and I admire his commitment to save the American taxpayers money. His tenacity on this score has exceeded his savings. Let me explain what I mean by that. He won. If this is about deficits, he won. He was right. He saved the taxpayers millions and millions of dollars. He, through his leadership, changed the way in which we used to deal with all these radios. He has won.

If I wouldn't be taken out of context—he would understand the humor in this—I wish he would take that old speech and send it home and say, "I won." I mean, take credit for what you did. You did a wonderful thing. You really did. You did a wonderful thing. But their ain't no more money to save. You saved it. This doesn't cost another penny.

That is No. 1.

This is not about deficits. It was about deficits, but you won. You did a good thing. You reorganized the radios.

It is like that famous line, I guess it was President Reagan's, "The Russians just do not know how to take yes for an answer." You won. And I am not being solicitous when I say the Nation owes you a debt of gratitude.

Now, on the second point, your tenacity: Your tenacity is well known, but I think in this case it is misplaced. This isn't about deficits anymore. Let's talk about what it really is about.

It is about whether or not Radio Free Europe and Radio Liberty are anachronisms or still have a relevance—no matter how well run they are, no matter how streamlined they are, no matter how efficient they are, no matter how cost effective they are.

That is the core of the debate between the Senator and I, although I

suspect he would characterize it differently. I think they are vitally important.

It is not communism now. It is chaos now. It is not communism. It is the threat of totalitarianism. It is not communism. It is freedom, market economies, and it is about journalistic integrity and independence.

Everything the Senator said is factually correct except one thing. How do I explain it? I think the rhetorical question is: Tell me how these are independent? I will tell you: Forty years of history. All of Eastern Europe said, "When I hear VOA, I hear the State Department. When I hear Radio Liberty and Radio Free Europe, I hear an independent voice." That is literally how it worked.

I don't presume to compete with my friend from Wisconsin—and I am not being solicitous when I say this—who is a Rhodes scholar and a man of significant accomplishment, with my knowledge of history. I am not trying to play games and educate him, except I suggest to him that he ask those Eastern European freedom fighters of the past 40 years. They knew that the Federal Government paid for Radio Free Europe or Radio Liberty. Why did they listen to it and take what it said as gospel and not the Voice of America, or other pronouncements that came out? The reason was the same reason that exists today in China. We set up a thing called Radio Free Asia, the same category Radio Free Europe used to be in—still is in.

What is the difference? Our Ambassador in Beijing can say with all honesty—and the Chinese Government knows that it is true—"I can't control those guys."

What do they do? Let me give you an example of what would not happen if these radios, as we call them, were within the State Department where we moved the USIA. They would not at this moment be able to read on air the memoirs of Wei Jing Sheng, one of China's leading dissidents who is in prison. It is driving the Chinese Government crazy that the people of China can hear unobstructed his memoirs being read on air.

Do you think the Secretary of State—this one or the last one—would have the nerve in the mix of negotiations with the Chinese on everything from proliferation to trade to upset the apple cart? I can see it now. Beijing picking up the phone, and saying, "Stop, or we do the following with regard to these other negotiations." We have seen it happen a hundred times. But Beijing knows that the way we have set this up means that the President cannot control it. He can come up to us and say, "Don't fund it any longer." Or he can try to stack the board to get people on the board who will not allow journalistic independence.

But the reason why it works is that we have 40 years' experience—40 years of watching it work. The bona fides of these radios have been proven.

So the Senator is correct. Absent this history, one would say this is a veil. There are only four or five veils between the radios and independence and they are nothing but veils. History indicates that they are walls, and that they brought walls tumbling down—the Berlin wall.

I acknowledge that I probably feel more strongly about the radios and their independence than a majority of my colleagues. But I truly believe, Mr. President, if they were needed during the cold war, they are needed in this decade of chaos as much as they were then.

Look, what happens in China, in large part, is going to be a product of what the people of China know is happening.

My friend, Senator KERRY, who shares the view of my friend from Wisconsin, says, "Look, we have CNN." That is true. "Look, we have the Internet." That is true. They are all very positive and they are real and they are genuine, but I would argue they make my case. Because really what my friends are saying—I will speak for Senator KERRY—is that, although the radios are independent, we don't need this other independent voice now because we have this independent thing called CNN and we have this thing called the Worldnet. I say to you, things are better than they were because we do have CNN. I say to you things are better in the world in terms of the access to information throughout China because we have the Worldnet. But I say to you, we will be, in the ultimate sense, penny-wise and pound-foolish if we take what also is a proven, genuinely important, worldwide, respected vehicle called the radios and do them in.

And what for? What money are we going to save? What are we saving here? Let us get this straight—not that the Senator has not been straight; he has been. But, for me, because I am kind of simple-minded, let's reorganize this and lay it out. For me, it is important to understand the pieces. The first piece of this is, the Senator says that there is all this bloated bureaucracy in this board that used to run the radios. He is right. There was leadership. We changed that. We cut these bloated salaries. We cut out the fat. We made them use the same transmitters. We consolidated the ability to transmit these messages over the air. We literally moved our operation in Europe into Prague from Germany. We did a lot of things. This bill does not change one single solitary bit of the reform that has taken place.

Then my friend says we are going to spend more money. We put caps—through his leadership—on the amount of money that could be spent in these functions. We maintained these caps. If I can find my place in my notes here, I will find out exactly what the caps are. What page am I on? The caps for RFE/RL are \$75 million a year; Radio Free Asia, \$22 million a year. These caps are kept on this legislation.

My friend says we have created this new bureaucracy. We have created no new bureaucracy. We created this new board in 1994 through his leadership. It upsets my friend that I am not sucking that board into the State Department. There is USIA. It is sitting out here and it has, within USIA, that board. In the reorganization, led by the Senator from North Carolina, we take all the agencies that are sitting outside there and bring them into the State Department. So we take all of the USIA out except for one thing: We leave this board sitting there. We do not recreate it. We just leave it where it was, independent. But still with all the strings attached as to how much money it can spend, all the requirements for RFE and RFL regarding privatization. They all remain, but what also remains is the journalistic integrity, the inability of the Secretary of State to say, hey, don't—don't broadcast those memoirs.

I am not suggesting this Secretary would say that. I do not know what she would say. But there is nothing she can do about that, or that a future Secretary can do about that.

The Senator suggests there is going to be a new bloated bureaucracy. We have a thing in the law that exists right now called the Economy Act, which means that any lawyers that are needed by RFE/RFL, any lawyers needed by the board that is going to conduct overseas radios, can be lawyers that can be borrowed from the existing lawyers in USIA. There is no requirement to hire anybody new. And you have caps on what we can spend on them anyway.

That is how it works right now. VOA—my friend always talks about RFE and RL, Radio Liberty. There is the Voice of America, Radio and TV Marti, and Radio Free Asia. They are sitting there. We have to privatize, under the law, RFE and RL, by the same date required in the original legislation. We kept that in. But we still have these other three major pieces out there. So the notion of the board's responsibilities rests in the management of those as well, even when privatization occurs.

The other rhetorical question I would ask my friend is, he says this undermines privatization, that this proposal to privatize the European radios, which we urged in the sense of Congress in 1994, would be undermined. This provision remains intact. Moreover, the Senator is sponsor of an amendment asking for periodic reports toward this objective, which the committee included in this bill. And, as I said, the board oversees more than the European radios, so they will have plenty to do after privatization. The others are not part of the privatization scheme.

Keep in mind the overarching rationale for privatization. It is, hey, we don't need this message going into Eastern Europe or Central Europe or the former Soviet Republics.

I want to tell you, I sure would like that message going into Byelarus. I am

glad it is going in now. I sure like the idea the message is going into Bosnia. I sure like the messages going into these former Soviet states or Soviet-client states. But I acknowledge that is a debate for another day, whether or not these radios make sense anyway. I think they make a great deal of sense.

But make no mistake about it, that is the core of the distinction between what the Senator from Wisconsin and I view to be the right course of action. You notice that the Senator is always painfully honest. He points out and acknowledges he had the privatization language still in here, but he presumes it will not be privatized now that the board is sitting out here and staying out here. I would argue that the likelihood of privatization occurring is in direct proportion to how much light is shed on the process. When you have this board sitting out here by itself, justifying its existence and its actions, it is a lot more likely that we are going to pay attention to it, particularly when we have to confirm the head of the board. As a matter of fact, the whole board requires Senate confirmation.

The Senate worries about the radios not going toward privatization. How many members of the board are there, eight? He is going to have eight shots, plus Mr. Duffy, who is going to be the new Under Secretary of State for Public Diplomacy. He has plenty of chances. He has nine chances in confirmation hearings before our committee. Put the board inside and it's a different story.

The other point I would like to raise—and there is so much to say on this, but you have heard me so many times I will try not to say all there is to say. The cost will go up, is the second argument. He indicates that the cost will increase by \$25 to \$30 million. He said the board and the radios now receive \$28 million in administrative services from the USIA, the U.S. Information Agency. All this is true, but who does he think is paying the \$28 million now? The \$28 million that went for them administering the agency will not go to them now. The net cost to the American taxpayer will not change. Chairman HELMS and I received a letter from David Burke, the chairman of the board. I ask unanimous consent it be printed in the RECORD.

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

BROADCASTING BOARD OF GOVERNORS, UNITED STATES OF AMERICA,

Washington, DC, June 17, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Hon. JOSEPH R. BIDEN, Jr.,
Committee on Foreign Relations,
U.S. Senate.

DEAR CHAIRMAN HELMS AND SENATOR BIDEN: I have been advised of the provisions related to international broadcasting contained in Division B of S. 903, the Foreign Af-

fairs Reform and Restructuring Act of 1997, as reported by the Committee on Foreign Relations.

My colleagues and I agree with Senator Biden that, under any reorganization scenario, an independent, bipartisan governing board, nominated by the President and confirmed by the Senate, is essential to ensuring the coherence, quality, and journalistic integrity which preserves the credibility, and therefore effectiveness, of the broadcasting services.

Further, with respect to concerns about additional costs expressed by Senators Feingold and Kerry during the Committee's markup last Thursday, the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer would cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement. This transfer from USIA to the international broadcasting entity would coincide with the consolidation of USIA into the Department of State, and would not represent a net increase in total funds or employment.

The BBG is committed to ensuring that America's international broadcasting services remain a cost-efficient, highly effective means of promoting this nation's interests abroad.

Sincerely,

DAVID W. BURKE,
Chairman.

Mr. BIDEN. This is just one paragraph from it.

... the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer could cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement.

This notion that salaries would explode isn't realistic. We can't even get a raise for judges here, which most of my colleagues tell me we should get. They have to come with an appropriation every year. You think these salaries are going to explode and that this is going to be a sitting duck?

My view is, if I can see it, if I can feel it, if I have to confirm it and it is not buried in an organization, I have a lot more impact on it. Look, as I said, there is a lot to say, but the former VOA directors, the Voice of America directors, they do not argue, Democrat and Republican, that we should put the radios and VOA into the State Department. They say keep it where it is.

So, I really admire the Senator. I will say again, the people of Wisconsin should be thankful and appreciative that he kept his commitment. He saved them money. Like in that movie, "Show me the money." You saved them the money. Now, move on, Senator. There ain't no more money to save unless you are eliminating all of the radios. And if you move them into the State Department, which your amendment would do, that will be the effect.

I asked my colleague, because we are good friends, I asked, how long are you

going to go on this? He said, well, I am going to make my points and then go as long as required to have to respond to your responses. I said, you mean if I don't keep responding, you won't respond?

I think he implicitly said yes. So I am going to stop responding to his responses in the hope that he will stop responding and we can get on with the vote. Hopefully, the vote will be like it was in the Senate Foreign Relations Committee, overwhelmingly, a majority of Democrats and majority of Republicans staying committed to the savings he has initiated and staying committed to the radios.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am enjoying this debate and also enjoying the Senator's command of popular culture. I think this has been a very instructive thing for me over the past few years to work with him on this. I admire his passion. It is born of a lot of experience and knowledge of foreign policy over the years, to which I defer. So I do respect him on this and appreciate the kind words about the savings we have achieved. The Senator is right. And I do try to be straightforward. The Senator from Delaware would say, in fact, he is correct. We have made those savings working together, including with the chairman, whose good support also made that possible.

That is a victory that we can be happy about. But I can't just look at this bill and feel this is the end of the story. Whatever analogy you want to use, winning the inning but not winning the game, it is not terribly satisfying if you achieve something and then find out a few years later that you set up a scenario—not a fact, I again give you that, but a scenario—where you have the feeling that it might come undone, that there is a good chance it will come undone. Because we are making what appear to be the same mistakes that were made in the past, in terms of how this was set up, that led to the abuses, that led to the need for the agreement that the Senator and I put together several years ago.

It reminds me of the expression, I still can't find out who said it, I don't know if it was President Reagan or President Bush, something along the lines that "the only thing that is immortal in Washington, DC, is a Federal agency," this concern that somehow we can't ever wean ourselves from the structure of an independent agency, that once they exist they have their own constituency and they exist forever.

Mr. BIDEN. Will the Senator yield for one point on that?

Mr. FEINGOLD. I yield for a question.

Mr. BIDEN. Mr. President, again, the Senator is always straightforward. He indicates he worries that this is a scenario for reenacting a set of cir-

cumstances, putting in place a set of circumstances, that will allow the abuses that took place before to come around again. I am not being smart when I say this, but you, Senator FEINGOLD are going to be here. The likelihood of that happening with you sitting here in this Chamber and with it sitting out there by itself is zero, unless all of a sudden you go back to Wisconsin and decide that you don't like your—and I mean this positively—your crusade for fiscal responsibility anymore.

I pointed out in the beginning, one thing I have found out about you is your tenacity. I can't believe there is any reasonable prospect that the scenario you fear has any prospect of occurring while you are here. I don't think it is occurring period, but in terms of what is likely to happen, I don't want to be a board member when they come back and tell you, "By the way, we're not privatizing," and "By the way, we want more money," and "By the way, we're increasing our salaries," all of which would have to come through here.

I will argue again, if it is buried inside the State Department, you have a much better chance of it occurring there than if it is sitting out in the cold light of day, and I mean that sincerely.

Mr. FEINGOLD. Mr. President, to answer the Senator's question, I appreciate his very positive political prognosis for me, and I hope he is right. I would rather not, after all the work I have done on this and all the work he has done on this, simply leave this issue to the hope that I or others in the future will have the time, the energy and the interest to focus on this particular matter. There are so many things we need to work on to cut the fat out of the Federal Government. It is incredible.

We go home and tell people we finally passed a bipartisan balanced budget, and they look at us skeptically. The first thing I say to them is, "Don't kid yourself, there is still an awful lot of fat in Washington, an incredible amount." The energy it takes to focus on this one particular piece and clean it up is very, very taxing. I can't simply hope that my own ability to pursue this will last forever.

Let's face it, these radios have been there for 50 years. I know there are Members here who approach that kind of tenure, but for most of us, we have to try to set something up that we hope will last after we are gone.

This is relevant to an interesting point that the Senator from Delaware was making where he eloquently outlined the past, the important role that Radio Free Europe and Radio Liberty played during the cold war. But in so doing, he made an interesting comment about how things are different now. He said "We have gone from cold war to chaos." I think that was well said.

But the problem is that this new world that we are living in is much

more complicated than it used to be, involving a lot of different forums for different ideologies, different constellations in power. But there are also different technologies, technologies that did not exist at the time the assumptions that the Senator from Delaware was speaking about were made. Things like the BBC, things like CNN, things like the Internet.

That is not to say that radios do not have an important role, and perhaps a unique role, as you were indicating, in a number of these situations. But, Mr. President, it is a different world than the world that required us to set up Radio Free Europe and Radio Liberty in the way that we did as a surrogate radio.

Who is to say that we cannot at this point, without using Federal dollars, have our official Government broadcasting done by the Voice of America and then have these alternatives that we have described function as they are doing and didn't in the past, such as BBC, CNN and the Internet and then, yes, perhaps, and here I actually do not disagree with the Senator from Delaware, perhaps have a fully privatized Radio Free Europe and Radio Liberty, a fully privatized Radio Free Asia, and whatever else can be established, be a part of that combined effort to make sure that people who live under any kind of authoritarian government, such as China or any other type of government like that, whether Communist or not, would have the opportunity to get the information they need?

Mr. President, what the Senator from Delaware has really pointed out by his excellent description is what I said from the beginning. This Radio Free Europe and Radio Liberty, as a Government-funded entity, not as an entity on its own, but as a Government-funded entity, based on the notion of a need for a surrogate, is a cold-war relic. The concept of the surrogate that is somehow a part of the Government but not really part of the Government is, in my view, a relic. It is a fact and important part of the history of the 20th century. It is not a guidepost for the 21st century.

But the most important point is this. The Senator cleverly tries to take the argument as to whether or not I think radios are needed for freedom. I am not necessarily disputing that at all. Let's for the sake of argument agree that some kind of radios of this kind are a part of the constellation of services and technologies that are needed for freedom. The question here today is whether we need an independent, federally funded agency to get that job done, this sort of hybrid that claims to be independent but, obviously, isn't because it is funded by the taxpayers and the President of the United States appoints the board. This isn't independence. No one thinks it is independence, although, yes, as the Senator from Delaware points out, perhaps during the heart of the cold war, in that context at that time, there may have been

this mythical distinction which I question just how many people actually believe.

So the question here isn't do we need the radios—let's concede that for the moment—the question is, do we need a new independent agency to run the radios when the Senator himself just said this whole thing is supposed to be completely privatized by 1999 anyway. How important can it be to have an independent agency to do this funded by the Federal Government when he himself just said we are going to privatize the whole thing by 1999?

What it comes down to is this. The Senator from Delaware has given a great speech, a very accurate speech, but it is most appropriately a speech given to people in this country who have a lot of money, who want to privatize and pay for a privatized Radio Free Europe and Radio Liberty. That is to whom these words should be spoken, people like Steve Forbes who would be able to put in this kind of money and is interested in it. That is who should hear the plea, not the U.S. taxpayers who have paid enough already in this area.

Let's just review the facts about independence and lack of independence.

Fact: The Board for International Broadcasting was an independent agency, and during its tenure as an independent agency, there were horrible revelations of fiscal abuse. That is the fact. The Senator from Delaware says, what would you rather have, an agency that stands out there alone or one that is in the State Department? The fact is, when the Board for International Broadcasting stood alone, that is when the huge abuses, the \$200,000 and \$300,000 salaries paid by the American taxpayers, occurred, when it was independent.

Fact No. 2: That there has been a time period when this board was not independent, when, under our agreement, it went under the United States Information Agency. And what happened during that tenure when it was not independent, when it was supervised, when it did have to submit its budget to the head of USIA? What happened is we achieved these things, we achieved these efficiencies. That is when it happened.

So I will go with the same test the Senator from Delaware has suggested: When it was on its own, it failed and was abusive; when it has been under the supervision of another agency that is dedicated to controlling it, it has been under control. We cannot simply create a new pleader here in the form of a new Federal agency. It will need its own staff and personnel. The Senator from Delaware says it won't be required to, but it is allowed to.

I simply cannot understand how any of us believe after the record of Radio Free Europe and Radio Liberty under the Board for International Broadcasting, that letting it be free—subject only to appointment and confirmation hearings—that somehow that will lead

to a better situation. That is the history, two different scenarios: the record, when it was independent, which is one of terrible fiscal abuse, and the record since it was put under another department under the USIA, which everyone has conceded has been much better.

Mr. President, I strongly suggest we should avoid this step of creating a new Federal agency. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I always enjoy debating my friend from Wisconsin. It has been a hundred years since I have been a trial lawyer, but one of the things a fellow I used to work for, a great trial lawyer in Delaware named Sid Balick, used to say was, when you have said what you wanted to say, you made the points the best you can, it is best to sit down. I yield the floor.

Mr. MCCAIN. Mr. President, I rise today to speak in support of the public diplomacy conducted by the United States Information Agency, which, under the terms of the legislation before us, will be folded into the Department of State, USIA, as we are all aware, oversees the Voice of America and, more recently, Radio Free Europe/Radio Liberty.

It has often been pointed out that, after the guns fall silent, the United States rushes to disarm. Many in this chamber would argue that such disarmament is being undertaken once again in the wake of the demise of the Soviet Union and consequent end to the cold war. We are not here, however, to debate issues of military strategy and force structure. That discussion will take place in the near future when the defense authorization bill comes to the floor.

The issue I wish to address today, however, is closely related to the phenomenon involving large-scale reductions in the size and aggregate capability of our Armed Forces in times of peace. There is another element to what has been called the arsenal of democracy that is vital to our national defense, yet which receives little attention and operates with minimal funding. That instrument of foreign policy is public diplomacy—the conveyance of accurate, objective news to people who otherwise are not exposed to a free flow of information, who have the misfortune of living in countries ruled by dictatorial regimes.

Mr. President, there is little that an authoritarian or totalitarian government fears as much as the dissemination of truth. Whether broadcasts into German-occupied France or Radio Free Europe and Radio Liberty transmissions behind the Iron Curtain, the truth is a powerful weapon when wielded with fortitude in the struggle against tyranny. The images of individuals and families hiding in darkened basements, gathered around a radio, volume kept low so as to avoid detec-

tion, is compelling. It is an image that has captured millions over the decades. Distribution of radio sets and literature can play as important a role in the fight for freedom as the aircraft, tanks, and ships on which we expend billions of dollars.

The post-cold-war era coincides with the explosion in what has come to be known as the "Information Age." As portable and home computers become more readily available, the ability to disseminate information has reached levels previously only imagined. It is very important that the United States not ignore this potential in the continuing fight for self-determination and democratization.

