

Public Law 100-204
100th Congress

An Act

To authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes.

Dec. 22, 1987
[H.R. 1777]

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1988 and 1989”.

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

Foreign
Relations
Authorization
Act, Fiscal Years
1988 and 1989.
22 USC 2651
note.

Sec. 1. Short title and table of contents.

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TITLE I—THE DEPARTMENT OF STATE**PART A—AUTHORIZATION OF APPROPRIATIONS;
ALLOCATIONS OF FUNDS; RESTRICTIONS****SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

(a) **DIPLOMATIC AND ONGOING OPERATIONS.**—The following amounts are authorized to be appropriated under "Administration of Foreign Affairs" 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:

(1) For "Salaries and Expenses" of the Department of State (other than the Diplomatic Security Program), \$1,431,908,000 for the fiscal year 1988 and \$1,460,546,000 for the fiscal year 1989, of which not less than \$250,000 for each fiscal year shall be available only for use by the Bureau of International Communications and Information Policy to support international institutional development and other activities which promote international communications and information development.

(2) For "Acquisition and Maintenance of Buildings Abroad" (other than the Diplomatic Security Program), \$313,124,000 for the fiscal year 1988 and \$319,386,000 for the fiscal year 1989.

(3) For "Representation Allowances", \$4,460,000 for the fiscal year 1988 and \$4,549,000 for the fiscal year 1989.

(4) For "Emergencies in the Diplomatic and Consular Service", \$4,000,000 for the fiscal year 1988 and \$4,080,000 for the fiscal year 1989.

(5) For "Payment to the American Institute in Taiwan", \$9,379,000 for the fiscal year 1988 and \$9,567,000 for the fiscal year 1989.

(b) **DIPLOMATIC SECURITY PROGRAM.**—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration

of Foreign Affairs" for the Department of State to carry out the diplomatic security program:

(1) For "Salaries and Expenses", \$350,000,000 for the fiscal year 1988 and \$357,000,000 for the fiscal year 1989.

(2) For "Protection of Foreign Missions and Officials", \$9,100,000 for the fiscal year 1988 and \$9,282,000 for the fiscal year 1989.

(c) **DIPLOMATIC SECURITY PROGRAM CAPITAL CONSTRUCTION.**—Section 401(a)(3) of the Diplomatic Security Act (22 U.S.C. 4851(a)(3)) is amended by adding at the end thereof "Authorizations of appropriations under this paragraph shall remain available until the appropriations are made."

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND CONFERENCES; INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) **INTERNATIONAL ORGANIZATIONS.**—There are authorized to be appropriated to the Department of State under "Contributions to International Organizations", \$571,000,000 for the fiscal year 1988 and \$582,420,000 for the fiscal year 1989 in order 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, of which amount—

(1) \$193,188,000 for the fiscal year 1988 and \$193,188,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the United Nations;

(2) \$63,857,000 for the fiscal year 1988 and \$63,857,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the World Health Organization;

(3) \$31,443,000 for the fiscal year 1988 and \$31,443,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Atomic Energy Agency;

(4) \$44,915,000 for the fiscal year 1988 and \$44,915,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the Organization of American States;

(5) \$38,659,000 for the fiscal year 1988 and \$38,659,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the Pan-American Health Organization;

(6) \$7,849,000 for the fiscal year 1988 and \$7,849,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Civil Aviation Organization;

(7) \$645,000 for the fiscal year 1988 and \$645,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Maritime Organization;

(8) \$4,471,000 for the fiscal year 1988 and \$4,471,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Telecommunication Union;

(9) \$25,110,000 for the fiscal year 1988 and \$25,110,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the North Atlantic Treaty Organization;

(10) \$29,385,000 for the fiscal year 1988 and \$29,385,000 for the fiscal year 1989 shall be available only for the United States

assessed contribution to the Organization for Economic Cooperation and Development; and

(11) \$388,000 for the fiscal year 1988 and \$388,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Wheat Council.

(b) **INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated to the Department of State under “Contributions to International Peacekeeping Activities”, \$29,400,000 for fiscal year 1988 and \$29,988,000 for the fiscal year 1989 in order 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.

(c) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated to the Department of State under “International Conferences and Contingencies”, \$6,000,000 for fiscal year 1988 and \$6,120,000 for the fiscal year 1989 in order 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, of which amount such funds as may be necessary shall be available for the expense of hosting the 1987 General Assembly of the Organization of American States.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions:

(1) For “International Boundary and Water Commission, United States and Mexico”, \$14,700,000 for the fiscal year 1988 and \$14,994,000 for the fiscal year 1989.

(2) For “International Boundary Commission, United States and Canada”, \$721,000 for the fiscal year 1988 and \$735,000 for the fiscal year 1989.

(3) For “International Joint Commission”, \$2,979,000 for the fiscal year 1988 and \$3,039,000 for the fiscal year 1989.