I remain a strong supporter of the public diplomacy activities of the U.S. Government. It is true that the end of the cold war has diminished the need for Radio Free Europe. It has not, however, eliminated that need, as political turmoil in Albania and the ongoing problems in Bosnia-Herzegovina, as well as in Serbia itself, attest. Furthermore, while I am a strong supporter of maintaining open ties with China, including in the area of trade, the advent of Radio Free Asia is an essential element in our long-term effort at facilitating a transformation in that country toward a more liberal political system characterized by free speech.

The bill currently before us restructures our public diplomacy apparatus to both streamline the bureaucracies and ensure their continued vitality and independence. Those are worthy goals deserving of our support. While I am concerned about the effort to retain Radio Free Europe/Radio Liberty within the U.S. Government rather than privatize it as directed in the Foreign Relations Authorization Act for fiscal years 1994-1995, the attention afforded public diplomacy in the State Department authorization bill for fiscal year 1998 is highly commendable.

Public diplomacy remains an important instrument of our foreign policy. The free flow of information will never wane as an essential element of our national security apparatus. Truth remains the greatest enemy of tyranny, and until liberal democracies are firmly entrenched in every country of every region of the world, we must continue to support such activities.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I inquire of the Senator if he desires a rollcall vote on this?

Mr. FEINGOLD. Mr. President, I would like a rollcall vote.

Mr. HELMS. Very well. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, I have the greatest respect for the Senator from Wisconsin. I think he knows that. I know his mother-in-law and I put in every personal reference I can, but he is simply wrong on this. He is operating in perfectly good faith, but this is wrong. This provision does not create a new Government agency. What it does is simply keep a current function of USIA and move the rest of them out. It is the only thing left.

The radios—Radio Free Europe and Radio Liberty and Radio Free Asia and Radio Free Iran, the Voice of America and the Cuban radio, Radio Marti—will be separate from the Department of State. No new missions are created, no new bureaucracies are established. We simply maintain the independence and editorial integrity of the already-existing radios.

Warnings that this bill will return us to the old age of corruption and mismanagement are simply not so. As a matter of fact, I was dealing with these radios a long time before the Senator came to the Senate. As the saying goes, I fought the Battle of Jericho many times on this and generally I won.

This bill simply extends the authority of the State Department inspector general giving the inspector general full oversight over the radios and the entire bureau of broadcasting and gives the Under Secretary of State for Public Diplomacy a permanent seat on the broadcasting Board of Governors, ensuring that their management will come under the scrutiny of the State Department. And under this legislation, the Director of broadcasting will serve not at the pleasure of the board, as he does today, but rather at the pleasure of the President with the advice and consent of the Senate.

Lastly, I have heard from the head of every one of these radio entities. And to a man, to a woman, they are opposed to the Senator's amendment.

Mr. President, I am tempted to move to table, but because of my affection for the distinguished Senator I shall not do that. I will let him have an up-or-down vote.

I thank the Chair. And we may proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 395. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 74, as follows:

The result was announced—yeas 21, nays 74, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—21

Baucus	Feingold	Moseley-Braun
Bingaman	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerrey	Rockefeller
Bumpers	Kerry	Sarbanes
Conrad	Kohl	Wellstone
Dorgan	Leahy	Wyden

NAYS—74

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Burns	Gregg	Robb
Byrd	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cleland	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Warner
Faircloth	Lott	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kemphorne	

The amendment (No. 395) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I want to say how much I appreciate the good work that has been done on this legislation. It is truly a bipartisan compromise. The distinguished chairman and ranking member, the Senator from Delaware, have really worked hard and have come together, I think, on a good bill. It is obvious that the bill is going to be supported by the overwhelming votes that we have seen here today.

It is important that we finish this bill tonight. There are not a lot of amendments left. I hope that the Senators who have amendments they are seriously interested in will come to the floor right away and talk to the chairman so that we can finish this up in the next hour and a half or 2 hours.

I thank the Senator from Kentucky, who is acting as leader in the absence of our good friend, Senator DASCHLE. Let's really stay behind this and see if we can't finish in the next couple of hours. I wanted to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the regular order would bring up the Sarbanes amendment. We have worked that out. I think we have two others that we are willing to accept and are agreeable to accept. That would be Senator DAN INOUE on the East-West Center and Senator SMITH of Oregon on China.

I ask unanimous consent that it be in order for those three to be handled in tandem.

Mr. SARBANES. Mr. President, is the Sarbanes amendment now pending?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from North Carolina?

The Senator from North Carolina has sought consent to consider these amendments in the following order: The Senator from Maryland, Senator SARBANES; the Senator from Hawaii, Senator INOUE; and the Senator from Oregon, Senator SMITH.

Is there objection?

There being no objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 393, AS MODIFIED

Mr. SARBANES. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 393), as modified, is as follows:

On page 160, strike line 21 and all that follows through line 7 on page 162, and insert in lieu thereof the following: "international organizations under the heading 'Assessed Contributions to International Organizations' may not exceed \$900,000,000 for each of fiscal years 1999 and 2000."

Mr. SARBANES. This modification has been worked out with the managers of the bill. I appreciate their accommodation on this.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. INOUE. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 376), as modified, is as follows:

At the end of section 1301 of the bill, insert the following new paragraph:

(C) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than \$10,000,000 for fiscal year 1998 and no more than \$10,000,000 for fiscal year 1999.

Mr. INOUE. Mr. President, this modification has been cleared and approved by the Senator from Minnesota [Mr. GRAMS], and the distinguished managers of the measure.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 376), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 396

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. THOMAS, proposes an amendment numbered 396.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to “register” with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the “Three Self Patriotic Movement Committee of the Protestant Churches of China,” the “Chinese Christian Council,” the “Chinese Patriotic Catholic Association,” or the “Chinese Catholic Bishops College;”

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Prov-

inces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled “The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church” details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of “seriously disturbing the social order and affecting [the] political stability” of the country; and

—in March 1997, public security officials raided the home of the “underground” Bishop of Shanghai, confiscating religious articles and \$2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

Mr. SMITH of Oregon. Mr. President, one of the threshold rights that we as Americans hold dear is the right to worship God according to the dictates of one's own conscience. It is for that reason that many Christians and people of all faiths are disturbed by news headlines about the persecution of Christians, specifically, and other religious minorities generally in the nation of the People's Republic of China.

This body is about to engage in a great debate on the issue of China and how the religious minorities of that great nation are treated by its government. Many of us are concerned about this issue and find it appalling to read accounts of the persecution of Christians in that nation. I, for one, believe that the best way to help China change its internal affairs toward religious minorities is not by escalating a trade war or military competition with them, but rather to engage them and to focus the spotlight upon this issue in every forum that we can find. I think businesses have an obligation to do that, and I believe we, as U.S. Senators, have an obligation to do that.

For that reason, today, I rise to offer this amendment, which is a sense-of-

the-Senate amendment, that will focus on the issue of religious persecution in the People's Republic of China. Specifically, it says that:

It is, therefore, the sense of the Senate that:

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings that may take place.

I believe this amendment has the approval on both sides. I thank the Chair and the managers of the bill for this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Does the manager want to pass this amendment?

Mr. HELMS. Mr. President, first of all, I ask unanimous consent that I be added as a cosponsor to the Senator's amendment.

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

Mr. HELMS. I urge adoption of the amendment.

Mr. FORD. Mr. President, we agree to the amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 396) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I rise today to discuss my thoughts on the State Department authorization bill. I am afraid that too often we minimize the importance of legislation that deals with foreign policy because it is an issue that fails to capture the interest of our constituents. In my opinion, this lack of interest is a sign of failure on our part to explain to our constituents the importance of sound foreign policy to their lives.

At the same time, more and more people in my home State are coming to know the importance of trade in developing our economy and creating new markets for Nebraska agricultural and industrial products. Essential to a profitable trade environment is a stable diplomatic relationship. It is our State Department that takes a leading role in creating the ties that will lead to

new markets and prosperous trade relations. We must do a better job of explaining the link between foreign policy and a healthy economy based on free trade.

Mr. President, it is also important that we remember that failure of foreign policy can have deadly consequences. Our investment in the State Department and international organizations such as the United Nations represents a fraction of the monetary investment required for the United States to respond militarily to a threat to our interests that may have been averted through diplomacy, not to mention the investment in human lives.

Mr. President, this bill is a significant improvement over similar legislation that has come before the Senate in that it addresses very difficult and contentious issues with fewer of the controversial policy provisions that have doomed past legislation. This is not to say that this bill is void of provisions that cause me concern, but I am hopeful that as the process moves forward these issues will be worked out.

Division A of this bill addresses the consolidation and restructuring of our foreign policy agencies. Aside from streamlining these agencies, I am hopeful this legislation will help us construct a foreign policy structure better prepared to respond to the challenges it will face in the post-cold-war world. By consolidating the Arms Control and Disarmament Agency and the U.S. Information Agency into the State Department, we are not saying that arms control and public diplomacy are less important than during the cold war. Instead, we are reaffirming their importance by placing these tasks under the direct control of the Secretary of State. On this point, I would like to praise the administration, the chairman, and ranking member of the Foreign Relations Committee for pursuing a reorganization plan that will strengthen U.S. foreign policy by strengthening the role of our Secretary of State. I do share the concerns expressed by the administration and believe that it is important for the President and the Secretary of State to have a sufficient amount of flexibility during the process of restructuring in order to ensure the greatest amount of efficiency and ability to meet the challenges of the 21st century.

Division B of this bill contains the authorizations of appropriations for the State Department and related agencies. I recognize the fiscal constraint under which we are operating, but I am very concerned by the failure of this bill to fully fund our foreign policy agencies. While the \$6.08 billion authorized in the bill is close to the \$6.15 billion requested by the President, funding levels fall short in several key accounts.

First, this bill authorizes \$59 million less than was requested by the President for contributions to international organizations; there is also a \$40 mil-

lion shortfall from the amount requested for international peacekeeping. Finally, the bill reduces ACDA's authorization level from \$46 million to \$39 million. At a time in which we are calling for ACDA to be integrated into the State Department, it is important that we not shortchange this agency. Each of these funding shortfalls threatens the effectiveness of agencies and calls into question our commitment to maintaining a strong foreign policy.

Mr. President, the final section of the bill, division C, is of particular interest and concern to me. Once again, I am pleased that the Senate has finally chosen to address the issue of US arrears to the United Nations, but I am concerned about the approach that is taken in this bill.

Mr. President, let me first state that I fully support U.S. participation in the United Nations. In helping to create the United Nations in 1945, the United States sought to create an organization of countries that could work together to achieve common goals. Today, the United Nations remains an important forum of consultation and cooperation in which the United States can work with other nations to advance our interests. However, I fear that the ability of the United States to use its power in the United Nations will be jeopardized by our inability to pay our bills.

I do not disagree with those who push for continued reforms within the United Nations. However, I am concerned that many of the benchmarks and conditions contained in this bill play to the unfounded fears of a few in our society and go too far in dictating policy to the United Nations. Mr. President, I do not believe that the United States should put itself in the position of micromanaging the United Nations. While the United States remains the most influential country in the United Nations we must recognize the need to work with, rather than dictate to, the remaining 183 countries. We in the United States are groping with our own fiscal problems, we should not be so quick to assume we have a monopoly on reform.

It is for this reason that I supported Senator LUGAR's amendment. Aside from fully funding the \$819 million in arrears payments over 2 years, Senator LUGAR's amendment would have deleted the benchmarks and conditions contained in the bill. In my opinion, we must live up to our international commitments or be prepared to face the consequences of surrendering our leadership role in the world.

Mr. President, while I have many concerns, and I believe that this bill could have been crafted in a way that would have further advanced our foreign policy goals, on balance I believe this bill represents a positive step forward and I will vote in favor of final passage. By radically reorganizing our foreign policy apparatus, we better prepare ourselves to meet the foreign pol-

icy challenges we are certain to face in the future. Finally, despite the concerns I have about our approach, I believe that this bill will move us toward paying our debts to the United Nations and reestablishing U.S. leadership.

SECTION 2108

Mr. HELMS. Mr. President, the section of the Foreign Relations Committee report on S. 903, the Foreign Affairs Reform and Restructuring Act of 1997 (Report No. 105-28), describing section 2108 on the Organization of American States was inadvertently left out of the printed report. In order to establish the legislative history of section 2108 of S. 903, I ask unanimous consent that a description be in the RECORD.

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

Section 2108—Organization of American States

Expresses the sense of Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States (OAS).

The Committee recognizes the unique relationship and importance of the OAS to the United States. The Committee also notes that the OAS is disproportionately reliant on the United States assessed contribution, with the United States providing 59 percent of the organization's assessed budget.

The Committee has encouraged reform of international organizations. The OAS, to its credit, has taken a number of positive steps to reform, including establishing an independent Inspector General, mandating annual independent financial audits, establishing a Unit for the Promotion of Democracy, while holding the line on the budget and reducing personnel from 1700 to 600. Section 2108 acknowledges the progress made by the OAS in streamlining the institution and maximizing its resources.

The Committee also takes note of the work of the OAS, especially in promoting democratic processes and institutions, most recently in Nicaragua and the Dominican Republic, and in contributing to reconciliation in Central America, most notably the work of the International Support and Verification Commission (CIAV) in Nicaragua.

REAUTHORIZATION OF AU PAIR PROGRAM

Mr. KENNEDY. Mr. President, section 1314 of the State Department authorization bill reauthorizes the Au Pair Cultural Exchange Program in the United States Information Agency.

Over the years, this program has won broad support in Congress and across the country, helping working families with their child care needs while providing valuable experience of life in America for young men and women from overseas.

However, earlier this year, the people of Massachusetts were stunned by the tragic death of a child in Newton at the hands of a participant in the program. I wrote to USIA immediately, requesting an urgent review of current procedures for screening participants in the program and requesting USIA's recommendations for strengthening them.

As the Senate votes today to approve this legislation, USIA is in the process of promulgating new regulations for

the au pair program which will be published in the next few days. I believe that these regulations will provide greater assurance to the thousands of American families who have come to rely on this program that the au pairs who participate are better trained and better screened. I understand that the new rules will enhance the training and experience requirements for au pairs to qualify for the program. The regulations should enhance the involvement of American families in selecting the au pairs to care for their children. In addition, new regulations will ensure that au pairs are not overworked and are able to participate in educational programs that strengthens the cultural and educational exchanges at the heart of this important program.

Finally, this program will remain under periodic review. In fact, every fifth year, a comprehensive re-examination of the program is required to determine whether the program will be continued.

These are welcome improvements in the au pair program. They will benefit American families with child care needs, and benefit the cultural exchange programs that are such an important aspect of ours with other countries. This reauthorization is a key part of this overall bill, and I urge members of the Senate to support it.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to congratulate Senator HELMS, Senator BIDEN and the members of the Senate Foreign Relations Committee for the bipartisan spirit reflected in the Foreign Affairs Reform bill, and particularly for their efforts to restructure the foreign affairs agencies for the 21st century.

When a proposal to consolidate agencies came to the floor last year, I offered an amendment that would have struck provisions integrating the United States Information Agency into the Department of State. At that time, there appeared to be a serious risk that the valuable mission of USIA, public diplomacy, would be harmed in a consolidation process overly inspired by a zeal to slash budgets and bureaucracies. I will continue to watch this closely.

Those of us who shared this concern are pleased that the effort being made now will strengthen and not diminish public diplomacy by keeping the focus on the team responsible for its conduct. Despite the wonderful capabilities of technology, we cannot count on it alone to carry America's message to foreign countries. There will always be the problem that Edward R. Murrow described as taking the message "the last three feet."

What I imagine Murrow meant was that foreign publics will be open to understanding America's case only when they know us and respect us, and when we know enough about them to relate to their interests and values. This means more than shouting at them through technology's loudspeakers. It means "being there," having foreign

service professionals in the field whose work it is to cultivate relationships that go beyond government-to-government communiques.

American interests and values will be served through effective use of the international media, the internet, and government broadcasting capabilities such as the Voice of America. But we must not allow these tools of mass communications to become separated from the professionals on the ground who follow the pulse of the people, whether in the market or at the University. American foreign policy needs engagement, up close and personal, now more than ever.

And so I am heartened by the efforts this legislation makes to advance public diplomacy and I encourage my colleagues here in Congress, and the Administration, to remain focused on the importance of the mission at hand rather than on the potential for modest savings later on.

In that same vein, Mr. President, I also would like to thank Senator LUGAR for introducing in this legislation a foreign affairs review process as a necessary corollary to agency reorganization. Senator LUGAR and I worked together to craft this approach because we believe it is time to examine systematically what our diplomacy must do for us in the 21st century. The review, which has been endorsed by a large, distinguished, and diverse group of foreign affairs experts and others with a great deal of public and private international experience, will look at the functions of all the federal departments and agencies with interests and assets overseas.

Some describe the way we do America's business abroad as "a 40 agency conundrum." Dozens of agencies, in addition to State, USIA, AID and the other "traditional" members of the foreign affairs community, pursue separate overseas agendas with little coordination or cooperation between them. It is an inefficient and, as the world continues to change from the stark East-West split of the Cold War, an ineffective way to advance our interests and values around the globe.

The end of the Cold War has brought new challenges and opportunities to our international relations. We have seen how these can erupt into conflicts that disrupt economic life, produce waves of desperate refugees, threaten public health and the environment, and sometimes provoke horrible violence. We cannot respond to these new circumstances by relying on old methods.

Streamlining bureaucracies is an important step in the right direction. But we need to do more. It will not serve our interests to do the wrong things more efficiently. We need to look inside the organizations themselves to see what they do and how they do it. We need to evaluate both the necessity and the manner of their work. Our representatives overseas often are locked in mind-numbing endeavors with no discernible value apart from feeding an

insatiable Cold War dinosaur. Jurassic Park was a terrific movie; but it's a lousy model for foreign policy.

This legislation addresses that problem. It creates an outside commission to examine the way America conducts its international relations and it reinforces that effort with parallel study by the Secretary of State. Ultimately, the Secretary, the official with responsibility for the conduct of our foreign relations, will reconcile the reviews and make proposals to the Congress for any needed changes. Our goal here is not just to improve the way we organize foreign policy. It is to improve the way we conduct foreign policy.

Mr. President, the key to continued American leadership in the 21st century will be our ability to create more options. Not just to identify the trends and possibilities that circumstances present to us, but to create the opportunities for action that reflect our values and advance our interests. We are the world's indispensable country because we are the only nation with the resonating ideals, the geographical size and location, the economic and military strength, and the political and social diversity to make our presence felt and to exert our influence in every corner of the globe. No other nation can provide that leadership to the world's democratic nations, the leadership to shape a world in which our people can pursue their destiny less encumbered by the unnecessary divisions among the world's people. We in Congress have the privilege and responsibility of safeguarding and enhancing America's moral and material leadership around the world. We do that, in part, by supporting and renewing the agencies and people charged with representing us overseas. We do that by focusing on their mission, and giving them the resources to carry it out.

This bill is an important step forward. It recognizes that we need more money for aggressive, smart diplomacy—that we cannot continue to conduct it on a frayed shoestring. It recognizes that our world has changed, and is continuing to change, by directing that we begin to conduct our diplomacy more effectively and to begin to think seriously about what our foreign affairs agencies must be able to do so that the 21st century will not be, in the words of one diplomat, a repeat of the 20th century. And by resolving a serious, lingering conflict over the UN, it recognizes that we are an inseparable part of the family of nations, and that we must work to make the only global organization for this family better—not withdraw from it.

Mr. GRAMS. Mr. President, this historic, bipartisan deal was the result of arduous, delicate negotiations—nearly 5 months of painstaking talks with the chairman, the administration, Senator BIDEN, and his staff. After all that work, after all that effort, we have succeeded in hammering out a fragile bipartisan deal—a deal which saves the American taxpayers money, reforms

our foreign affairs apparatus, and requires much needed reform at the United Nations. None of us got everything we wanted. All of us had to make concessions. But the result is a package that, while far from perfect, is something we should all be able to live with.

I strongly support the U.N. reform measures. These reforms will help the American taxpayer, and help the international community by creating a United Nations that works. History shows that reforms at the United Nations only happen when Congress mandates those reforms by making its U.N. payments conditional on the implementation of reforms. Consider the recent record: Congress withheld funding until the United Nations established an Independent Office of Internal Oversight—and it happened, and Congress withheld funding until the United Nations appointed an inspector general—and it happened.

Under the terms of this legislation, we reduce our regular budget assessment to 20 percent. We reduce our peacekeeping assessment to 25 percent. We reimburse the American taxpayers for U.S. assistance to U.N. peacekeeping operations. We establish an inspector general in the big three agencies to root out waste, fraud, and corruption. We ensure a U.S. seat on the budget committee. These are some of the conditions which must be accepted by the United Nations in order to receive the payment of the \$819 million in arrears. They are not radical; they are not extreme; they provide a framework for change so the United Nations can become more effective. We have crafted a reform package that is necessary. This is a package that will work.

This is a historic piece of legislation. We are dismantling our cold war foreign relations bureaucracy; we are creating a more effective United Nations, and we are prioritizing our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future. This bill will help us to provide the structure that we will need for America to secure its leadership role in the international arena.

Mr. HELMS. Mr. President, we are trying to assemble a list, and there is a fair hope that we can finish in maybe an hour, hour and a half if Senators who have made indications that they have amendments will let us know if they really intend to offer the amendments.

So while that is working, I will suggest the absence of a quorum.

Mr. FORD. If the Senator will withhold that, Mr. President, I understand there are basically no amendments on this side, maybe a technical amendment or two. So we are very close to being ready to move forward with third reading and final passage. So anything we can do to encourage others to do

that or anything we can do to help, please let us know.

Mr. HELMS. I thank the Senator.

I yield the floor.

Mr. SPECTER. Mr. President, I have conferred with the distinguished chairman of the committee and have his agreement that I might interrupt, since we are about to go into a quorum call anyway, to ask unanimous consent for up to 5 minutes to introduce a separate piece of legislation.

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

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. Mr. President, we have about six or eight possible amendments remaining. Some of them were submitted by staff. We have not heard anything from any of the Senators involved.

I ask unanimous consent that by 25 minutes until 6—which is about 20 minutes from now—if we have not heard from Senators themselves that they wish to call up an amendment or an amendment on the list, we will assume they no longer are interested in such an amendment, and we will proceed to third reading.

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

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. I ask that the distinguished Senator from Texas be recognized to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 397

(Purpose: To express the Sense of the Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process)

Mrs. HUTCHISON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 397.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

Mrs. HUTCHISON. Mr. President, this is an amendment that I believe is agreed to by both sides. I am very pleased that both sides have agreed to this because it deals with NATO expansion and is something that I think will strengthen our ability to expand NATO, will make sure that we have considered many of the potential problems that could arise, and have a dispute resolution process to deal with those so that we will not have to call on Article Five.

As everyone knows, Article Five says that any attack on any NATO country is an attack on the United States or any of the other NATO allies.

We want to make sure that, if there is a border dispute or some sort of internal dispute within a country or between two neighboring countries or between any two countries who are members of NATO, we have a dispute resolution process so that we can have a way for people to go to the bargaining table, and the process is a binding arbitration—much like binding arbitration in labor negotiations in the United States—so that rather than have a question about whether we are going to be on one side or the other in a military conflict, that we have a process that everyone who is a present member of NATO and any future members of NATO would agree to that would be perhaps—this is not in the agreement yet—perhaps where each country in the dispute would pick one other country in NATO as their representative. Those two representative countries would then pick a neutral representative to arbitrate the differences.

The important thing is there would be an agreement for binding arbitration. So, if there was a flare-up between two present members of NATO—

say Greece and Turkey, or a future member of NATO, Hungary and Romania, for instance—there would be a way for us to have a process that everyone agreed to before there were new members added and that could be brought into fruition right at the time of the dispute so that there would not be a problem, so there would be no dilution of Article Five.

So, Mr. President, this amendment is a sense of Congress that NATO would consider a formal dispute resolution process and that it would do so within NATO prior to the December 1997 ministerial meeting. It is a sense of Congress that says to our NATO allies, let's sit down and think of all the ramifications of the NATO organization as it is now and any future members that would come in. Let's look at any of the ramifications that might come—a border dispute, or disputes among countries—let's have a process that does not include warfare where everyone agrees to abide by the decision as the process is set.

I am very pleased that this sense of Congress will be accepted. I think it will strengthen any future members coming into NATO. And, frankly, Mr. President, best of all, I think it will strengthen the alliance as it stands today because I think this will avoid many future conflicts. I think the more we can do today to settle questions that might arise, the stronger this alliance will be.

Mr. President, I do think NATO is the best defense alliance in the history of the world. I want to keep it strong.

So I appreciate the acceptance of this amendment.

I urge its adoption.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from Texas for streamlining her amendment. I appreciate it very much. It is acceptable to the minority.

I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 397) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I am considering pursuing an amendment which would take a firm stand against

the terrorism of the Palestinian Authority, Chairman Yasser Arafat, and I have thought through the possibility of offering an amendment on this bill. But after consulting with members of the Administration, I have decided to await a remedy of reprogramming, with my option remaining to offer this amendment on the foreign aid bill which will be marked up in the Appropriations Committee this week and offered on the floor sometime in the near future. But I do want to make a comment or two about it, as to what I think needs to be done on the modification of U.S. law as it relates to funding for the Palestinian Authority.

In existing law, under an amendment offered by the Senator from Alabama, Senator SHELBY, and myself, the \$500 million in aid to the Palestinians, the Palestinian Authority is conditioned on a maximum effort by Chairman Yasser Arafat and the Palestinians to fight terrorism and also to change the PLO charter to rescind the provision calling for the destruction of Israel. Certain events have occurred in the immediate past which, in my view, raise a question as to whether there is compliance with the Specter-Shelby amendment and whether there is a need for further statutory language to act against terrorism which has been promoted by the Palestinians.

The two specific matters that I have referred to are the bombing of the Tel Aviv restaurant resulting in the murder of three Israelis and the wounding of many more on March 21, 1997, where Prime Minister Netanyahu made a statement that Chairman Arafat had given a green light for that act of terrorism. When Secretary of State, Madeleine Albright, was before the Subcommittee on Foreign Operations Appropriations a few weeks ago, I questioned her about that, and she said that there had not been a green light, but said that Arafat had not given a red light either.

I do not want to become involved in what shade of amber, what shade of red, there is in using the expression of "lights given by Chairman Arafat." But I believe it is indispensable, if the United States is to give assistance to the Palestinians and the Palestinian Authority, that there be a maximum effort made by the Palestinian Authority and by Chairman Arafat to stop terrorism. Short of that, it is my view that we ought not to be providing U.S. funds.

The amendment that I have in my hand that I have been considering offering—I have had discussions with the distinguished chairman and ranking member and members of the Administration—calls for conditioning payment to the Palestinian Authority on the determination by the State Department that Chairman Arafat did not act in a way which failed to give a red light to stop terrorism.

The second factor of concern to me is a report by Deputy Minister of Education of Israel, Moshe Peled, that

Arafat had knowledge of the proposed bombing, a terrorist act against the Trade Center in 1993, which resulted in the killing of six United States citizens and the wounding of many, many more people, and that, in fact that allegation is true, then Arafat—Mr. President, the Senate is not in order. May we have the Senate be in order please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. If it is in fact true that Chairman Arafat had knowledge of that proposed bombing before it occurred, that would make him an accessory before the fact and a co-conspirator and subject to extradition under the so-called long-arm statutes which we enacted in 1984 and again in 1986. I think that ought to be done.

Upon learning about Chairman Arafat's possible knowledge of that bombing, I wrote to the Attorney General, asking for an investigation, received back a vacuous answer from a subordinate, wrote again asking for a detailed investigation, and I am awaiting a response from the Department of Justice on that point.

The amendment which I have been considering offering on this bill and may offer on the foreign aid bill would condition payment to the Palestinian Authority on the determination by the Department of Justice that Chairman Arafat was, in fact, not involved, having prior knowledge of the Trade Center bombing. At the conclusion of my remarks, I will make part of the RECORD, the exchange of correspondence on this issue.

I then placed a telephone call to Moshe Peled, the Deputy Minister for Education of Israel, to find out more about his assertions. I found out that he spoke Hebrew and not English, and I spoke English and not Hebrew. Then I had one of my deputies, David Brog, who speaks Hebrew, talk to him. The upshot of that conversation was that Mr. Peled stood by what had been reported but referred us to Israeli authorities to find out more about it. That, obviously, is a matter for the Department of Justice, perhaps for the Department of State. It is my view that before we make these payments, there ought to be a certification that Chairman Arafat was not in fact involved as an accessory before the fact nor was he a co-conspirator having knowledge of that matter.

In conversations with the Administration, it may be that this objective can be achieved by a reprogramming of the funds which are going to the Palestinian Authority, some \$10 million, and that this would, in fact, not affect some of the other funding going to the infrastructure, which is not in Chairman Arafat's control and not in the control of the PLO or the Palestinian Authority. It may be that my objective can be achieved without offering this amendment.

I am informed by the distinguished Senator from Delaware that my proposed amendment is opposed by the Administration, and the President was

sending a letter over, because it would complicate the peace process. If the Administration is prepared to deal with the Palestinian Authority and Chairman Yasser Arafat in the context where there are outstanding allegations that Arafat was an accessory before the fact or a co-conspirator on the Trade Center bombing, then I think the Administration is dead wrong. If the Administration is prepared to deal with Arafat, give him U.S. money in a context where he has given a green light or has failed to put up a red light, there again, I think they are dead wrong—maybe totally wrong. Dead wrong would be a bad expression, in the light of all the people killed by PLO terrorists.

In any event, I am prepared not to resolve the issue this afternoon in light of the fact that we may be able to accomplish it by reprogramming and in light of the fact that we may be able to bring the matter to a head if it is necessary for the Senate to vote on the foreign aid bill, which will be up before the Senate in the very near future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we are awaiting just a few more items of information to be included. No Senator has appeared as of 5:35, so it is presumed that there will be none.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HELMS. Mr. President, while we are waiting for the one remaining amendment to be offered by the Senator from Alaska, let me pay my respects to the young people on the staff of the Senate Foreign Relations Committee, both Republican and Democrat. But I will speak to and about the young people on the Republican staff, headed by the one and only Admiral James Wilson Nance, moreover known as Bud Nance, who is the chief of staff of the committee, a gentleman whom I have known since we were little boys in Monroe, and who has built that staff to one of the best that has ever been in charge of the foreign affairs side of the Foreign Relations Committee down through the years.

Then there is Tom Klein, himself a remarkable young man; Chris Walker, he is delightful; Marshall Billingslea, he is my anchor when the wind begins to blow; Ellen Bork, and, yes, she is the daughter of him, and I tell him that the daughter is smarter than he is; Dan Fiske; Garrett Grigsby; Patti McNerney, who you have seen working so diligently this afternoon and on previous occasions; Dany Pletka; Marc Theissen; Beth Wilson; Michael Westphal.

While I am thanking the Republican staff, I thank JOE BIDEN for his exceptional cooperation. It has been sort of an arduous task to do all of the detail work that had to be done, but he and I and our mutual staffs, our respective staffs, really, spent many, many hours working together, and here we are almost to the point of asking for third reading.

The reason I paused, Mr. President, is that we are finishing a fairly long list of en bloc amendments, technical amendments, which is not yet ready. In the meantime, the distinguished Senator from Alaska [Mr. MURKOWSKI] is on the floor. I welcome him and yield the floor.

Mr. MURKOWSKI. I thank my friend for accommodating my schedule. I am most appreciative of him allowing a few moments so that I may offer what I assume is the concluding amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 398

(Purpose: To establish within the Department of State the position of Coordinator of Taiwan Affairs for the coordination of United States Government activities relating to the American Institute on Taiwan)

Mr. MURKOWSKI. Mr. President, I rise to offer an amendment that would increase dramatically cooperation between the Congress and Department of State on issues relating to Taiwan.

There have been a lot of problems over the last few years relative to Executive Branch-Congressional dealings with regard to Taiwan. We had a situation back in 1993, I think, when President Lee of Taiwan attempted to over-night in Hawaii on a flight from Taiwan that was traversing the Pacific Ocean to a Central American destination. Unfortunately, that was not handled very well, and I think that it reflected poorly on U.S. hospitality. I recognize the sensitivity of the issue, but, nevertheless, I think most Americans agree that it was poorly handled by the State Department.

The administration, at that time, refused to work with the Congress on this issue until 1994, when an amendment which I offered went to a vote and prevailed.

More recently, some in this Chamber might remember the controversy created by the selection of the Director of the American Institute in Taiwan, Director James Wood.

It is important to note that this directorship is not a formal ambassadorial position. It is our recognition of the uniqueness, if you will, of the existence of Taiwan that the President selects a Representative to Taiwan.

Mr. James Wood resigned from his position on January 17, 1997. There were various charges and countercharges with regard to foreign contributions during the election campaign, and the legitimacy of that I will leave to the investigators. However, a February 10 Los Angeles Times story quoted a U.S. investigator as saying the variety of allegations constituted

the "most bold and blatant" example veteran State Department officials could recall of the abuse of a diplomatic post.

I am not going to argue the merits of Mr. Wood. But the Senate knows very little about Mr. Wood or any other official with direct responsibility for Taiwan affairs, because they do not come before the Senate Foreign Relations Committee for confirmation.

In the case of Mr. Wood, it is not for lack of effort on the part of the Senate. My very good friend and chairman of the Foreign Relations Committee, Senator HELMS, is very familiar with the lack of consultation between the State Department and Congress over Mr. Wood's appointment. After receiving information from outside sources regarding the qualifications of Mr. Wood for this sensitive post, both Senator HELMS and I asked the State Department to allow us to have a meeting with Mr. Wood before his appointment. For reasons that have never been made clear, the State Department did not arrange the meeting prior to the appointment. Instead, Mr. Wood's appointment was announced while, I believe, the chairman was on the floor debating the 1995 version of the very same bill we are debating today, regarding State Department Authorization.

It is important to note that our request for consultation was certainly consistent with the spirit of the Taiwan Relations Act, which is a very unusual but workable agreement. The TRA requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan. I repeat that. The act itself requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan.

Now, "procedures" certainly suggests an oversight on the Director. Furthermore, then Secretary of State Vance at that time assured the Foreign Relations Committee in a letter to then Chairman Frank Church that—and I quote—"the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

Well, that is fine. The only problem is, the State Department did not seem to be able to get around to it. So what I am proposing is that the Senate more formally assert, or reassert, I should say, itself into this process by passing my amendment, which would require—it is very important now, Mr. President, we get this—require the coordinator for Taiwan affairs, a position that now exists at the State Department, to simply be subject to Senate confirmation.

The administration would maintain the flexibility of the appointment, but

we would have the opportunity for confirmation.

So let me make it clear. Although I would have liked to propose an amendment that would have made the AIT Chairman and AIT Director subject to Senate confirmation, I have been advised that because of the particular and unusual nature of the American Institute in Taiwan, it would violate the Constitution to make these officers subject to advise and consent.

Instead, therefore, I am trying to at least get more accountability from the State Department in our Taiwan policy. It has nothing to do with the sensitivity between Taiwan and PRC. This has to do about Senate prerogative to have consent and accountability associated with the process. After all, Taiwan is our eighth largest trading partner. It is an important ally. I think we should have someone at the State Department who is more accountable to the Congress as we move forward on important issues like Taiwan's bid to join the World Trade Organization.

Mr. BIDEN. Will the Senator yield?

Mr. MURKOWSKI. I urge you to support my amendment.

I would be happy to respond to questions.

Mr. BIDEN. Mr. President, I really have no question, just a statement.

I thank the Senator from Alaska for the way he is handling this. I literally just got off the phone with the Secretary of State, who said, knowing you were speaking now, that when you finished, or at any time that is convenient for you, she is willing to personally assure you, and authorized me to tell you as well, that she makes a personal commitment that she will coordinate more closely with you and any Member of the Senate on Taiwan policy in a contemporaneous fashion. She is willing to assert that to you.

I know no one here doubts her word. But I realize time is close in terms of the schedule here. But she is prepared and ready and willing to take your call and anxious to personally make that commitment to you. But she authorized me to be able to say what I just said on the floor.

I thank the Senator for the way in which he has concluded to handle this matter, and I appreciate the Secretary's willingness to be available and contemporaneously discuss these issues with the Senator from Alaska, who, obviously, along with the Senator from North Carolina, I do not know of any two people that have shown a greater interest in Taiwan than those two of my colleagues.

Mr. MURKOWSKI. I wonder if my friend from Delaware can advise me since he recently just talked to the Secretary, does he interpret her intention to provide an opportunity for the Committee on Foreign Relations to review the potential director so that there would be some oversight?

Mr. BIDEN. The answer to that question is, I do not know. I did not ask her that specific question, so I do not want

to give a specific answer, except to suggest to you I am confident that she would be willing to come before you in your capacity as the chairman of that subcommittee and/or you and the committee, or you personally, to indicate to you how that process of coordination would be carried out. But I do not want to put words in her mouth. I did not ask that explicit question.

Mr. MURKOWSKI. Maybe if I put the Senate in a quorum call very briefly while I talk to the Secretary and see what kind of assurance I can get.

Mr. BIDEN. I think that would be appropriate. I gave your staff her phone number. She is literally waiting by the phone.

And I might note, Mr. President, I have not found, in my 25 years here, a more accommodating Secretary of State. So she is literally waiting for your call, as they say. If there is business we can conduct in your absence—I do not know if there is any—if there is, maybe we can do that.

I ask unanimous consent to temporarily lay aside, if there is an amendment—is there an amendment at the desk?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. BIDEN. I assure the Senator that after the Senator has his conversation, we can go back to this and he can have the floor.

Mr. MURKOWSKI. Mr. President, while we are waiting, I offer the amendment for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

Mr. MURKOWSKI. And I would propose that we lay it aside after it is read.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 398.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

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

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

“(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.”.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end of the following:

“Coordinator for Taiwan Affairs.”.

Mr. BIDEN. I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

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

Mr. BIDEN. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 399

Mr. HELMS. Mr. President, I send to the desk a series of amendments on behalf of myself and the distinguished Senator from Delaware, Mr. BIDEN, and I ask that these amendments be considered en bloc. And these en bloc amendments make technical conforming changes to the bill. I understand there is no objection to these technical changes to the bill. I now ask unanimous consent that these amendments be adopted en bloc. I know that the distinguished Senator from Delaware will be delighted to say OK.

Mr. BIDEN. I have no objection, I say to the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. BIDEN, proposes amendment numbered 399.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 108, line 8, before the word “Director”, insert the words “Attorney General and the”.

On page 137, line 11, after the word “the”, insert “United States Head of Delegation to the”.

On page 137, line 12, strike “a resolution” and insert “resolutions”.

On page 137, line 13, add after “Nations” the words “and the OSCE”.

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redesignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike “United” and all that follows through “1997” on line 20 and insert “Foreign Affairs Agencies Consolidation Act of 1997”.

On page 26, line 13, insert “and” after the semicolon.

On page 47, line 11, strike “agency” and insert “Agency”.

On page 63, line 23, strike “Act” and insert “title”.

On page 70, line 22, strike “Act” and insert “title”.

On page 71, line 1, strike “Act” and insert “title”.

On page 72, line 5, strike “Act” and insert “title”.

On page 74, line 11, strike “Act” and insert “title”.

On page 77, line 2, strike “Act” and insert “title”.

On page 86, line 6, insert “OF” after “JUDICIAL REVIEW”.

On page 100, line 5, strike “(a) GRANT AUTHORITY.”.

On page 102, line 6, insert double quotation marks immediately before "(1)".

On page 102, line 8, insert double quotation marks immediately before "(2)".

On page 102, line 10, insert double quotation marks immediately before "(A)".

On page 102, line 13, insert double quotation marks immediately before "(B)".

On page 102, line 17, insert double quotation marks immediately before "(3)".

On page 113, line 19, strike "and" and insert "or".

On page 122, line 13, strike "+".

On page 156, line 18, strike "United Nations led" and insert "United Nations-led".

On page 178, line 10, strike "peace-keeping operation" and insert "United Nations peace operation".

On page 197, line 18, strike "chapter" and insert "title".

On page 198, line 8, strike "chapter" and insert "title".

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 399) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, pursuant to the unanimous consent previously, the Murkowski amendment was the last that qualified under the conditions that were set forth at that time. So no further amendments will be accepted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while we are waiting for Senator MURKOWSKI to have his conversation, I would ask if the Chair will indulge me for just 2 minutes here.

It is remarkable, quite frankly, that we have made the progress that we have as rapidly as we have. I want to publicly thank the chairman, for we both stuck with this compromise notwithstanding there are individual amendments we would have liked to have voted for. I want the record to show that the chairman did the same thing.

But there is one issue which I realize we cannot resolve now, and that is this issue of whether or not we could work out the ability of the administration to negotiate how to handle the \$107 million that is owed from the U.N. We cannot do that now, I agree.

I just want to suggest to the chairman that although I will not change anything, that between now and the dance, now and the conference, we will be working hard with the chairman and his colleagues to see if we can figure out some solution to that. But I understand there is no commitment to that at all.

As we move toward final passage, Mr. President, of this bill, I would like to

acknowledge the tremendous work and help that the chairman and I have received from the staff of the Foreign Relations Committee.

On the chairman's side—he will obviously thank people; and it is usually the tradition for us to thank our own staff—but I must tell the chairman that everything he ever advertised about Admiral Nance is correct, and more. I hope he will forgive me for thanking his staff first on this, but Admiral Nance and Tom Kleine, who has been sitting with the chairman the whole time, Patty McNerney and Chris Walker of his staff have been a pleasure to work with. I guess when staffers come up to the Hill they wonder whether or not they are going to get to deal with the principals. I am probably one of the principals they hope they do not have to deal with. They have seen more of me than their families over the last 4 months, but I want to thank them for their consideration.

I would also like to thank the minority staff. Especially I want to thank my staff director, Ed Hall, who has had—and this is the way it works here. It is not sufficient here that the Members have a good relationship. It is also important that the corresponding staffs have a good relationship. I know that Ed Hall has an inordinately high regard for Admiral Nance. I know the feeling is mutual. I want to particularly thank Ed Hall, if you excuse the point of personal privilege here, for agreeing to stay on. He was the former chairman's and former ranking member's staff director. And I asked him to stay in that capacity for me, and he was incredibly useful to me, and, thankfully, he decided to stay on.

I also want to thank my minority counsel, Brian McKeon. Brian came to work with me, I might point out, Mr. President, right out of college. I guess almost 18 years ago. While he was working with me, he went to law school at night. He was a first-rate student at Georgetown, went off to the Court, clerked for the Court, was going to practice law, and I talked him into coming back here. And I just want to thank him. He handled all of the details of this bill.

I was kidding the other day, if we have an MVP on my side, it is Puneet Talwar. Puneet was the guy who, along with Tom on your staff, Mr. Chairman, got stuck with the detailed negotiations on chemical weapons, on the U.N., on everything else. And on my team, if there is an MVP, Puneet is going to get it.

Mike Haltzel, a professor, has been invaluable to me on European matters. Frank Jannuzzi, Munro Richardson, and Ed Levine of my staff, and Diana Ohlbaum, Nancy Stetson, and Janice O'Connell on my colleagues' staff—that is, DODD, KERRY and SARBANES—have been incredibly helpful to me.

I also want to thank Dawn Ratliff, Kathi Taylor, and John Lis, who is one of our fellows, and also thank Ursula McManus and Erin Logan, and our in-

terms who have given up their valuable time.

Let me conclude—and I will do it now while we are waiting so that I do not take the time of my colleagues. For my colleagues who are listening, I am not holding up your plans. We cannot move anyway until the distinguished Senator from Alaska finishes his conversation with the Secretary of State.

But, Mr. President, the passage today—and I am hoping and expecting that we will pass the Foreign Relations authorization—represents a significant bipartisan commitment to the United States' continued engagement in the world.

First, the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control Disarmament Agency and the Peace Corps marks a bipartisan commitment to restore funding which will enhance our diplomatic readiness abroad.

We all know that funding for foreign policy spending is the lowest it has been in 20 years. Today's action by the Senate is a heartening expression of bipartisan support for our diplomats on the front lines of American engagement abroad.

We have restored full funding for the State Department's core missions, fully funded the education and cultural exchange programs, the National Endowment for Democracy, the Peace Corps, and international broadcasting. We have increased the funding for Radio Free Asia at a critical time in that region's history. We have done a great deal.

Second, the Senate has passed landmark legislation that provides a framework for reorganization of the foreign affairs agency that is totally consistent with the plan announced by the President of the United States on April 18. Like the President's plan, this bill provides for integration of ACDA within the State Department within 1 year, the integration of the USIA within 2 years, and the partial integration for the Agency for International Development in the State Department.

Additionally, it maintains the current structure for U.S.-sponsored international broadcasting but keeps it outside the Department of State so as to ensure its journalistic independence.

Finally, Mr. President, the Senate enacted a bipartisan comprehensive package—is about to, I hope—which provides for payment of \$819 million in U.S. arrearages to the United Nations. This proposal, Mr. President, will go a long way toward restoring the fiscal health of the United Nations while spurring needed reforms for that world body.

Equally important, this agreement, a bipartisan plan supported by the administration, will allow us to get a very difficult and contentious issue behind us so we can move forward on the important issues on the foreign policy

agenda. Ideally, we should not have attached the conditions, but I am a pragmatist and I recognize, as does the administration, that there will be no approval of U.N. arrearages in Congress absent some conditions, and the conditions which the chairman has asked for are reasonable.

So we had a choice. We can continue to press unconditional payment for arrearages and let this issue fester for another Congress or agree to a reasonable set of conditions that permits us to pay our debts. I believe the action the Senate is about to take will be a correct decision, one in the best interests of the United States. It has been a long time and it is time to end the long-festering feud between the United Nations and Washington and our unpaid back dues, and it is time to bring up needed reform to that world body so it can more efficiently perform its missions. It is time to move forward together to restore the bipartisan commitment to the United States which has been part of that Nation's proud heritage for 50 years.

Mr. President, the people in my State—small, I acknowledge—are used to bipartisanship. Senator ROTH and I are close political allies and friends. Our lone Congressman MIKE CASTLE, who is a Republican, our Democratic Governor, we are all used to getting things done in a bipartisan way in my State. I have always felt if that tradition could be carried back to the Senate, it would better serve our Nation.

I want to say I did not doubt it, but I am sure a number of neutral observers would have doubted it, the Secretary of State is not only a friend of the chairman, so am I. The idea that JOE BIDEN, a Democratic Senator from Delaware, and JESSE HELMS, a Republican Senator from North Carolina, could operate in this way does not surprise either of us, but I am sure it surprises the living devil out of an awful lot of other people.

I am reminded of something that was said to me once by Jim Eastland. It is a true story. I was in a difficult campaign fight in the late 1980's, and I saw Chairman Eastland. I was flunking, you might say, what I call the slope-of-the-shoulder test. When you ask a candidate how they are doing in a race and they go, "Oh, I am doing fine," you know they are not doing very well. I guess I had that look like I'm losing. The Chairman pulled me aside and said, "JOE, what could Jim Eastland do for you in Delaware?" I said, "Mr. Chairman, in some places you would help and some you would hurt." He said, "I will make a commitment. I will campaign for you or against you, whichever will help the most."

I realize my saying nice things about the chairman may not help him, but I mean it sincerely when I say that he has been an absolute gentleman. He has kept his commitment, which I never doubted he would, and this is evidence of the fact that if reasonable men are willing to sit down and talk—

we had a real sit-down meeting, when I took over this committee for the Democrats, with the chairman of the full committee, and we agreed on the broad outlines of each of our agendas. The most important one was to make the committee work and make foreign policy function and be a positive force. He has kept every one of those commitments. He has won some and lost some. I have won some and lost some. But I think the Nation is better served for it.

I conclude, Mr. President, with this last comment. If Senator HELMS and I had come to the floor in January and said to this body, "By the way, by mid-summer we will present to you a bipartisan plan on the floor of the five most contentious issues to face the U.S. Senate in foreign policy," I think you would have thought that it was time for both of us to leave because we might have been certifiable. We knew we could do that, and with the great help of the staff that I have mentioned, we have been able to do that, and with the cooperation and assistance of the administration.

So I want to thank the President for committing his administration to deal forthrightly and in detail with us, and I want to thank the chairman and his staff for accommodating an arrangement by which we hammered these things out. We produced a significant package here. Neither one of us are naive enough to suggest we know what will happen, if and when it passes here, with any degree of certainty, but we each kept our commitment to one another. I think the body, based on the votes we have seen today, I hope it reflects the feeling on the part of our colleagues that we have, that a bipartisan foreign policy is in the best interests of the United States.

I again thank the chairman, and I yield the floor. I will not say any more at the end of the process after Senator MURKOWSKI comes out.

Mr. HELMS. I thank the distinguished ranking member of the committee, and I look forward to working with him. He is a good guy.

AMENDMENTS NOS. 400 THROUGH 411

Mr. HELMS. Mr. President, I send to the desk a series of amendments which have been agreed to on both sides of the aisle. These include two amendments from Senator MURKOWSKI regarding United States-Japan relations, an amendment offered by Senator GRAHAM of Florida regarding international aviation safety, an amendment offered by Senator ABRAHAM regarding the U.S. policy toward China, an amendment offered by Senator FEINSTEIN regarding rule of law in China, an amendment by Senator D'AMATO regarding the Middle East, an amendment offered by Senator HOLLINGS regarding embassy construction, an amendment by Senator FEINGOLD regarding broadcasting, an amendment offered by Senator GRAMS regarding victims of torture, an amendment by Senator MCCAIN regarding Vietnamese refugees, and an amendment by Senator COVERDELL regarding narcotics.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows: The Senator from North Carolina [Mr. HELMS] proposes amendments No. 400 through No. 411, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 400 through 411) were agreed to, en bloc, as follows:

AMENDMENT NO. 400

(Purpose: Relating to the Japan-United States Friendship Commission)

After appropriate place in the bill, insert the following:

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGE-ABILITY 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) The Japan-United States Friendship Commission is hereby 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 deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) 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"

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby 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 deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND"

AMENDMENT NO. 401

(Purpose: To state the sense of the Senate on the use of funds in the Japan-United States Friendship Trust Fund)

On page 118, between lines 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

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

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

AMENDMENT NO. 402

(Purpose: To express the sense of Congress that aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998)

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

AMENDMENT NO. 403

(Purpose: Expressing the sense of the Senate regarding United States policy toward the People's Republic of China, and for other purposes)

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale."

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone."

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK-47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative ex-

change programs between the United States and the People's Republic of China.

Mr. ABRAHAM. Mr. President, I want to thank Senator HELMS for accepting my Sense of the Senate amendment. This amendment expresses the sense of the Senate that Congress should impose certain, targeted sanctions against officials and companies working for the Government of the People's Republic of China. The purpose is to express the indignation of our country at the abuses of human rights going on now in that country, as well as recent attempts by entities controlled in whole or in part by the Chinese Government to violate American laws and influence American policy.

Mr. President, everyone knows that the Chinese Government is violating basic human rights and international norms of behavior. The question is, what should the United States do about it? Until now the debate has focused almost exclusively on whether we should extend or revoke China's Most Favored Nation trading status [MFN]. It is time, in my view, to move the discussion out of the MFN "box" and find common means to achieve common American goals.

Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government. And it would punish innocent Chinese citizens by withdrawing economic opportunities provided by U.S. trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. Already, writes China expert Stephen J. Yates of the Heritage Foundation, Chinese "employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children."

Regardless of their views on MFN, Americans should be able to agree on measures pressuring the Chinese Government to stop its current policies while encouraging greater openness in that country.

The list of objectionable Chinese Government practices is long. It includes religious persecution, abuses against minorities, forced abortion, military threats and weapons proliferation, and attempts to improperly influence American elections.

Mr. President, to pressure China's Government to stop these policies without punishing average citizens, I have introduced S. 810, "The China Sanctions and Human Rights Advancement Act." This bill would implement the findings of the current Sense of the Senate Resolution. Let me discuss the provisions of this bill. Under S. 810, the United States Government would refuse visas to human rights violators, including high ranking Chinese officials implementing and enforcing directives on religious practices. The same would go for those involved in the massacre of students in Tiananmen

Square. To allow a proscribed individual into the United States, the President would have to send Congress written notification explaining why this would be in America's national interest and override United States concerns about China's human rights practices.

The bill also would require United States representatives to vote "no" on all loans to China at the World Bank, Asian Development Bank, and International Monetary Fund. An exception would be made for humanitarian relief in the event of natural disaster.

In addition, for every dollar a multi-lateral development bank or international family planning organization gives to China, \$10 would subtract out a dollar in American taxpayer funding to those bodies. Simply put, instead of raising taxes on Americans, we should stop taxpayer subsidies to the Chinese Government. If China continues its current behavior, it can fund development programs by reducing expenditures on its military and State enterprises.

The legislation also targets Chinese companies engaged in improper conduct. The Clinton administration already has imposed sanctions on two companies found to have sold chemical weapons components to Iran. Top executives from two other Chinese companies—Polytechnologies Incorporated [POLY], and China North Industries Group [NORINCO]—have been indicted for attempting to sell automatic weapons to California street gangs. This bill would ban POLY and NORINCO from exporting to or being physically present in the United States for 1 year.

Even as we implement these tough measures, we should maintain valuable interchange with China. That is why the legislation doubles funding for United States-China exchange programs, Radio Free Asia, and programs in China operated through the National Endowment for Democracy.

Finally, the legislation requires the President to file an annual report on whether China has improved its human rights record, including its behavior during the transition to Chinese control in Hong Kong. The sanctions sunset after 1 year, allowing Congress to evaluate the situation and determine whether and in what form sanctions should continue.

Mr. President, the United States must stay engaged with China, and trade and investment provide a valuable avenue for that engagement. But signaling our disapproval and refusing to subsidize oppressive policies need not interfere with expanding basic interaction between the American and Chinese people.

America can stand with the Chinese people, and stand by the principles of political, religious, and economic liberty on which our Nation was founded. Let's not punish American and Chinese families by raising tariffs. Instead, let's punish specific abuses and encourage further development of the eco-

nomic and political liberties we cherish.

AMENDMENT NO. 404

(Purpose: To express the Sense of the Senate encouraging programs by the National Endowment For Democracy regarding the rule of law in China)

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

AMENDMENT NO. 405

(Purpose: Concerning the Palestinian Authority)

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997, that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should rehear the provision of assistance to the Palestinian Authority in light of this policy.

AMENDMENT NO. 406

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

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to \$90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

Mr. HOLLINGS. Mr. President, I want to thank Chairman HELMS and Senator BIDEN for accepting this amendment regarding facilities to support our men and women serving in the United States' Diplomatic Service in the People's Republic of China.

Our United States diplomatic facilities in China are in poor shape. The housing is in disrepair and for our chancery we occupy a building that formerly was used as the Pakistani Embassy. We spend years training our diplomatic personnel to be China hands who speak Chinese fluently. They are the best and the brightest in our foreign service. And, then we send them and their families to live and work in substandard facilities. It sends the wrong message.

Mr. President, it hurts morale and retention. With the fall of the wall, these Americans are our front-line—our State Department economic officers, our commerce Department commercial officers, our consular officers who help Americans in distress overseas, our Customs Service employees who enforce our trade laws, and other agency personnel.

Regardless of what your position is with China, on human rights or trade, the fact remains that the United States and China have and will have one of the most important bilateral relationships in the world. The People's Republic of China is our fifth largest trading partner and the Chinese economy is growing at over 10 percent per partner and the Chinese economy is growing at over 10 percent per year. They are becoming the preeminent geo-political power in Asia.

I have raised this issue with former Secretary Christopher and Secretary of State Albright. I have discussed it with Ambassador Sasser. They all agree that something must be done to invest in our facilities to support our people who are serving in China. This amendment provides that from within the total amounts authorized in this bill, up to \$90 million is provided for renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the consulate in Shanghai. It does so without adding additional funds. It requires the Appropriations committee, on which I serve as ranking member on the Commerce, Justice and State Subcommittee, to actually scrub the budget and find the money and address this issue.

Mr. President, this amendment is the right thing to do. It is cosponsored by Senator MURRAY from Washington who has been to Beijing recently and who has seen firsthand the need for modernization of facilities.

Again, I thank Chairman HELMS and Senator BIDEN for their support.

AMENDMENT NO. 407

(Purpose: To provide for an independent Inspector General for the Broadcasting Board of Governors)

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency,"; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors,".

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of the United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointments.

"(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title."

Mr. FEINGOLD. Mr. President, this amendment would establish an independent inspector general for the new agency. Under the committee-reported legislation, the State Department's IG would assume responsibility for the new agency.

An independent IG was designated for the Board for International Broadcasting in the 1988 inspector general legislation. When we consolidated BIB into USIA in the 1994 broadcasting legislation, those functions were assumed by the USIA Inspector General. More recently, the USIA inspector general's office was merged with the State Department inspector general.

Because of the problems that had plagued the BIB and the role that the then-BIB inspector general's office had played in bringing those problems to public attention through a series of well-documented reviews, I authored provisions in the 1994 legislation that required continuous on-site monitoring by the inspector general of the activities of RFE/RL.

Frankly, Mr. President, I have been disappointed at the level of attention and quality of work that has been provided by the State Department IG since that office assumed responsibilities for the broadcasting programs. History has demonstrated, over and over, that these programs have been fertile grounds for fiscal abuses and mismanagement. Between 1988 and 1994, the independent IG assigned solely to the BIB produced detailed reports to Congress every 6 months on the problem areas, in addition to a series of special reports that helped identify the abuses in the areas of excessive salaries, deferred compensation, housing allowances, travel improprieties, and other problem areas within BIB.

If we are going down the path of recreating the BIB structure, then I think it is very important that we recreate the watchdog entity that helped bring to light what fiscal abuses were rampant in these programs under the independent agency structure.

I am very concerned that the IG's office in the State Department may have little incentive to provide the broadcasting programs the kinds of scrutiny that is warranted, given the history of abuse.

Therefore, the amendment that I am offering will reestablish the independent IG's office within the new agency in the same manner that its predecessor, BIB, had an independent IG.

I appreciate the willingness of the managers to accept this amendment.

AMENDMENT NO. 408

(Purpose: To assist victims of torture by providing funding for the United Nations Voluntary Fund for Victims of Torture)

At the end of section 2101(a) of the bill, insert the following: "Of the funds made available under this subsection \$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."

AMENDMENT NO. 409

(Purpose: To clarify that unmarried adult children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program)

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

“(b) ALIENS COVERED.—

“(1) IN GENERAL.—An alien described in this subsection is an alien who—

“(A) is the son or daughter of a qualified national;

“(B) is 21 years of age or older; and

“(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

“(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term ‘qualified national’ means a national of Vietnam who—

“(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

“(ii) is the widow or widower of an individual described in clause (i); and

“(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

“(ii) on or after April 1, 1995, is accepted—

“(I) for resettlement as a refugee; or

“(II) for admission as an immigrant under the Orderly Departure Program.”.

Mr. MCCAIN. Mr. President, this amendment is basically a technical correction to language that I had included in the Fiscal Year 1997 Omnibus Consolidated Appropriations Act. That language, and the amendment I offer today, are designed to make humanitarian exceptions for the unmarried adult children of former re-education camp detainees seeking to emigrate to the United States under the Orderly Departure Program. Despite what I considered to have been pretty unambiguous legislation in both word and intent, the Immigration and Naturalization Service and Department of State interpreted my amendment to the 1997 bill so as to exclude the very people to whom the provision was targeted.

Prior to April 1995, the adult married children of former Vietnamese re-education camp prisoners were granted derivative refugee status and were permitted to accompany their parents to the United States under a sub-program of the Orderly Departure Program [ODP].

This policy changed in April 1995. My amendment to FY1997 Foreign Operations Appropriations Bill, which comprises part of the Omnibus Appropriations Act, was intended to restore the status quo ante regarding the adult unmarried children of former prisoners. My comments in the CONGRESSIONAL RECORD from July 25, 1996 clearly spelled this out.

Unfortunately, certain categories of children who, prior to April 1995 had received derivative refugee status and whom Congress intended to be covered by last year's amendment, are now considered ineligible to benefit from that legislation.

To ask these widows to come to the United States without their children is equal to denying them entry under the program. Many of these women are elderly and in poor health, and the presence of their children is essential to providing the semblance of a family unit with the care that includes.

The second problem stemming from INS and the State Department's inter-

pretation of the 1997 language involves the roughly 20 percent of former Vietnamese re-education camp prisoners resettled in the United States who were processed as immigrants, at the convenience of the United States Government.

Their unmarried adult children, prior to April 1995, were still given derivative refugee status, however, the position of INS and State is that these children are now ineligible because the language in the FY 1997 bill included the phrase “processed as refugees for resettlement in the United States.”

That phrase was intended to identify the children of former prisoners being brought to the United States under the subprogram of the ODP and eligible to be processed as a refugee—which all clearly were—as distinct from the children of former prisoners who were not being processed for resettlement in the United States.

The fact that a former prisoner, eligible to be processed as a refugee under the ODP subprogram, was processed as an immigrant had no effect prior to April 1995, and their children were granted refugee status. The intention of last year's legislation was to restore the status quo ante, including for the unmarried adult children of former prisoners eligible for and included in this subprogram but resettled as immigrants.

AMENDMENT NO. 410

(Purpose: To facilitate the counterdrug and anti-crime activities of the Department of State)

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury take appropriate actions to establish an information system or improve existing information system containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

Mr. COVERDELL. Mr. President, as the cold war fades into memory, our foreign affairs establishment must aggressively target and confront the new

threats facing America. The crime and violence sown by international narcotics mafias requires a new thinking and focus. While diplomatic efforts for most of our Nation's history have focused on checking unfriendly governments, the challenge of narcotics trafficking and organized crime forces us to grapple with a more shadowy and elusive adversary. These cartels are not confined by borders and operate outside of the bright scrutiny of international affairs. They respect no nation's laws or ethics, outmaneuver government bureaucracies with a ruthless efficiency and have financial resources which dwarf many national budgets. In the face of this great menace, our State Department cannot hope to make progress without a forward looking strategy, clearly defined goals, and the ability to learn from experience and agilely adapt to match this constantly changing threat.

Far too often our diplomatic structures have not adopted to address these new, transnational problems and remained locked in a bilateral mind set. The State Department's strong efforts in an individual country can be easily foiled as these elusive mafias shift operations across borders. In order to effect a new transnational mind set and give the threats of narcotics and international crime the focus they demand, direction must come from the highest levels of the State Department. The various bureaus and country teams under the State Department must operate under coordinated plan with specific goals which they are held responsible for achieving. Like the adversaries which it must confront, our diplomatic effort must learn from its mistakes and recalibrate its strategies to adjust to new situations.

Mr. President, the Coverdell-Kerry amendment seeks to do just that. This amendment does not seek to dictate the policy of the State Department or expand its role in counterdrug matters. It merely requires that the State Department formulate its own plan of action in coordination with the dictate of the President's National Drug Control Strategy. If, as some have claimed, the State Department is already following a clear strategy, this amendment will ensure that its goals and objectives are clear to the Congress which is responsible for its oversight and funding. In any event, it is crucial that we defend America's children and our national interest in the most effective manner possible. As we work to regain ground in our international struggle against drug trafficking, it is our responsibility to ensure that our resources are focused on strategic objectives and are specifically targeted to have an impact in the war on drugs.

This amendment also calls on the State Department to work with Federal law enforcement agencies to further shield Americans from international criminals. Currently the failure of our Federal agencies to coordinate has allowed terrorists and other

violent criminals to slip into our Nation. The establishment of the new information sharing system called for in this amendment will help ensure that our State Department has the information necessary to keep violent international criminals off America's streets.

The reforms called for in the Coverdell-Kerry amendment are just first steps in what must be a thorough rethinking of how our national policies should be adapted to protect Americans from these new threats. I look forward to working with Senator KERRY and others as we approach the difficult task of preparing our Nation to meet these important challenges.

Mr. KERRY. Mr. President, I am pleased to cosponsor the amendment by the Senator from Georgia and I congratulate him for leading this effort to get the State Department to better focus its counternarcotics resources.

For too long our fight against drugs has suffered from a lack of quantifiable goals by which to measure progress. Year after year we spend hundreds of millions of dollars on our international drug control programs without a clear idea of how these programs fit into the overall counterdrug effort and with no way to determine whether these programs are having the desired effect.

This amendment will require the State Department to come up with a plan for implementing its portion of the President's national strategy and to establish specific goals that will allow us to know how well we are doing. This is a very simple concept that anyone who has been in private business understands. You devise a strategy and then you set goals and objectives that will let you know that you are on target in implementing that strategy. That is what we want the State Department to do.

I want to emphasize that the amendment requires the Secretary of State to submit to Congress a long-term strategy that is consistent with the national drug control strategy. This is not an attempt to undermine the President's Office of National Drug Control Policy [ONDCP] and its role in devising the national drug control strategy. General McCafferey has done a good job at defining the national strategy and setting broad national objectives. I know that he is working to develop a comprehensive performance measurement system that would give us a better sense of how well programs are working. This amendment supports that effort.

We want the State Department to follow the lead of the drug czar's office and to develop a long-term plan that supports the national strategy. Likewise we want to see quantifiable measures of performance that conform to whatever comprehensive measurement system that ONDCP develops.

The second part of this amendment is also straight forward. For several years the State Department has used a database to identify narcotics traffickers

and deny them visas. This amendment expands that effort to include other international crime figures.

Finally, the amendment seeks to strengthen the coordination of U.S. crime fighting efforts by designating an officer in every U.S. Embassy that will be responsible for ensuring the fullest possible cooperation with the host nation on these issues. This is particularly important in countries where we do not have a full-time law enforcement officer assigned to the embassy.

These may seem like modest steps but they are the kinds of initiatives that will greatly enhance the effectiveness of our efforts to battle the international criminal organizations. Again I thank the Senator from Georgia for his leadership and I urge my colleagues to support this amendment.

AMENDMENT NO. 411

(Purpose: To clarify section 1166)

On line 17 on page 110, delete "knowingly assists or has" and insert in lieu thereof: "is known by the Department of State to have intentionally".

On line 20 on page 110, delete "is providing or has provided" and insert in lieu thereof: "is known by the Department of State to be intentionally providing".

At the end of line 3 on page 111 insert the following: "as designated at the discretion of the Secretary of State,".

On line 7 on page 111 before the period, insert the following: ", and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion".

Mrs. FEINSTEIN. Mr. President, I am pleased to have had the opportunity to work with my colleagues and the administration to perfect section 1166 of this bill, relating to the inadmissibility of persons supporting international child abductors.

This section of the bill, which was included at my request in the chairman's mark considered last week by the Foreign Relations Committee, was inspired by the case of Patricia Roush, a constituent of mine whose two daughters were abducted by her ex-husband and taken to his home country of Saudi Arabia 11 years ago in direct violation of the custody order of an Illinois court.

Since then, she has seen the girls only once for 2 hours. All efforts to negotiate a resolution have been rebuffed by the father.

This section attempts to address tragic situations like Ms. Roush's. Current law, section 212(a)(10)(C) of the Immigration and Nationality Act, says that any alien who holds a child overseas in violation of a custody order of a U.S. court may not receive a visa to come to the United States until the child has been returned to the parent with rightful custody.

This new section would expand the visa restriction to three categories of

people: Anyone who helped carry out the abduction of the child; anyone providing material support or safe haven to the abducting parent; and immediate family members of the abducting parent.

Any of these people already in the United States would also be deportable.

This law would not apply if the child is located in a country which is a signatory to the Hague Convention, which is an international agreement designed to resolve international child abduction cases.

The goal of this legislation is to expand the circle of people affected when an American child is abducted. There can be no doubt that persons who assist in the abduction of such a child should be subject to the same restrictions as the abductor him or herself. The same goes for those who support and protect the abductor subsequent to the abduction.

The only area that has raised questions is the provision applying the restriction to immediate family members of the abductor. We decided to proceed in this fashion because of Ms. Roush's experience during the tenure of the previous United States Ambassador to Saudi Arabia, Ray Mabus.

After years without any progress toward a resolution, Ambassador Mabus implied to relatives of Ms. Roush's ex-husband that he might withhold their visas to the United States unless the case was solved. He never actually threatened to withhold the visas, which he lacked the authority to do, but he hoped to at least get information about the girls' condition and the father's thinking through this tactic.

Ambassador Mabus discovered that even the implied threat of withholding visas from family members produced a new spirit of flexibility on the part of the father. By the time he returned to the United States, they had come close to negotiating a resolution, but that fell through after Mabus left.

But this experience suggests that withholding visas from family members and other associates of the abducting parent is an effective way to put pressure on that parent to negotiate a resolution.

There is a precedent for withholding visas from family members. In the Helms-Burton law on Cuba passed in 1996—Public Law 104-114, spouses and minor children of officers of corporations doing prohibited business with Cuba were made excludable.

I thank the chairman and ranking member of the Foreign Relations Committee and the Senator from Maryland, Senator SARBANES, for their cooperation and for helping perfect this amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. I rise today, while we are just about to finish up on this historic State Department reorganization bill, to say a couple of things about it and the people who have been involved.

I was in the House of Representatives on the Foreign Affairs Committee where we started the attempt to reorganize the State Department. We were able to pass it through, and the bill got vetoed by the President. I think that is what is historic and taking place here.

We are now working together to do the thing we need to do, which is to make the overall operation run more efficiently, to eliminate some of the apparatus created by the cold war, and to try to create a foreign policy agency and a setup that is more forward looking, more organized, and that I think can represent our interests better in this post-cold-war atmosphere.

I think it is a real tribute to the people who have been involved in this that we have been able to get this done. Overhauling the American foreign policy bureaucracy needed to be done, and this bill will abolish agencies and bureaus born of the cold war imperatives that are no longer necessary. Achievement was hard won and something the American people can be proud of. Now we can reduce the size of the Federal Government, something I have certainly long supported. I want to thank those people involved.

There are two other things I want to quickly note that have taken place in here as well. I chair the Middle East Subcommittee. One of the things we have been focused on is how do we contain some of the radical elements of that region that seek to terrorize us around the world? One of the things that is contained in this bill is Radio Free Iran, and that will be broadcast into the Iranian airwaves to send forward clear and accurate information about what is taking place around the rest of the world.

I think this is a very important tool that we can use to be able to work with the Iranian people, who are some of the most repressed around the world. They have recently voted to elect a more moderate leader, yet most have said they will not really be able to express what they want to do because the leader they elected will not have the power or the authority to get that done.

Yet, I think we can continue to fight for the Iranian people by putting forward good information, true information, of how much we support what they are doing on the cause in the battle of freedom. I think Radio Free Iran will be a very helpful signal, something important, as we move forward in working to contain those terroristic elements in the world that seek to do us harm and seek harm in much of the rest of the world.

Also, I look forward in the future to encouraging other countries to further engage with us in initiatives to expand

democracy, free markets and capitalism around the world. I look forward in the future to working with Central Asian countries to link them more with the democracies and the democracy movement and free markets that are gaining strength all around the world. Some dub this a silk road strategy, and I think it is important that we do this in moving forward a positive agenda, not just one that is always negative toward others but one that is very open and positive toward encouraging the rest of the world.

I look forward to working with other chairmen, including Chairman SMITH, also on the Foreign Relations Committee, as we seek to open up the Central Asian regions to further democracy, to free markets, to capitalism, to liberty. I think that is a good move on our part. Part of it is going to be contained in the future of the world. Radio Free Iran is in this bill and I think that is a positive move. It doesn't diminish the act of privatizing Radio Free Europe. It is important to move forward in that regard. This is a win for the American people, and a win for people around the world who seek freedom for themselves and their marketplace, their future and their families. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

AMENDMENT NO. 398 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I believe I have an amendment that is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I just had a conversation with the Secretary of State, Madeleine Albright, relative to the reasons why I have offered an amendment which would require that the Foreign Relations Committee confirm the coordinator of Taiwan affairs at the State Department.

As the Chair is aware, the Taiwan Relations Act requires the Committee on Foreign Relations to oversee the implementation of the TRA and the operations and procedures of the American Institute in Taiwan. And, furthermore, then Secretary of State Vance assured the committee in a letter to then Chairman Frank Church that "the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

The Secretary of State assured me that she will put into a formal letter that the State Department will agree to consult with the Foreign Relations Committee prior to appointing any director or chairman of the American Institute in Taiwan. The letter will, of course, be directed to the chairman of the Foreign Relations Committee. A copy will be given to the minority, as well as to me, and Secretary of State Madeleine Albright agreed to refer,

specifically, in her letter, to the assurance that Chairman Frank Church received from Secretary of State Vance regarding the intent and interpretation of the committee's role under the Taiwan Relations Act.

So as a consequence of that assurance, Mr. President, and with thanks to the chairman of the Foreign Relations Committee, I think that Secretary Albright has met my concern by assuring the chairman of the Foreign Relations Committee that, indeed, the State Department will put into writing its agreement to consult with the committee prior to appointing the director or chairman of the American Institute in Taiwan. As we all know, and the concern we have is that, previously, the appointments took place before the consultations took place. That will not be the case. I thank Senator BIDEN for his role in taking the first call from the Secretary and, again, I appreciate Senator HELMS' indulgence in providing me with the time to come to the floor, as well as to talk to the Secretary. As a consequence of that, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Amendment No. 398 is withdrawn.

Mr. HELMS. If the Senator will yield, I think he has done a good day's work. I commend him.

Mr. President, I ask unanimous consent to discharge H.R. 1757 from the committee, and all after the enacting clause be stricken and that the language of S. 903, as amended, be inserted, and the bill be read the third time.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—90

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Hatch	Reid
Burns	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Faircloth	Lieberman	Wyden

NAYS—5

Bingaman	Harkin	Wellstone
Byrd	Sarbanes	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

So the bill (H.R. 1757), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 1757) entitled "An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

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

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

(1) *DIVISION A.*—Foreign Affairs Agencies Consolidation Act of 1997.

(2) *DIVISION B.*—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) *DIVISION C.*—United Nations Reform Act of 1997.

(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—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Report on budgetary cost savings resulting from reorganization.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.

Sec. 212. Transfer of functions to Secretary of State.

Sec. 213. Under Secretary for Arms Control and International Security.

Sec. 214. Reporting requirements.

Sec. 215. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.

Sec. 222. Repeal of establishment of ACDA.

Sec. 223. Repeal of positions and offices.

Sec. 224. Compensation of officers.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.

Sec. 312. Transfer of functions.

Sec. 313. Under Secretary of State for Public Diplomacy.

Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

Sec. 315. Interim transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 321. Congressional findings and declaration of purpose.

Sec. 322. Continued existence of Broadcasting Board of Governors.

Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.

Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.

Sec. 325. Amendments to the Television Broadcasting to Cuba Act.

Sec. 326. Savings provisions.

Sec. 327. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 331. References.

Sec. 332. Amendments to title 5, United States Code.

Sec. 333. Ban on domestic activities.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.

Sec. 412. Transfer of functions.

Sec. 413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.

Sec. 422. Conforming amendments.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 521. Definition of United States assistance.

Sec. 522. Placement of Administrator of AID under the direct authority of the Secretary of State.

Sec. 523. Assistance programs coordination, implementation, and oversight.

Sec. 524. Sense of the Senate regarding apportionment of certain funds to the Secretary of State.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 601. Reorganization plan.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.

Sec. 612. Transfer and allocation of appropriations and personnel.

Sec. 613. Incidental transfers.

Sec. 614. Savings provisions.

Sec. 615. Property and facilities.

Sec. 616. Authority of Secretary of State to facilitate transition.

Sec. 617. Final report.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

Sec. 701. Findings.

Sec. 702. Establishment.

Sec. 703. Composition and qualifications.

Sec. 704. Duties of the Commission.

Sec. 705. Commission reports.

Sec. 706. Powers.

Sec. 707. Personnel.

Sec. 708. Payment of Commission expenses.

Sec. 709. Termination.

Sec. 710. Executive branch action.

Sec. 711. Annual foreign affairs strategy report.

Sec. 712. Definition of foreign affairs agencies.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.

Sec. 1002. Definition.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 1101. Authorizations of appropriations for Administration of Foreign Affairs.

Sec. 1102. Migration and refugee assistance.

Sec. 1103. Asia Foundation.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 1121. Reduction in required reports.

Sec. 1122. Authority of the Foreign Claims Settlement Commission.

Sec. 1123. Procurement of services.

Sec. 1124. Fee for use of diplomatic reception rooms.

Sec. 1125. Prohibition on judicial review Department of State counterterrorism and narcotics-related rewards program.

Sec. 1126. Office of the Inspector General.

Sec. 1127. Reaffirming United States international telecommunications policy.

Sec. 1128. Counterdrug and anti-crime activities of the Department of State.

CHAPTER 3—PERSONNEL

Sec. 1131. Elimination of position of Deputy Assistant Secretary of State for Burdensharing.

Sec. 1132. Restriction on lobbying activities of former United States chiefs of mission.

Sec. 1133. Recovery of costs of health care services.

Sec. 1134. Nonovertime differential pay.

Sec. 1135. Pilot program for foreign affairs reimbursement.

Sec. 1136. Grants to overseas educational facilities.

Sec. 1137. Grants to remedy international child abductions.

Sec. 1138. Foreign Service reform.

Sec. 1139. Law enforcement availability pay.

Sec. 1140. Law enforcement authority of DS special agents overseas.

Sec. 1141. Limitations on management assignments.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

Sec. 1151. Consular officers.

Sec. 1152. Repeal of outdated consular receipt requirements.

Sec. 1153. Elimination of duplicate Federal Register publication for travel advisories.

Sec. 1154. Inadmissibility of members of former Soviet Union intelligence services.

Sec. 1155. Denial of visas to aliens who have confiscated property claimed by nationals of the United States.

Sec. 1156. Inadmissibility of aliens supporting international child abductors.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1201. International conferences and contingencies.

Sec. 1202. International commissions.

CHAPTER 2—GENERAL PROVISIONS

Sec. 1211. International criminal court participation.

Sec. 1212. Withholding of assistance for parking fines owed by foreign countries.

Sec. 1213. United States membership in the Interparliamentary Union.

Sec. 1214. Reporting of foreign travel by United States officials.

Sec. 1215. Sense of the Senate on use of funds in Japan-United States Friendship Trust Fund.

TITLE XIII—UNITED STATES INTERNATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1301. Authorization of appropriations.

Sec. 1302. National Endowment for Democracy.

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Sec. 1311. Authorization to receive and recycle fees.

Sec. 1312. Appropriations transfer authority.

Sec. 1313. Expansion of Muskie Fellowship Program.

Sec. 1314. Au pair extension.

Sec. 1315. Radio broadcasting to Iran in the Farsi language.

Sec. 1316. Voice of America broadcasts.

Sec. 1317. Working group on government-sponsored international exchanges and training.

Sec. 1318. International information programs.

Sec. 1319. Authority to administer summer travel and work programs.

TITLE XIV—PEACE CORPS

Sec. 1401. Short title.

Sec. 1402. Authorization of appropriations.

Sec. 1403. Amendments to the Peace Corps Act.

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1501. Authorization of appropriations.

CHAPTER 2—AUTHORITIES

Sec. 1511. Statutory construction.

TITLE XVI—FOREIGN POLICY

Sec. 1601. Payment of Iraqi claims.

Sec. 1602. United Nations membership for Belarus.

Sec. 1603. United States policy with respect to Jerusalem as the capital of Israel.

Sec. 1604. Special envoy for Tibet.

Sec. 1605. Financial transactions with state sponsors of international terrorism.

Sec. 1606. United States policy with respect to the involuntary return of persons in danger of subjection to torture.

Sec. 1607. Reports on the situation in Haiti.

Sec. 1608. Report on an alliance against narcotics trafficking in the Western Hemisphere.

Sec. 1609. Report on greenhouse gas emissions agreement.

Sec. 1610. Reports and policy concerning diplomatic immunity.

Sec. 1611. Italian confiscation of property case.

Sec. 1612. Designation of additional countries eligible for NATO enlargement assistance.

Sec. 1613. Sense of Senate regarding United States citizens held in prisons in Peru.

Sec. 1614. Exclusion from the United States of aliens who have been involved in extrajudicial and political killings in Haiti.

Sec. 1615. Sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles.

Sec. 1616. Sense of the Senate on persecution of Christian minorities in the People's Republic of China.

Sec. 1617. Sense of Congress regarding the North Atlantic Treaty Organization.

Sec. 1618. Japan-United States Friendship Commission.

Sec. 1619. Aviation safety.

Sec. 1620. Sense of the Senate on United States policy toward the People's Republic of China.

Sec. 1621. Sense of the Senate encouraging programs by the National Endowment for Democracy regarding the rule of law in China.

Sec. 1622. Concerning the Palestinian authority.

Sec. 1623. Authorization of Appropriations for facilities in Beijing and Shanghai.

Sec. 1624. Eligibility for refugee status.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.

Sec. 2002. Definitions.

Sec. 2003. Nondelegation of certification requirements.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Sec. 2101. Assessed contributions to the United Nations and affiliated organizations.

Sec. 2102. United Nations policy on Israel and the Palestinians.

Sec. 2103. Assessed contributions for international peacekeeping activities.

Sec. 2104. Data on costs incurred in support of United Nations peace and security operations.

Sec. 2105. Reimbursement for goods and services provided by the United States to the United Nations.

Sec. 2106. Restriction on United States funding for United Nations peace operations.

Sec. 2107. United States policy regarding United Nations peacekeeping missions.

Sec. 2108. Organization of American States.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; DISBURSEMENT OF FUNDS

Sec. 2201. Authorization of appropriations.

Sec. 2202. Disbursement of funds.

SUBCHAPTER B—UNITED STATES SOVEREIGNTY

Sec. 2211. Certification requirements.

SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACE OPERATIONS

Sec. 2221. Certification requirements.

SUBCHAPTER D—BUDGET AND PERSONNEL REFORM
Sec. 2231. Certification requirements.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 2241. Statutory construction on relation to existing laws.
Sec. 2242. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 102. PURPOSES.

The purposes of this division are—

- (1) to strengthen—
 - (A) the coordination of United States foreign policy; and
 - (B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;
- (2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—
 - (A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the quality and integrity of these functions;
 - (B) transferring certain functions of the Agency for International Development to the Department of State; and
 - (C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;
- (3) to ensure that programs critical to the promotion of United States national interests be maintained;
- (4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;
- (5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and
- (6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

(7) to ensure that programs critical to the promotion of United States national interests be maintained;

SEC. 103. DEFINITIONS.

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

- (1) The term "ACDA" means the United States Arms Control and Disarmament Agency.
- (2) 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.
- (3) The term "Department" means the Department of State.
- (4) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.
- (5) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.
- (6) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.
- (7) The term "Secretary" means the Secretary of State.
- (8) The term "USIA" means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter

through the end of fiscal year 2000, the Secretary of State shall submit a report to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization made under this Act, including cost savings by each of the following categories:

- (1) Reductions in personnel.
- (2) Administrative consolidation.
- (3) Program consolidation.
- (4) Sales of real property.
- (5) Termination of property leases.
- (6) Coordinated procurement.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

- (1) October 1, 1998; or
- (2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

Except as otherwise provided in this division, there are transferred to the Secretary of State—

- (1) all functions of the Director of the United States Arms Control and Disarmament Agency, and
- (2) all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

- (1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation matters. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters."

SEC. 214. REPORTING REQUIREMENTS.

(a) VERIFICATION OF COMPLIANCE.—Section 37 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

- (1) in subsection (a), by striking "Director" each place it appears and inserting "Under Secretary of State for Arms Control and International Security";

(2) in subsection (d), by striking "Director" each place it appears and inserting "Under Secretary of State";

- (3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each

report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days."

(b) ANNUAL REPORT.—Section 51 of that Act (22 U.S.C. 2593a) is amended—

- (1) in subsection (a)—

(A) by striking "Director" and inserting "Under Secretary of State for Arms Control and International Security"; and

(B) by striking "the Secretary of State,";

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

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

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days."

SEC. 215. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Except as provided in section 214, 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 Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

- (1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

- (1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency,";

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency,";

- (3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4).", and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State", and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency."

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on the earlier of—

- (1) October 1, 1999; or
- (2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

- (1) by striking “There” and inserting the following:

“(1) IN GENERAL.—There”; and

- (2) by adding at the end the following:

“(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.”.

SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

- (1) in paragraph (1), by striking “the United States Information Agency” and inserting “the Broadcasting Board of Governors”; and
- (2) in paragraph (2), by striking “the United States Information Agency,” and inserting “the Broadcasting Board of Governors,”.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

- (1) by striking the following:
“Inspector General, United States Information Agency.”; and

- (2) by inserting the following:
“Inspector General, Broadcasting Board of Governors.”.

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

- (1) by striking “Inspector General of the United States Information Agency” each place it appears and inserting “Inspector General of the Broadcasting Board of Governors”; and

- (2) by striking “the Director of the United States Information Agency.”.

(e) TRANSFER OF FUNCTIONS.—

- (1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of

State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

- (1) The functions exercised by the Office of Public Liaison of the Agency.

- (2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

- (1) October 1, 1998, or
- (2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

- (1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers,” in accordance with Article 19 of the Universal Declaration of Human Rights;

- (2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

- (3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

- (4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

“(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

“(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

“(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursu-

ant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

“(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

“(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.”.

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), 304(e), 305(c), and 306 (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), 6203(e), 6204(c), and 6205) are amended by striking “Director of the United States Information Agency” each place it appears and inserting “Under Secretary of State for Public Diplomacy”.

(c) SUBSTITUTION OF ACTING UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking “acting Director of the agency” and inserting “Acting Under Secretary of State for Public Diplomacy”.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303 (22 U.S.C. 6202) is amended—

- (1) in paragraph (3), by inserting “, including editorials, broadcast by the Voice of America, which present the views of the United States Government” after “policies”;

- (2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

- (3) by inserting after paragraph (3) the following:

“(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad.”.

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

- (1) in paragraph (1), by striking “direct and”;
- (2) in paragraph (4), by inserting “, after consultation with the Secretary of State,” after “annually”;

- (3) in paragraph (9), by striking “, through the Director of the United States Information Agency.”;

- (4) in paragraph (12)—

- (A) by striking “1994 and 1995” and inserting “1998 and 1999”; and

- (B) by striking “to the Board for International Broadcasting for such purposes for fiscal year 1993” and inserting “to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997”; and

- (5) by adding at the end the following new paragraphs:

“(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and, pursuant to the Federal Property and Administrative Services Act of 1949, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1986 (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be."

(f) **BROADCASTING BUDGETS.**—Section 305(b)(1) (22 U.S.C. 6204(b)(1)) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to";

(g) **REPEAL.**—Section 305(b)(2) (22 U.S.C. 6204(b)(2)) is repealed.

(h) **IMPLEMENTATION.**—Section 305(c) (22 U.S.C. 6204(c)) is amended—

(1) by striking "Director of the United States Information Agency and the"; and

(2) by striking "their" and inserting "its".

(i) **FOREIGN POLICY GUIDANCE.**—Section 306 (22 U.S.C. 6205) is amended by inserting before the period at the end the following: "as the Secretary may deem appropriate".

(j) **INTERNATIONAL BROADCASTING BUREAU.**—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate"; and

(3) by redesignating subsection (b)(1) as subsection (b).

(k) **REPEALS.**—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207(k)).

(2) Section 310 (22 U.S.C. 6209).

(l) **ADDITIONAL REFERENCE TO DIRECTOR OF USIA.**—Section 311 (22 U.S.C. 6210) is amended by striking "the Director of the United States Information Agency and".

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Chairman of the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Chairman".

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) by striking "United States Information Agency" and inserting "Broadcasting Board of Governors" each place it appears;

(2) by striking "Agency" and inserting "Board" each place it appears;

(3) by striking "Director of the United States Information Agency" each place it appears and inserting "Chairman of the Broadcasting Board of Governors";

(4) in section 244a. (22 U.S.C. 1465cc(a)), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) or (4) each place it appears and inserting "Chairman".

SEC. 326. SAVINGS PROVISIONS.

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this chapter, and

(2) which are in effect at the time this chapter takes effect, or were final before the effective date of this chapter and are to become effective on or after the effective date of this chapter, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

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

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

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

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Board relating to a function exercised by the Board before the effective date of this chapter may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) **REFERENCES.**—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this chapter, shall be deemed to refer to the Board.

SEC. 327. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

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

(1) The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, set a limitation on the operating costs of RFE/RL, Incorporated, at \$75,000,000 for any fiscal year after fiscal year 1995.

(2) Section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, expressed the sense of Congress that, in furtherance of the objectives of section 302 of that Act, the funding of RFE/RL, Incorporated, should be assumed by the private sector not later than December 31, 1999.

(3) The conference report on the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (House Report 103-482) noted that "The committee on the conference expects that the Broadcasting Board of Governors will do everything possible, within available resources, to support this privatization effort".

(b) **DECLARATION OF POLICY.**—It is the sense of Congress that RFE/RL, Incorporated, should act in accordance with subsection (a)(2), that is, that the United States Government should cease Federal support for RFE/RL, Incorporated, prior to December 31, 1999.

(c) **REPORT.**—Not later than 90 days after the date of enactment of this Act and every 180 days thereafter, the President acting through the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, in implementing section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken to comply with subsection (a)(2).

(3) An analysis of prospects for privatization over the coming year.

(d) **DEFINITIONS.**—In this section, the term "the Board" means the Broadcasting Board of Governors.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. 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 Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State, except as otherwise provided by this division.

SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by adding at the end the following:

"Director of the International Broadcasting Bureau."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency."

SEC. 333. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or
(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) *IN GENERAL.*—Except for the components described in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) *OPIC AND AID EXEMPTED.*—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) *TO THE SECRETARY OF STATE.*—There are transferred to the Secretary of State the functions of the Director of the United States International Development Cooperation Agency and of the United States International Development Cooperation Agency, as of the day before the effective date of this title, in allocating the funds described in subsection (d).

(b) *WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.*—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) *TO ANOTHER AGENCY OR AGENCIES.*—

(1) *PURSUANT TO A REORGANIZATION PLAN.*—Except as provided in paragraph (2), there are transferred to such agency or agencies as may be specified in the reorganization plan transmitted under section 601 all functions not transferred under subsection (a) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title.

(2) *FAILURE TO SUBMIT A REORGANIZATION PLAN.*—In the event that the President fails to submit a reorganization plan under section 601, all functions not transferred under subsection (a) or (b) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title shall be transferred to the Secretary of State.

(d) *ALLOCATION OF FUNDS.*—Funds under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1-801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of the day before the effective date of this title shall be deemed allocated to the Secretary of State on and after that date without further action by the President.

SEC. 413. STATUS OF AID.

(a) *IN GENERAL.*—Unless abolished pursuant to the reorganization plan submitted under sec-

tion 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) *RETENTION OF OFFICERS.*—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

(c) *UTILIZATION OF THE FOREIGN SERVICE PERSONNEL SYSTEM.*—Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended to read as follows:

"(a)(1) The Administrator of the United States Agency for International Development may utilize the Foreign Service personnel system with respect to the Agency in accordance with this Act."

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this title, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) or the Agency—

(1) insofar as such references relate to functions transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such references relate to functions transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development; and

(3) insofar as such references relate to functions transferred under section 412(c), shall be deemed to refer to such agency or agencies as may be specified in the reorganization plan submitted under section 601.

SEC. 422. CONFORMING AMENDMENTS.

The following shall cease to be effective:

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

(2) Section 1-101 through 1-103, sections 1-401 through 1-403, section 1-801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order No. 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 No. 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).

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or
(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) *IN GENERAL.*—The Agency for International Development shall be reorganized in accordance with this division and the reorga-

nization plan transmitted pursuant to section 601.

(b) *FUNCTIONS TO BE TRANSFERRED.*—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the Agency:

- (1) Press and public affairs.
- (2) Legislative affairs.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

(6) The FREEDOM Support Act (22 U.S.C. 5801 et seq.).

SEC. 522. PLACEMENT OF ADMINISTRATOR OF AID UNDER THE DIRECT AUTHORITY OF THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall serve under the direct authority of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) *AUTHORITY OF THE SECRETARY OF STATE.*—

(1) *IN GENERAL.*—Under the direction of the President, the Secretary of State shall coordinate all programs, projects, and activities of United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) *EXPORT PROMOTION ACTIVITIES.*—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) *INTERNATIONAL ECONOMIC ACTIVITIES.*—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) *RELATION TO EXISTING LAW.*—The responsibilities of the Secretary of State under this section are in addition to responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(b) *COORDINATION ACTIVITIES.*—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) designing an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations;

(4) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs; and

(5) resolving policy, program, and funding disputes among United States Government agencies.

(c) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the agency for that purpose.

(d) **AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.**—The Administrator of the Agency for International Development shall, upon request, detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

SEC. 524. SENSE OF THE SENATE REGARDING APPORTIONMENT OF CERTAIN FUNDS TO THE SECRETARY OF STATE.

It is the sense of the Senate that the Director of the Office of Management and Budget should apportion United States assistance funds appropriated to the President under major functional budget category 150 (relating to international affairs) to the Secretary of State in lieu of the apportionment of those funds to the head of any other Federal agency.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) **SUBMISSION OF PLAN.**—Not later than October 1, 1997, or the date that is 15 days after the date of the enactment of this Act, whichever occurs later, the President shall, in consultation with the Secretary and the heads of the agencies under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) with respect to the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, the abolition of each agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) with respect to the United States Information Agency, the transfer of certain functions of the Agency to the Department in accordance with section 313;

(4) the termination of functions of each agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency or of the Department not otherwise provided for in the plan;

(5) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(6) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) **COVERED AGENCIES.**—The agencies under this subsection are the following:

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

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) **PLAN ELEMENTS.**—The plan transmitted under subsection (a) shall—

(1) identify the functions of each agency that will be transferred to the Department under the plan;

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

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

(4) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(5) specify the funds available to each agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department; and

(8) recommend legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(d) **REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.**—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of the Agency, including—

(i) the termination of functions and reductions in personnel of the Agency;

(ii) the transfer of functions of the Agency, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) **MODIFICATION OF PLAN.**—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(f) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) **STATUTORY EFFECTIVE DATES.**—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to functions of the United States Information Agency described in section 313.

(C) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(D) October 1, 1999, with respect to the abolition of the United States Information Agency (other than as described in subparagraph (B)).

(3) **EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.**—An effective date under this para-

graph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of an agency on a single date.

(5) **SUPERSEDES EXISTING LAW.**—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) **IN GENERAL.**—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) **REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.**—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) **IN GENERAL.**—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) **LIMITATION ON USE OF TRANSFERRED FUNDS.**—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management

and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

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

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

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

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rule-making, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is trans-

ferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 615. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under this division to determine whether such property and facilities are required by the Department.

SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

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

SEC. 617. FINAL REPORT.

Not later than January 1, 2000, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

SEC. 701. FINDINGS.

Congress makes the following findings:

(1) The United States has prevailed after a half-century of Cold War and must now redesign diplomacy to meet the different challenges of a new and changed international context.

(2) The security of the United States requires that the United States maintain an effective, professional diplomacy, working in concert with the national intelligence and defense forces of the United States.

(3) With modern communications and accelerating technological change, the world is ever more interdependent.

(4) Because 30 percent of the United States gross domestic product is trade-related and every one billion dollars of United States exports represents 20,000 American jobs, national prosperity requires assured access to foreign markets and our diplomacy promotes and defends that access.

(5) American consumers and American industry count upon the availability of foreign goods and raw materials.

(6) The new international agenda includes the following pressing issues, which the Cold War diplomatic structure of the United States is not framed to address adequately: intellectual property rights, refugee migrations, runaway immigration, ethnic conflict, narcotics, international terrorism, epidemic disease, human rights, the advancement of democracy and of market economic systems in developing countries, and a hospitable natural environment.

(7) The United States, as the one remaining global power, must provide global leadership to address these issues that affect Americans.

(8) It is in the national interest to review the functions, conduct, and structure of United States foreign policy for the 21st century.

SEC. 702. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Functions, Conduct, and Structure of United States Foreign Policy for the 21st Century (in this title referred to as the "Commission").

SEC. 703. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—The Commission shall be composed of 9 members who shall be United States citizens who have substantial experience with and expertise in the operations of the foreign affairs agencies of the Federal Government, to be selected as follows:

(1) Five members shall be appointed by the President, at least 3 of whom shall have held senior positions in at least 1 foreign affairs agency of the Federal Government, except that not more than 3 members may be appointed from the same political party.

(2) One member shall be appointed by the Majority Leader of the Senate.

(3) One member shall be appointed by the Minority Leader of the Senate.

(4) One member shall be appointed by the Speaker of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the House of Representatives.

(b) CHAIR AND VICE CHAIR.—The President shall designate, in consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, 2 of the members of the Commission to serve as Chair and Vice Chair, respectively.

(c) PERIOD OF APPOINTMENT, VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled expeditiously in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall, to the extent practicable, be made within 30 days after the date of enactment of this Act.

(e) MEETINGS.—

(1) FREQUENCY OF MEETINGS.—The Commission shall meet upon request of the Chair but not less than once every 2 months for the duration of the Commission.

(2) FIRST MEETING.—The Commission shall hold its first meeting not later than 2 months after the date of enactment of this Act.

(f) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 60 days after the date such members are appointed.

SEC. 704. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the functions required of United States foreign policy to assure continued United States global leadership in the 21st century;

(2) to assess the effectiveness and adequacy of the current structures, procedures, and priorities of foreign policy decisionmaking and management, and, if necessary, to consider alternatives;

(3) to evaluate the general level and apportionment of resources necessary to promote United States interests, values, and principles abroad and to assess the contribution of diplomatic functions to the national security of the United States; and

(4) to submit reports and recommendations as described in section 705.

(b) **IMPLEMENTATION.**—In carrying out subsection (a), the Commission shall consult with appropriate officers of the executive branch of Government and appropriate Members of Congress and shall specifically consider the following:

(1) What should be the operating principles and functions of the foreign affairs bureaucracies of the United States?

(2) Is the apparatus for formulating and executing the foreign affairs policies of the United States organized most effectively to achieve its aims, particularly with respect to the non-military aspects of the President's national security strategy?

(3) What are the implications for the functions, resources, and structures of the foreign affairs agencies of the United States of fundamental changes in the international environment, especially advances in information technology, economic interdependence, and the emergence of rival countries or interests?

(4) Is the overseas representation of the United States Government of adequate size, properly distributed, and supported with sufficient resources to advocate effectively the national interests, values, and principles of the United States?

(5) Are the foreign affairs agencies structured to best advance the national interests, values, and principles of the United States?

(6) Do the current personnel systems of the foreign affairs agencies produce individuals trained and supported in the skills necessary to project American leadership abroad in the 21st century?

(7) What level and allocation among foreign affairs agencies and functions of resources are necessary to promote effectively United States national interests, values, and principles?

(8) What is the rationale, mission, and mechanism for delivering foreign assistance? Could such resources be better managed and delivered through private entities or other organizations?

(9) How should multilateral institutions, coalition building, and unilateral actions be used to promote American national interests, values, and principles abroad? What is the most effective way to coordinate the foreign policy interests of special interest groups, including non-governmental organizations?

(10) How should coordination be improved and resources be allocated between all the United States foreign affairs agencies?

(11) What is the appropriate mechanism for determining the appropriate level of representation overseas of each department or agency of the United States?

(12) What is the appropriate mechanism to foster cooperation and coordination between the Department of the State and all departments or agencies of the United States abroad?

(13) How can consultation and cooperation be improved between the executive and legislative branches of Government in the formulation, execution, and evaluation of American foreign policy interests so that the United States can maximize its international effectiveness and speak with a strong voice on vital American interests, values, and principles?

SEC. 705. COMMISSION REPORTS.

(a) **INITIAL REPORT.**—Not later than 2 months after the date of enactment of this Act, the Commission shall transmit to Congress, the President, and the Secretary of State a report describing its plan to carry out the work of the Commission.

(b) **PRELIMINARY REPORT.**—Before the submission of the report required by subsection (c), but not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Secretary of State a report on its preliminary findings and recommendations.

(c) **FINAL REPORT ON FINDINGS AND RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Com-

mission shall submit to the President, the Secretary of State, and Congress a report describing the activities, findings, and recommendations of the Commission.

(2) **LEGISLATIVE RECOMMENDATIONS.**—In addition to the requirements of paragraph (1), the report shall make recommendations that may be implemented through the enactment of legislation or the issuance of an Executive order, as appropriate.

(d) **INTERIM REPORTS ON IMPLEMENTATION.**—The Commission shall submit to the President, the Secretary of State, and Congress such interim reports on the status of implementation of recommendations as it deems necessary and appropriate.

(e) **EVALUATION OF IMPLEMENTATION.**—The members of the Commission shall make themselves available to relevant committees of Congress to discuss their views of the implementation of recommendations and proposals submitted by the Secretary of State in compliance with the provisions of this title.

SEC. 706. POWERS.

(a) **HEARINGS.**—The Commission or, at its direction, any panel of members of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel considers advisable.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon the request of the Chair of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) **POSTAL, PRINTING, AND BINDING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **PANELS.**—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The action of each panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved as such by the Commission.

(e) **AUTHORITY OF INDIVIDUALS TO ACT FOR THE COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 707. PERSONNEL.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is a private United States citizen shall be compensated at a level not greater than the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5317 of title 5, United States Code, for each full day (including travel time) during which the member is engaged in the performance of the duties of the Commission. Any member of the Commission who is already a Government employee shall continue to be paid at the same rate by the employing department or agency on a nonreimbursable basis.

(b) **TRAVEL EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 58 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Commission may, without regard to the provisions of title 5,

United States Code, governing appointments in the competitive services, appoint a staff director, subject to the approval of the Commission, and such additional personnel as necessary to enable the Commission to perform its duties.

(2) **COMPENSATION.**—The Chair of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level III of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon the request of the Chair of the Commission, the head of any Federal department or agency is authorized and encouraged to detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its functions.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5316 of such title.

(f) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Secretary of State may furnish the Commission any administrative and support services requested by the Commission consistent with this title. The Department of State shall be reimbursed for any costs for these services by other appropriate Federal departments and agencies on a basis consistent with worldwide levels of international cooperative administrative support system participation and funding.

SEC. 708. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds appropriated by Congress.

SEC. 709. TERMINATION.

The Commission shall terminate upon submission of the final report on findings and recommendations, section 705(c), except as provided for in section 705(e).

SEC. 710. EXECUTIVE BRANCH ACTION.

(a) **SECRETARY OF STATE'S REVIEW.**—Promptly after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected Federal departments and agencies, shall initiate a review of the functions, conduct, and structure of United States foreign relations in the same manner and to the same extent as the review conducted by the Commission under section 704.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Secretary may secure directly from any Federal department or agency information necessary to carry out the responsibilities under this section. Upon the request of the Secretary, the head of any such department or agency shall furnish such information expeditiously.

(c) **INITIAL REPORT.**—Not later than 2 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall transmit to Congress a report describing the plan of the Secretary of State to carry out the review.

(d) **PRELIMINARY REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall submit to the Commission a report of preliminary findings and recommendations.

(e) **FINAL REPORT ON FINDINGS AND PROPOSALS.**—Not later than 18 months after the date of

enactment of this Act, the Secretary of State, in consultation with the heads of all other affected foreign affairs agencies, shall submit to Congress a report describing the activities and findings of the Secretary's review and shall include specific proposals for recommended reforms, including those requiring legislative action or Executive order. The report shall respond to, and wherever appropriate, incorporate the findings and recommendations of the Commission as described in section 705(c).

SEC. 711. ANNUAL FOREIGN AFFAIRS STRATEGY REPORT.

Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of State, consistent with section 306 of title 5, and section 1115 of title 31, United States Code, and in consultation with the heads of all other foreign affairs agencies, shall submit to Congress in both classified and unclassified versions an annual national foreign relations strategy report describing the priorities and resources required to advance successfully the national interests, values, and principles of the United States.

SEC. 712. DEFINITION OF FOREIGN AFFAIRS AGENCIES.

In this title, the term "foreign affairs agencies" includes the following:

- (1) The Department of State.
- (2) The United States Agency for International Development.
- (3) The United States Information Agency.
- (4) The United States Arms Control and Disarmament Agency.
- (5) The Overseas Private Investment Corporation.
- (6) Appropriate elements of the Department of the Treasury.
- (7) Appropriate elements of the Department of Defense.
- (8) Appropriate elements of the Department of Justice (including the Drug Enforcement Administration and the Federal Bureau of Investigation).
- (9) Appropriate elements of the Department of Agriculture.
- (10) Office of the United States Trade Representative.
- (11) The National Security Council staff.
- (12) The Trade and Development Agency.
- (13) Appropriate elements of the Department of Commerce.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 1002. DEFINITION.

In this division, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS FOR 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, \$1,746,977,000 for the fiscal year 1998, and \$1,764,447,000 for the fiscal year 1999.

- (2) SALARIES AND EXPENSES.—For "Salaries and Expenses" of the Department of State, \$363,513,000 for the fiscal year 1998, and \$367,148,000 for the fiscal year 1999.

- (3) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For "Security and Maintenance of Buildings Abroad", \$373,081,000 for the fiscal year 1998, and \$376,811,000 for the fiscal year 1999.

- (4) CAPITAL INVESTMENT FUND.—For the "Capital Investment Fund" of the Department of the State, \$64,600,000 for the fiscal year 1998, and \$64,600,000 for the fiscal year 1999.

- (5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", \$4,100,000 for the fiscal year 1998, and \$4,100,000 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 \$14,600,000 for the fiscal year 1999.

- (9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", \$7,900,000 for the fiscal year 1998, and \$8,000,000 for the fiscal year 1999.

- (B) Each amount appropriated pursuant to this paragraph is authorized to remain available for two fiscal years.

- (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. MIGRATION AND REFUGEE ASSISTANCE.

- (a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, \$650,000,000 for the fiscal year 1998, and \$650,000,000 for the fiscal year 1999.

- (b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 1103. ASIA FOUNDATION.

- (a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State to make grants to "The Asia Foundation", pursuant to The Asia Foundation Act (title IV of Public Law 98-164), \$8,000,000 for the fiscal year 1998, and \$8,000,000 for the fiscal year 1999.

- (b) CONFORMING AMENDMENT.—The first sentence of section 403(a) of The Asia Foundation Act (22 U.S.C. 4402) is amended by striking "with" and all that follows through "404".

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1121. REDUCTION IN REQUIRED REPORTS.

- (a) AMENDMENT AND REPEALS.—(1) AMENDMENT.—Section 40(g)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(g)(2)) is amended by striking "six months" and inserting "12 months".

- (2) REPEALS.—The following provisions of law are repealed:

- (A) The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

- (B) Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)).

- (C) Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83).

- (D) Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

- (E) Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99-529).

- (F) Sections 5 and 6 of the Act entitled "An Act providing for the implementation of the

International Sugar Agreement, 1977, and for other purposes" (Public Law 96-236; 7 U.S.C. 3605 and 3606).

- (G) Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (Public Law 97-121).

- (H) Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204).

- (I) Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 22 U.S.C. 2452 note).

- (b) PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

- (c) REPORT ON OVERSEAS VOTER PARTICIPATION.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973f(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

SEC. 1122. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623) is amended—

- (1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

- (2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State,"; and

- (3) by redesignating the second sentence as paragraph (2).

SEC. 1123. PROCUREMENT OF SERVICES.

Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended by inserting "personal or" before "other support services".

SEC. 1124. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end 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 Department of State diplomatic reception rooms to recover the costs of such use. Fees 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. The Secretary shall, at the time of the submission of the budget pursuant to section

1105 of title 31, United States Code, submit a report to Congress describing each such transaction.”.

SEC. 1125. PROHIBITION ON JUDICIAL REVIEW OF DEPARTMENT OF STATE COUNTER-TERRORISM AND NARCOTICS-RELATED REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(1), by inserting “, in the sole discretion of the Secretary,” after “rewards may be paid”;

(2) by redesignating subsection (i) as subsection (j); and

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

“(i) **JUDICIAL REVIEW.**—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.”.

SEC. 1126. 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 at the end the following:

“(4) 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.**—

(1) **IN GENERAL.**—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:

(A) 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 United States Arms Control and Disarmament Agency.

(B) 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.

(2) **EXCLUSION.**—Disclosure of information to the public under this section does not include information shared by an employee of the Inspector General Office with Members of Congress.

SEC. 1127. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) **PROCUREMENT POLICY.**—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) **IMPLEMENTATION.**—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the greatest extent practicable, the subcontracting level.

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) **COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) **OBJECTIVES.**—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) **REPORTS.**—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) **LIMITATION ON DELEGATION.**—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) **INFORMATION ON INTERNATIONAL CRIMINALS.**—

(1) **INFORMATION SYSTEM.**—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) **OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.**—

(1) **STRENGTHENING COORDINATION.**—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and

multilateral entities with respect to activities relating to international narcotics and crime.

(2) **DESIGNATION OF OFFICERS.**—

(A) **IN GENERAL.**—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) **REPORTS.**—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) **REPORT TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

CHAPTER 3—PERSONNEL

SEC. 1131. ELIMINATION OF POSITION OF 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).

SEC. 1132. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) in subparagraph (C), by inserting “or” after “title 3,”; and

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

“(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980).”.

SEC. 1133. 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” before “members of the families of such members and employees”; and

(B) by inserting before the period “, and (for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)”;

(2) in subsection (d) by inserting “, subject to the provisions of subsections (g) and (h)” before the period; and

(3) by adding the following new subsections at the end:

“(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

“(2) If the insurance policy, plan, contract or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the Secretary of State may collect from the third-party payer only the reasonable cost of the care provided less the deductible or copayment amount.

“(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

“(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

“(A) care provided directly or indirectly by a governmental entity;

“(B) care provided to an individual who has not paid a required deductible or copayment; or

“(C) care provided by a provider with which the third party payer has no participation agreement.

“(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

“(6) As to the authority provided in paragraph (1) of this subsection:

“(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 subsection.

“(C) The Secretary may compromise, settle, or waive a claim of the United States under this subsection.

“(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

“(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purposes of permitting the third party to verify—

“(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

“(B) that the provision of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this subsection shall be subject to the provisions of paragraphs (2) and (4).

“(9) 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. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

“(10) In this section:

“(A) The term ‘covered beneficiary’ means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer.

“(B) The term ‘services’ as used in ‘health care services’ includes products.

“(C) The term ‘third-party payer’ means an entity that provides a fee-for-service insurance policy, contract or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

“(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).

“(i) Nothing in subsection (g) or (h) shall be construed as limiting any authority the Sec-

retary otherwise has with respect to payment and obtaining reimbursement for the costs of medical treatment of an individual eligible under this section for health care.”

(b) **EFFECTIVE DATE.**—The authorities of this section shall be effective beginning October 1, 1998.

SEC. 1134. NONOVERTIME DIFFERENTIAL PAY.

Title 5, 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 in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.”; and

(2) in section 5546(a), by adding at the end 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 in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.”

SEC. 1135. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) **FOREIGN AFFAIRS REIMBURSEMENT.**—

(1) **IN GENERAL.**—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

“(e)(1) The Secretary of State may, as a matter of discretion, provide appropriate training and related services through the institution to employees of United States companies that are engaged in business abroad, and to the families of such employees.

“(2) In the case of companies that are 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 the companies’ employees who are performing such services.

“(3) Training under this subsection shall be on a space-available and 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.

“(5) Training under this subsection is not available for foreign language services.

“(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the Judiciary.

“(2) Legislative Branch staff members and employees of the Judiciary may participate on a reimbursable 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 and of other agencies in the field of foreign relations.”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) **TERMINATION OF PROGRAM.**—Effective October 1, 1999, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by redesignating subsection (g) as subsection (d)(4) and by striking subsections (e) and (f).

(b) **FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.**—Title 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding at the end 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 Department of State’s National Foreign Affairs Training Center Facility. Fees collected under 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.”

(c) **REPORTING ON PILOT PROGRAM.**—One year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the number of persons, including their business or government affiliation, who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, the amount of fees collected, and the impact of the program on the primary mission of the institute.

SEC. 1136. 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 to 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. 1137. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

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.”

SEC. 1138. FOREIGN SERVICE REFORM.

(a) **APPOINTMENTS BY THE PRESIDENT.**—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking “may elect to” and inserting “shall”; and

(2) by striking “Service,” and all that follows and inserting “Service.”

(b) **PERFORMANCE PAY.**—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking “Members” and inserting “Subject to subsection (e), members”; and

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

“(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.”

(c) **EXPEDITED SEPARATION OUT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service

ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

SEC. 1139. LAW ENFORCEMENT AVAILABILITY PAY.

(a) **LAW ENFORCEMENT AVAILABILITY PAY.**—Section 5545a of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking “(other than an officer occupying a position under title II of Public Law 99-399)” and inserting “, including any special agent of the Diplomatic Security Service,”; and

(2) by amending subsection (h) to read as follows:

“(h) Availability pay under this section shall be—

“(1) 25 percent of the rate of basic pay for the position;

“(2) treated as part of basic pay for the purposes of—

“(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c) of this title and section 856 of the Foreign Service Act of 1980; and

“(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulations prescribe; and

“(3) treated as part of salary for purposes of sections 609(b)(1), 805, and 806 of the Foreign Service Act of 1980.”.

(b) **CONFORMING AMENDMENT.**—Section 5542(e) of title 5, United States Code, is amended by inserting “, or section 37(a)(3) of the State Department Basic Authorities Act of 1956,” after “section 3056(a) of title 18.”.

(c) **IMPLEMENTATION.**—Not later than the effective date of this section, each special agent of the Diplomatic Security Service under 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.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the 90th day following the date of enactment of this Act.

SEC. 1140. LAW ENFORCEMENT AUTHORITY OF SPECIAL AGENTS OVERSEAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended—

(1) by striking “and” at the end of subsection (a)(4);

(2) by striking the period at the end of subsection (a)(5)(B) and inserting “; and”;

(3) by adding at the end of subsection (a) the following:

“(6) conduct investigative leads or perform other law enforcement duties at the request of any duly authorized law enforcement agency while assigned to a United States Mission outside the United States.

Requests for investigative assistance from State and local law enforcement agencies under paragraph (6) shall be coordinated with the Federal law enforcement agency having jurisdiction over the subject matter for which assistance is requested.”; and

(4) by adding at the end the following:

“(d) **AGENCIES NOT AFFECTED.**—Nothing in subsection (a)(6) may be construed to limit or impair the authority or responsibility of any other Federal or State law enforcement agency with respect to its law enforcement functions.”.

SEC. 1141. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Sec. 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 of-

cial’ 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.”.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

SEC. 1151. CONSULAR OFFICERS.

(a) **PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.**—Section 33(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended by adding at the end the following: “For purposes of this paragraph, the term ‘consular officer’ includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.”.

(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 after “such officers” the following: “and to such other employees of the Department of State who are United States citizens as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe”.

(c) **PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.**—

(1) **DEFINITION OF CONSULAR OFFICERS.**—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, the term ‘consular officers’ includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).”.

(2) **DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.**—Section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221) is amended by inserting after the first sentence: “At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government serving overseas including persons employed as United States Government contractors, to perform such acts.”.

(d) **PERSONS AUTHORIZED TO ADMINISTER OATHS.**—Section 115 of title 35 of the United States Code is amended by adding at the end the following: “For purposes of this section, the term ‘consular officer’ includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).”.

(e) **NATURALIZATION FUNCTIONS.**—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: “As used in title III, the term ‘consular officer’ includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.”.

SEC. 1152. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

The Act of August 18, 1856 (Revised Statutes 1726-28; 22 U.S.C. 4212-14), concerning accounting for consular fees, is repealed.

SEC. 1153. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) **FOREIGN AIRPORTS.**—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting “and” at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) **FOREIGN PORTS.**—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1154. INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.

Section 212(a)(3) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following new subparagraph:

“(F) **MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.**—Any alien who was employed by an intelligence service of the Soviet Union prior to the dissolution of the Soviet Union on December 31, 1991, is inadmissible, unless—

“(i) The Secretary of State, in consultation with the Attorney General and the Director of Central Intelligence, determines that it is in the national interest to admit the alien; or

“(ii) The admission of the alien is for the purpose of the alien’s attendance at a scholarly conference or educational meeting in the United States.”.

SEC. 1155. DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES.

(a) **DENIAL OF VISAS.**—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated or expropriated property the claim to which is owned by a national of the United States.

(b) **EXCEPTION.**—This section shall not apply to claims arising from any territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(c) **REPORTING REQUIREMENT.**—

(1) **LIST OF FOREIGN NATIONALS.**—The Secretary of State shall direct the United States chief of mission in each country to provide the Secretary of State with a list of foreign nationals in that country who have confiscated or converted properties of nationals of the United States where the cases of confiscated or converted properties of nationals of the United States have not been fully resolved.

(2) **REPORT.**—Not later than 3 months after the date of enactment of this Act and not later than every 6 months thereafter, the Secretary of State shall submit to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives a report—

(A) listing foreign nationals who could have been denied a visa under subsection (a) but were given a visa to travel to the United States; and

(B) an explanation as to why the visa was given.

SEC. 1156. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS.

(a) **AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.**—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) by inserting after clause (i) the following:

“(ii) **ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.**—Any alien who—

“(I) is known by the Department of State to have intentionally assisted an alien in the conduct described in clause (i),

“(II) is known by the Department of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

“(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), as designated at the discretion of the Secretary of State,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion.”;

(3) in clause (i), by striking “clause (ii)” and inserting “clause (iii)”;

(4) in clause (iii) (as redesignated), by striking “Clause (i)” and inserting “Clauses (i) and (ii)”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1201. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for “International Conferences and Contingencies”, \$3,944,000 for the fiscal year 1998 and \$3,500,000 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.

SEC. 1202. INTERNATIONAL COMMISSIONS.

There are authorized to be appropriated for “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”, \$18,200,000 for the fiscal year 1998, and \$18,200,000 for the fiscal year 1999; and

(B) for “Construction”, \$6,463,000 for the fiscal year 1998, and \$6,463,000 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.

CHAPTER 2—GENERAL PROVISIONS

SEC. 1211. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except—

(1) pursuant to a treaty made in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) as specifically authorized by statute.

SEC. 1212. WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES.

(a) **IN GENERAL.**—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, the City of New York, and jurisdictions in the States of Virginia and Maryland by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, the City of New York, and the States of Virginia and Maryland, respectively.

(b) **DEFINITION.**—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1213. UNITED STATES MEMBERSHIP IN THE INTERPARLIAMENTARY UNION.

(a) **INTERPARLIAMENTARY UNION LIMITATION.**—The United States shall either—

(1) pay no more than \$500,000 in annual dues for membership in the Interparliamentary Union in fiscal year 1998 and fiscal year 1999; or

(2) formally withdraw from the Organization.

(b) **RETURN OF APPROPRIATED FUNDS.**—

(1) **PROHIBITION.**—None of the funds made available under this Act to the Department of State may be used for congressional participation in the International Parliamentary Union.

(2) **TRANSFER OF FUNDS.**—Unobligated balances of appropriations for the International Parliamentary Union shall be transferred to, and merged with, funds available under the “Contributions for International Organizations” appropriations account of the Department of State, to be available only for payment in fiscal year 1998 of United States assessed contributions to international organizations covered by that account.

SEC. 1214. REPORTING OF FOREIGN TRAVEL BY UNITED STATES OFFICIALS.

(a) **INITIAL REPORTS.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2), none of the funds made available under this Act may be used to pay—

(A) the expenses of foreign travel by any officer or employee of United States Executive agencies in attending any international conference or in engaging in any other foreign travel; or

(B) the routine services that a United States diplomatic mission or consular post provides in support of travel by such officer or employee, unless, prior to the commencement of the travel, the individual submits a report to the Director that states the purpose, duration, and estimated cost of the travel.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to—

(A) the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President;

(B) the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities;

(C) the deployment of members of the Armed Forces of the United States; or

(D) any United States Government official engaged in a sensitive diplomatic mission.

(b) **UPDATED REPORTS.**—Not later than 30 days after the conclusion of any travel for which a report is required to be submitted under subsection (a)(1), the officer or employee of the United States shall submit an updated report to the Director on the purpose, duration, or costs of the travel from those indicated in the initial report.

(c) **QUARTERLY REPORTS.**—The Director shall submit a quarterly report suitable for publication, containing the information required in subsection (b) to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives.

(d) **EMERGENCY WAIVER.**—Subsection (a)(1) shall not apply if the President determines that an emergency or other unforeseen event necessitates the travel and thus prevents the timely filing of the report required by that subsection, however nothing in this section shall be interpreted to authorize a waiver of subsection (a)(2)(b).

(e) **DEFINITIONS.**—For purposes of this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the Office of International Conferences of the Department of State.

(2) **EXECUTIVE AGENCIES.**—The term “Executive agencies” means those entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code.

(3) **FOREIGN TRAVEL.**—The term “foreign travel” refers to—

(A) travel between the United States and a foreign country or territory except home leave; and

(B) in the case of personnel assigned to a United States diplomatic mission or consular post in a foreign country or territory, travel outside that country or territory.

(4) **UNITED STATES.**—The term “United States” means the several States and the District of Columbia and the commonwealths, territories, and possessions of the United States.

(f) **AVAILABLE FUNDS.**—Funds available under section 1201 shall be available for purposes of carrying out this section.

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

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

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—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 Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the National Endowment for Democracy Act, the United States International Broadcasting Act of 1994, and to carry out other authorities in law consistent with such purposes:

(1) "International Information Programs", \$427,097,000 for the fiscal year 1998 and \$427,097,000 for the fiscal year 1999.

(2) "Educational and Cultural Exchange Programs":

(A) For the "Fulbright Academic Exchange Programs", \$99,236,000 for the fiscal year 1998 and \$99,236,000 for the fiscal year 1999.

(B) For other educational and cultural exchange programs authorized by law, \$100,764,000 for the fiscal year 1998 and \$100,764,000 for the fiscal year 1999.

(3) "International Broadcasting Activities":

(A) For the activities of Radio Free Asia, \$20,000,000 for the fiscal year 1998 and \$20,000,000 for the fiscal year 1999.

(B) For the activities of Broadcasting to Cuba, \$22,095,000 for the fiscal year 1998 and \$22,095,000 for the fiscal year 1999.

(C) For the activities of Radio Free Iran, \$2,000,000 for the fiscal year 1998 and \$2,000,000 for the fiscal year 1999.

(D) For other "International Broadcasting Activities", \$331,168,000 for the fiscal year 1998 and \$331,168,000 for the fiscal year 1999.

(4) "Radio Construction", \$37,710,000 for the fiscal year 1998 and \$31,000,000 for the fiscal year 1999.

(5) "Technology Fund", \$5,050,000 for the fiscal year 1998 and \$5,050,000 for the fiscal year 1999.

(b) VIETNAM FULBRIGHT SCHOLARSHIPS.—Of the funds authorized to be appropriated in subsection (a)(2)(A), \$5,000,000 is authorized to be appropriated for fiscal year 1998 and \$5,000,000 is authorized to be appropriated for fiscal year 1999 for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138).

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than \$10,000,000 for fiscal year 1998 and no more than \$10,000,000 for fiscal year 1999.

SEC. 1302. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated \$30,000,000 for the fiscal year 1998 and \$30,000,000 for the fiscal year 1999 to carry out the National Endowment for Democracy Act (title V of Public Law 98-164), of which amount for each fiscal year not more than 55 percent shall be available only for the following organizations, in equal allotments:

(1) The International Republican Institute (IRI).

(2) The National Democratic Institute (NDI).

(3) The Free Trade Union Institute (FTUI).

(4) The Center for International Private Enterprise (CIPE).

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 1311. AUTHORIZATION TO RECEIVE AND RECYCLE FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22

U.S.C. 1475e) is hereby amended by adding "educational advising and counselling, Exchange Visitor Programs Services, advertising sold by the Voice of America, receipts from co-operating international organizations and from the privatization of VOA Europe" after "library services" and before ", and Agency-produced publications,".

SEC. 1312. APPROPRIATIONS TRANSFER AUTHORITY.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended—

(1) in paragraph (1), by striking ", for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year" and inserting "for a fiscal year may be appropriated for such fiscal year"; and

(2) by striking paragraph (4).

SEC. 1313. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by inserting in the first sentence "journalism and communications, education administration, public policy, library and information science," immediately following "business administration,"; and

(2) by inserting in the second sentence "journalism and communications, education administration, public policy, library and information science," immediately following "business administration,".

SEC. 1314. AU PAIR EXTENSION.

Section 1(b) of Public Law 104-72 is amended by striking ", through fiscal year 1997".

SEC. 1315. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than \$2,000,000 of the funds made available under section 1301(a)(3) for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as "Radio Free Iran".

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service to be designated as Radio Free Iran.

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1316. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts shall include information on the products, and cultural and educational facilities of each State, potential trade with each State, and interactive discussions with State officials.

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

SEC. 1317. WORKING GROUP ON 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)(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency and effectiveness of Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level inter-agency

Working Group on Government-Sponsored International Exchanges and Training (in this section referred to as 'the Working Group').

"(2) In this subsection, the term 'Government-sponsored international exchanges and training' refers to the movement of people between countries to promote the sharing of ideas, develop skills, and foster mutual understanding and co-operation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall consist of the Associate Director of the Bureau, who shall act as Chairperson of the Working Group, and comparable senior representatives appointed by the Secretaries of State, Defense, Justice, and Education, and by the Administrator of the United States Agency for International Development. Other departments and agencies shall participate in the Working Group's meetings at the discretion of the Chairperson, and shall cooperate with the Working Group to help accomplish the purposes of the Working Group. The National Security Advisor and the Director of the Office of Management and Budget may, at their discretion, each appoint a representative to participate in the Working Group. The Working Group shall be supported by an interagency staff office established in the Bureau.

"(4) The Working Group shall have the following authority:

"(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 of information on international exchange and training activities in the governmental and non-governmental 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.

"(D) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to submit a report on Government-sponsored international exchange and training programs, along with the findings of the Working Group made under subparagraph (c).

"(E) To develop strategies for expanding public and private partnerships in, and leveraging private sector support for, Government-sponsored international exchange and training activities.

"(5) All reports prepared by the Working Group shall be made to the President through the Director of the United States Information Agency.

"(6) The Working Group shall meet at least on a quarterly basis.

"(7) Four of the members of the Working Group shall constitute a quorum. All decisions of the Working Group shall be by majority vote of the members present and voting.

"(8) The members of the Working Group shall serve without additional compensation for their service on the Working Group, and any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

"(9) If any member of the Working Group disagrees regarding to any matter in a report prepared pursuant to this subsection, the member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report."

SEC. 1318. INTERNATIONAL INFORMATION PROGRAMS.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) in paragraph (3), by striking "Salaries and Expenses" and inserting "the 'International Information Programs' appropriations account,"; and

(2) in paragraph (7), by striking "the 'Salaries and Expenses' account" and inserting "the 'International Information Programs' appropriations account,".

SEC. 1319. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

TITLE XIV—PEACE CORPS**SEC. 1401. SHORT TITLE.**

This title may be cited as the "Peace Corps Act Amendments of 1997".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

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

"(b) There are authorized to be appropriated to carry out the purposes of this Act \$234,000,000 for fiscal year 1998, which are authorized to remain available until September 30, 1999 and \$234,000,000 for fiscal year 1999.".

SEC. 1403. 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";

(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.".

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act \$39,000,000 for fiscal year 1998.

CHAPTER 2—AUTHORITIES**SEC. 1511. STATUTORY CONSTRUCTION.**

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

"(c) **STATUTORY CONSTRUCTION.**—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XVI—FOREIGN POLICY**SEC. 1601. PAYMENT OF IRAQI CLAIMS.**

(a) **VESTING OF ASSETS.**—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President, and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) **IRAQ CLAIMS FUND.**—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the "Fund") for payment of private claims or United States Government claims in accordance with subsection (c).

(c) **PAYMENTS.**—

(1) **PAYMENTS ON PRIVATE CLAIMS.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) **PAYMENTS ON UNITED STATES GOVERNMENT CLAIMS.**—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) **DETERMINATION OF VALIDITY OF UNITED STATES GOVERNMENT CLAIMS.**—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter

into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) **DETERMINATION OF PRIVATE CLAIMS.**—

(1) **AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.**—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) **APPLICABILITY.**—Except to the extent inconsistent with the provisions of this section, the provisions of title 1 of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(3) **CERTIFICATION.**—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) **UNSATISFIED CLAIMS.**—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

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

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "private claims" mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term "United States person"—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1602. UNITED NATIONS MEMBERSHIP FOR BELARUS.

It is the sense of Congress that, if Belarus concludes a treaty of unification with another country, the United States Permanent Representative to the United Nations and the United States Head of Delegation to the Organization for Security and Cooperation in Europe should introduce resolutions abrogating the sovereign status of Belarus within the United Nations and the OSCE.

SEC. 1603. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated by section 1101(3) for "Security and Maintenance of Buildings Abroad", \$25,000,000 for the fiscal year 1998 and \$75,000,000 for the fiscal year 1999 are 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 Act 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 Act 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 AS ISRAEL FOR PASSPORT PURPOSES.**—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, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1604. SPECIAL ENVOY FOR TIBET.

(a) **UNITED STATES SPECIAL ENVOY FOR TIBET.**—The President shall 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 shall—

(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. 1605. FINANCIAL TRANSACTIONS WITH STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) **PROHIBITED TRANSACTIONS.**—Section 2332d(a) of title 18, United States Code, is amended—

(1) by striking "Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever" and inserting "(1) Except as provided in paragraph (2), whoever";

(2) by inserting "of 1979" after "Export Administration Act"; and

(3) by adding at the end the following:

"(2) Paragraph (1) does not apply to any financial transaction—

"(A) engaged in by an officer or employee of the United States acting within his or her official capacity;

"(B) for the sole purpose of providing humanitarian assistance in a country designated under section 6(j) of the Export Administration Act of 1979;

"(C) involving travel or other activity by any journalist or other member of the news media in a country designated under section 6(j) of the Export Administration Act of 1979; or

"(D) within a class of financial transactions, and with a specified country, covered by a de-

termination of the President stating that it is vital to the national security interests of the United States that financial transactions of that class and with that country be permitted.

"(3) Each determination under paragraph (2)(D) shall be published in the Federal Register at least 15 days in advance of the transaction and shall include a statement of the determination, a detailed explanation of the types of financial transactions permitted, the estimated dollar amount of the financial transactions permitted, and an explanation of the manner in which those financial transactions would further the national interests of the United States.

"(4) The President shall submit a report to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives and the Speaker of the House of Representatives containing any determination under paragraph (2)(D) at least 30 days before the determination is to take effect. Any such determination shall be effective only for a period of 12 months but may be extended for an additional period or periods of 12 months each."

(b) **DEFINITION.**—Section 2332d(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

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

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

"(2) the term 'humanitarian assistance' includes, but is not limited to, the provision of medicines and religious materials; and"

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to financial transactions entered into on or after the date of enactment of this Act.

SEC. 1606. 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 Senate 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. 1607. REPORTS ON THE SITUATION IN HAITI.

Section 3 of Public Law 103-423 is amended to read as follows:

"SEC. 3. REPORTS.

"(a) **REPORTING REQUIREMENT.**—Not later than January 1, 1998, and every six months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

"(1) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

"(2) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel during the period covered by the report;

"(3) the estimated cumulative cost, including incremental cost, of all United States activities

in and around Haiti during the period covered by the report, including—

"(A) the cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the preparation of police and military units of other nations of any multilateral force involved in activities in and around Haiti; and

"(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

"(4) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

"(A) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item and program; and

"(B) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

"(b) **DEFINITION.**—The term 'period covered by the report' means the six-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999."

SEC. 1608. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) **SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) **CONSULTATIONS.**—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) **REPORT.**—

(1) **REQUIREMENT.**—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1609. REPORT ON GREENHOUSE GAS EMISSIONS AGREEMENT.

(a) ASSESSMENT OF PROPOSED AGREEMENT.—

(1) ASSESSMENT.—The President shall assess the effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an assessment of the costs and benefits to the United States economy and the environment of pursuing a policy of reducing greenhouse gas emissions;

(B) an assessment of the schedules for achieving reductions in greenhouse gas emissions;

(C) an assessment of the ability of Annex I Parties to meet the schedules identified under subparagraph (B);

(D) an assessment of the effect of increased greenhouse gas emissions by non-Annex I Parties and all nonparticipating nations on the overall effort to reduce greenhouse gas emissions;

(E) an assessment of the long-term impact on the global economy and the environment of increased greenhouse gas emissions by Annex I Parties; and

(F) an assessment of consequences for employment, trade, consumer activities, competitiveness, and the environment in the United States of the requirements of paragraphs 3, 4, and 5 of Article 4 of the FCCC regarding the transfer by Annex I Parties of financial resources, technology, and other resources to non-Annex I Parties.

(b) NOTIFICATION OF CONGRESS.—Not later than six months before any vote by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made under subsection (a). To the extent practicable, the analysis shall include the text and negotiating notes of the proposed agreement.

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

(1) FCCC.—The term “FCCC” means the United Nations Framework Convention on Climate Change, with annexes, done at New York May 9, 1992.

(2) ANNEX I PARTIES.—The term “Annex I Parties” means the Developed Country Parties of the FCCC, including the United States, Canada, the Russian Federation, the European Union Countries, Australia, Japan, and countries undergoing the process of transition to a market economy, as listed in Annex I of the FCCC.

(3) NON-ANNEX I PARTIES.—The term “Non-Annex I Parties” means the developing countries (including China, India, South Korea, Malaysia, Brazil, Mexico, other trading partners of the United States, and the Small Island Countries) that are parties to the FCCC but not listed in Annex I of the FCCC.

SEC. 1610. 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.—In this section, 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. 1611. ITALIAN CONFISCATION OF PROPERTY CASE.

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

(1) The United States and the Italian Republic signed the Treaty of Friendship, Commerce and Navigation in 1948.

(2) Article V, paragraph 2 of the Treaty states that property owned by nationals of either treaty partner shall not be taken without “due process of law and without the prompt payment of just and effective compensation.”

(3) The Italian Republic confiscated the property of an American citizen, Mr. Pier Talenti, and has failed to compensate Mr. Talenti for his property.

(4) The failure of the Italian government to compensate Mr. Talenti runs counter to its treaty obligations and accepted international standards.

(5) Mr. Talenti has exhausted all remedies available to him within the Italian judicial system.

(6) To date, Mr. Talenti has not received “just and effective compensation” from the Italian government as called for in the Treaty.

(7) In view of the inability of Mr. Talenti to obtain any recourse within the Italian judicial system, on August 5, 1996, the Department of State agreed to espouse Mr. Talenti’s claim and formally urged the Italian government to reach a settlement with Mr. Talenti.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti’s case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti’s claim.

SEC. 1612. DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

SEC. 1613. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release,” and that “anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;” and

(2) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

SEC. 1614. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

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

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmerly, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6, 1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20, 1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney

General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmerly, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period; or

(6) any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, 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.

SEC. 1615. SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C-802 CRUISE MISSILES.

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

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C-802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C-802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C-802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C-802K cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C-802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C-802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 model cruise missiles.

SEC. 1616. SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China", the "Chinese Christian Council", the "Chinese Patriotic Catholic Association", or the "Chinese Catholic Bishops College";

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational non-governmental organizations—

(A) in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

(B) in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

(C) from January through May 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent

an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages;

(D) a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

(E) in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and \$2,500 belonging to the church.

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

SEC. 1617. SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe.

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory.

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history.

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries.

(5) The Senate expressed its approval of the enlargement process by voting 81-16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself.

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

SEC. 1618. JAPAN-UNITED STATES FRIENDSHIP 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) The Japan-United States Friendship Commission is hereby 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 deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) 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".

(c) **REVISION OF NAME OF TRUST FUND.**—

(1) The Japan-United States Friendship Trust Fund is hereby 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 deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND".

SEC. 1619. AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

SEC. 1620. SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale."

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone."

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK-47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

SEC. 1621. SENSE OF THE SENATE ENCOURAGING PROGRAMS BY THE NATIONAL ENDOWMENT FOR DEMOCRACY REGARDING THE RULE OF LAW IN CHINA.

(a) **FINDINGS.**—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) **SENSE OF THE SENATE.**—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

SEC. 1622. CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that:

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death.

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for selling real estate to Jews.

(3) Israeli police managed to foil the attempted abduction of a fourth person.

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders.

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders, further encouraging this intolerable policy.

(b) It is the sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) this policy is an affront to all those who place high value on peace and basic human rights; and

(4) the United States should renew the provision of assistance to the Palestinian Authority in light of this policy.

SEC. 1623. AUTHORIZATION OF APPROPRIATIONS FOR FACILITIES IN BEIJING AND SHANGHAI.

Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to \$90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the United States Consulate in Shanghai, People's Republic of China.

SEC. 1624. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

“(b) **ALIENS COVERED.**—

“(1) **IN GENERAL.**— An alien described in this subsection is an alien who—

“(A) is the son or daughter of a qualified national;

“(B) is 21 years of age or older; and

“(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

“(2) **QUALIFIED NATIONAL.**—For purposes of paragraph (1), the term ‘qualified national’ means a national of Vietnam who—

“(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

“(ii) is the widow or widower of an individual described in clause (i); and

“(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

“(ii) on or after April 1, 1995, is accepted—

“(1) for resettlement as a refugee; or

“(II) for admission as an immigrant under the Orderly Departure Program.”.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “United Nations Reform Act of 1997”.

SEC. 2002. DEFINITIONS.

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) **DESIGNATED SPECIALIZED AGENCY DEFINED.**—In this section, the term “designated specialized agency” refers to the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) **SECRETARY GENERAL.**—The term “Secretary General” means the Secretary General of the United Nations.

(4) **UNITED NATIONS MEMBER.**—The term “United Nations member” means any country that is a member of the United Nations.

(5) **UNITED NATIONS PEACE OPERATION.**—The term “United Nations peace operation” means any United Nations-led peace operation paid for from the assessed peacekeeping budget and authorized by the Security Council.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated under the heading “Assessed Contributions to International Organizations” \$938,000,000 for the fiscal year 1998 and \$900,000,000 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 organizations and to carry out other authorities in law consistent with such purposes. Of the funds made available under this subsection \$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.

(b) **NO GROWTH BUDGET.**—Of the funds made available under subsection (a), \$80,000,000 may be made available during each fiscal year only on a semi-annual basis and only after the Secretary of State certifies on a semi-annual basis that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six month period elsewhere in the United Nations budget of \$2,533,000,000 and cause the United Nations to exceed its budget for the biennium 1998-99 adopted in December 1997.

(c) **INSPECTOR GENERAL OF THE UNITED NATIONS.**—

(1) **WITHHOLDING OF FUNDS.**—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) **CERTIFICATION.**—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) **ACTION BY THE UNITED NATIONS.**—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note); and

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate.

(B) **ACTION BY OIOS.**—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(d) **PROHIBITION ON CERTAIN GLOBAL CONFERENCES.**—Funds made available under subsection (a) shall be withheld from disbursement until the Secretary of State certifies to Congress that the United States has not contributed any funds authorized to be appropriated in subsection (a) to pay for any expenses related to the holding of a United Nations Global Conference.

(e) **REDUCTION IN NUMBER OF POSTS.**—

(1) **FISCAL YEAR 1998.**—Of the funds appropriated for fiscal year 1998 for the United Nations pursuant to subsection (a), \$50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the number of posts established under the 1998-99 regular budget of the United Nations and authorized by the General Assembly has been reduced by at least 1,000 posts from those authorized by the 1996-97 biennium, as a result of a suppression of that number of posts.

(2) **FISCAL YEAR 1999.**—Of the funds appropriated for fiscal year 1999 for the United Nations, pursuant to subsection (a), \$50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the 1998-99 United Nations budget contains a vacancy rate of not less than 5 percent for professional staff and not less than 2.5 percent for general services staff.

(f) **PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN UNITED NATIONS.**—None of the funds made available under subsection (a) shall be available for disbursement until the Secretary of State certifies to Congress that no portion of the United States contribution will be used to fund any other organization other than the United Nations out of the United Nations regular budget, including the Framework Convention on Global Climate Change and the International Seabed Authority.

(g) **LIMITATION.**—

(1) **IN GENERAL.**—The total amount of funds made available for all United States memberships in international organizations under the heading “Assessed Contributions to International Organizations” may not exceed \$900,000,000 for each of fiscal years 1999 and 2000.

(h) **FOREIGN CURRENCY EXCHANGE RATES.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) **AVAILABILITY OF FUNDS.**—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.

(i) **REFUND OF EXCESS CONTRIBUTIONS.**—The United States shall continue to insist that the

United Nations and its specialized and affiliated agencies shall establish and implement a procedure to credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) CONSULTATIONS WITH CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a semi-annual basis thereafter, the Secretary of State shall consult with the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(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) 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;

(3) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(4) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

SEC. 2103. ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Assessed Contributions for International Peacekeeping Activities" \$200,000,000 for the fiscal year 1998 and \$205,000,000 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.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence;

(B) by striking subsection (e); and

(C) by adding after subsection (d) the following new subsections:

“(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

“(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

“(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

“(A) With respect to ongoing United Nations peacekeeping operations, the following:

“(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

“(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

“(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

“(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and the estimated costs to the United States of such changes.

“(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

“(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

“(ii) An estimate of the total cost to the United Nations of the operation, an estimate of the amount of that cost that will be assessed to the United States, and a notice of intent to submit a reprogramming of funds to cover that cost.

“(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

“(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

“(3) FORM AND TIMING OF INFORMATION.—

“(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

“(B) TIMING.—

“(i) IN GENERAL.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

“(ii) PARTICULAR INFORMATION.—The information required under paragraph (2)(B) shall be submitted in writing not less than 15 days before the anticipated date of the vote on the resolution concerned or, if a 15-day advance submission is not practicable, in as far advance of the vote as is practicable.

“(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term ‘new United Nations peacekeeping operation’ includes any existing or otherwise ongoing United Nations peacekeeping operation—

“(A) in the case of an operation in existence, where the authorized force strength is to be expanded by more than 15 percent in an operation of less than 200 military or police personnel, or 10 percent in an operation of more than 200 military or police personnel during the period covered by the Security Council resolution;

“(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

“(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or different functions.

“(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

“(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

“(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

“(ii) EXCEPTION.—This subparagraph does not apply to—

“(I) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance; or

“(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

“(B) QUARTERLY REPORTS.—

“(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

“(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

“(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

“(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term ‘designated congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.”

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (c), is further amended by adding at the end the following:

“(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.”

SEC. 2104. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

“SEC. 555. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

“(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations authorized operations in support of international peace and security.

“(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.”

SEC. 2105. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

(1) *IN GENERAL.*—Except as provided in paragraph (2), the President shall seek and obtain a commitment from the United Nations to provide reimbursement to the United States from the United Nations in a timely fashion whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

(A) to the United Nations;

(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

(2) *EXCEPTION.*—The requirement in paragraph (1) shall not apply to—

(A) expenses incurred by the United States for the direct benefit of the United States Armed Forces;

(B) assistance having a value of less than \$3,000,000 per fiscal year per operation; or

(C) assistance furnished before the date of enactment of this Act.

(3) *FORM AND AMOUNT.*—

(A) *AMOUNT.*—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

(B) *FORM.*—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

(b) *TREATMENT OF REIMBURSEMENTS.*—

(1) *CREDIT.*—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

(2) *AVAILABILITY.*—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

(c) *COVERED ASSISTANCE.*—Subsection (a) assistance provided under the following provisions of law:

(1) Sections 6 and 7 of the United Nations Participation Act of 1945.

(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

(d) *WAIVER.*—

(1) *AUTHORITY.*—

(A) *IN GENERAL.*—The President may authorize the furnishing assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

(B) *CONGRESSIONAL NOTIFICATION.*—Before exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) *CONGRESSIONAL REVIEW.*—Notwithstanding a notice under paragraph (1) with respect to as-

sistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notice.

(3) *SENATE PROCEDURES.*—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(e) *RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.*—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under in subsection (a).

(f) *DEFINITION.*—In this section, the term “assistance” includes personnel, services, supplies, equipment, facilities, and other assistance, provided by the United States Department of Defense or any other United States Government agency.

SEC. 2106. RESTRICTION ON UNITED STATES FUNDING FOR UNITED NATIONS PEACE OPERATIONS.

The President shall withhold from disbursement for any United Nations peace operation established after the date of enactment of this Act the United States proportionate share of any amount made available to that operation out of the regular budget of the United Nations, unless the President determines, and so notifies the appropriate congressional committees, that funding such a United Nations peace operation serves an important national security interest of the United States.

SEC. 2107. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization such as NATO or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members; and

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members.

SEC. 2108. 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.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Disbursement of Funds

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—There are authorized to be appropriated to the Department of State for

payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) \$100,000,000 for fiscal year 1998;

(2) \$475,000,000 for fiscal year 1999; and

(3) \$244,000,000 for fiscal year 2000.

(b) *LIMITATION.*—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) *AVAILABILITY OF FUNDS.*—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) *STATUTORY CONSTRUCTION.*—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall not apply to United Nations peace operation assessments received by the United States prior to October 1, 1995.

SEC. 2202. DISBURSEMENT OF FUNDS.

(a) *IN GENERAL.*—Funds made available pursuant to section 2201 may be disbursed only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) *DISBURSEMENTS UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.*—Funds made available pursuant to section 2201 may be disbursed only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2211.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2221.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2231.

(c) *ADVANCE CONGRESSIONAL NOTIFICATION.*—Funds made available pursuant to section 2201 may be disbursed only if the appropriate certification has been submitted to Congress 30 days prior to the payment of funds to the United Nations or its specialized agencies.

(d) *TRANSMITTAL OF CERTIFICATIONS.*—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

Subchapter B—United States Sovereignty

SEC. 2211. CERTIFICATION REQUIREMENTS.

(a) *CONTENTS OF CERTIFICATION.*—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) *CONTESTED ARREARAGES.*—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the “contested arrearages account”.

(2) *SUPREMACY OF THE UNITED STATES CONSTITUTION.*—No action has been taken on or after October 1, 1996, by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) *NO UNITED NATIONS SOVEREIGNTY.*—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens; or

(ii) the World Intellectual Property Organization.

(5) NO STANDING ARMY.—The United Nations has not budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and from the date of enactment of this Act, neither the United Nations nor its specialized agencies have amended their financial regulations or taken any other action that would permit interest penalties to be levied against or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private property of United States citizens.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not paid its share of any interest costs made known to or identified by the United States Government for loans incurred by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peace Operations

SEC. 2221. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2211 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 22 percent for any single United Nations member.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS.—The assessed share of the budget for each assessed United Nations peace operation does not exceed 25 percent for any single United Nations member.

(3) TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by members of the Security Council, and are subject to the notification requirements pursuant to section 2103(c).

Subchapter D—Budget and Personnel Reform

SEC. 2231. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2211 and 2221 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, the inspector general office equivalent of each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—The United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations that is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph the term "5 largest member state contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium,

have more total assessed contributions than any other United Nations member states to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peace operations.

(6) NATIONAL AUDITS.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data so that the Office may perform nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations officials.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison to the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES AND PERSONNEL LEVELS.—The designated specialized agencies have achieved a negative growth budget in the budget for 2000–01 from the 1998–99 biennium levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the organization of supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2241. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2242. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other organization with respect to which Congress has rescinded funding.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The bill, S. 903, is still pending before the Senate.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for 2 minutes as if in morning business.

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

IN MEMORY OF BARRY SKLAR

Mr. SARBANES. Mr. President, I rise today to express my sadness at learning of the passing of Barry Sklar, a long-time staffer on the Senate Foreign Relations Committee, who died unexpectedly on Sunday. Barry was well known to a number of Members and staff who had occasion to work with him during the more than a decade he served on the professional staff of the Committee, as an able advisor on Latin American and Caribbean affairs.

In a recommendation for Barry just a few short months ago, I wrote that he “demonstrated an in-depth knowledge of the issues and great professionalism and integrity in his work.” But that only describes the qualities that led to his intellectual accomplishments and career success. It does not begin to tell why Barry won the personal admiration, friendship and esteem of all who came to know him.

Barry Sklar was a warm, gentle, kind and unassuming man who was devoted to upholding moral principles in his work and his personal life. Despite his involvement in issues and policies that made frequent headlines, Barry maintained a sense of modesty and great humility. He never forgot that his family came first.

Throughout the turbulent decade of the 1980’s for Latin America, Barry worked for peace and conflict resolution through international cooperation. Due to his work on human rights,

as was noted at his funeral, many children today have mothers and fathers and sisters and brothers who might otherwise have been forgotten by the world when they disappeared from their villages. Barry’s life reveals his commitment to keeping families safe and together, in his own case and around the world.

Mr. President, I would like to extend to Barry’s wife, Judith, and his sons Joel Mark and Adam Benjamin my deepest condolences. I am sure I speak for my colleagues in expressing these sentiments. He will be greatly missed by all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THANKING ART RYNEARSON

Mr. HELMS. Mr. President, before we wrap things up here today, let me express my appreciation to a very special gentleman for his tireless efforts, his hard work and cheerful disposition throughout the entire process of the drafting of the bill just approved by the Senate. Art Rynearson is legislative counsel to the Foreign Relations Committee, and we have truly overworked that gentleman during this year with the drafting sessions on the resolution of ratification for the CWC, often lasting until 2 a.m., and when we finished that we called upon Art to help the committee prepare the resolution of ratification for the CFE Flank Document. No sooner had we finished that, than we called upon him to help with the State Department legislation, and Art worked 70-hour weeks for the past 4 months. Throughout the entire process he has been cheerful and exceedingly helpful. Without him, the process would not have gone nearly so smoothly.

So, to Art Rynearson, all of us say thanks for everything.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 16, 1997, the Federal debt stood at \$5,355,412,554,888.33. (Five trillion, three hundred fifty-five billion, four hundred twelve million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents.)

Five years ago, June 16, 1992, the Federal debt stood at \$3,945,016,000,000. (Three trillion, nine hundred forty-five billion, sixteen million.)

Ten years ago, June 16, 1987, the Federal debt stood at \$2,293,493,000,000.