(4) For “International Fisheries Commissions”, \$10,800,000 for the fiscal year 1988 and \$11,016,000 for the fiscal year 1989.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of State under “Migration and Refugee Assistance”, \$336,750,000 for the fiscal year 1988 and \$343,485,000 for the fiscal year 1989 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to migration and refugee assistance.

(b) **ALLOCATION OF FUNDS.**—Of the amounts authorized to be appropriated by subsection (a)—

(1) \$25,000,000 for the fiscal year 1988 and \$25,000,000 for the fiscal year 1989 shall be available only for assistance for refugees resettling in Israel; and

(2) \$5,000,000 for the fiscal year 1988 and \$5,000,000 for the fiscal year 1989 shall be available only for the United Nations High Commissioner for Refugees and other international relief organizations for the protection of, and improvements in edu-

cational, nutritional, and medical assistance for, the Indo-chinese refugees in Thailand, of which \$1,000,000 for the fiscal year 1988 and \$1,000,000 for the fiscal year 1989 shall be used only for such educational purposes.

SEC. 105. OTHER PROGRAMS.

There are authorized to be appropriated to the Department of State for the following programs:

(1) "Bilateral Science and Technology Agreements", \$1,900,000 for the fiscal year 1988 and \$1,938,000 for the fiscal year 1989.

(2) "Soviet-East European Research and Training", \$4,600,000 for the fiscal year 1988 and \$5,000,000 for the fiscal year 1989.

SEC. 106. REDUCTION IN EARMARKS IF APPROPRIATIONS ARE LESS THAN AUTHORIZATIONS.

If the amount appropriated for a fiscal year pursuant to any authorization of appropriations provided by this Act is less than the authorization amount and a provision of this Act provides that a specified amount of the authorization amount shall be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the authorization amount.

SEC. 107. TRANSFER OF FUNDS.

(a) **TRANSFERS FOR SALARIES AND EXPENSES.**—The Secretary of State may transfer, without regard to section 1502 of title 31, United States Code, to the "Salaries and Expenses" account of the Department of State amounts appropriated for any fiscal year prior to fiscal year 1989 under "Acquisition and Maintenance of Buildings Abroad" which are allocated for capital programs. Any transfer under this subsection shall be treated as a reprogramming for purposes of section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(b) **LIMITATIONS.**—

(1) Subsection (a) shall not apply to amounts appropriated for purposes of the diplomatic security program under section 401(a) of the Diplomatic Security Act (22 U.S.C. 4851).

(2) The aggregate of—

(A) the amounts transferred under this section for a fiscal year, and

(B) the amounts appropriated for "Salaries and Expenses" for that fiscal year, may not exceed the amount authorized to be appropriated for "Salaries and Expenses" for that fiscal year.

(3) The authority contained in subsection (a) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 108. COMPLIANCE WITH PRESIDENTIAL-CONGRESSIONAL SUMMIT AGREEMENT ON DEFICIT REDUCTION.

Notwithstanding the specific authorizations of appropriations contained in this Act, budget authority may not be provided pursuant to those authorizations in an amount which would cause the aggregate amount of discretionary budget authority provided for international affairs (budget function 150) for a fiscal year to exceed the

amount of discretionary budget authority for international affairs for that fiscal year as specified in laws implementing the agreement between the President and the joint Congressional leadership on November 20, 1987.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES.

22 USC 2656
note.

No funds authorized to be appropriated by this Act or by any other Act authorizing funds for any entity engaged in any activity concerning the foreign affairs of the United States shall be used—

- (1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;
- (2) to influence in any way the outcome of a political election in the United States; or
- (3) for any publicity or propaganda purposes not authorized by Congress.

SEC. 110. LATIN AMERICAN AND CARIBBEAN DATA BASES.

(a) **AUTHORIZATION.**—The Secretary of State, in consultation with the heads of appropriate departments and agencies of the United States, shall use not less than \$1,300,000 of the funds authorized to be appropriated for each of the fiscal years 1988 and 1989 by section 101(a)(1) of this Act to provide for the establishment of a Latin American and Caribbean Data Base.

(b) **CONDITIONS.**—In developing these data bases the Secretary of State shall be required to satisfy the following conditions:

- (1) Any new agreement for an on-line bibliographic data base entered into for purposes of this section shall be subject to full and open competition or merit review among qualified United States institutions with strong Latin American and Caribbean programs.
- (2) The Secretary shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

SEC. 121. REPROGRAMMING OF FUNDS APPROPRIATED FOR THE DEPARTMENT OF STATE.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

- (1) by inserting “(a)” after “SEC. 34.”; and
- (2) by adding at the end the following:

“(b) Funds appropriated for the Department of State may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.”

SEC. 122. CONSULAR AND DIPLOMATIC POSTS ABROAD.

22 USC 2656
note.

(a) **PROHIBITED USES OF FUNDS.**—

- (1) **CLOSING POSTS.**—No funds authorized to be appropriated by this or any other Act shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad.
- (2) **FUNDING FOR BUREAU OF ADMINISTRATION IF POSTS CLOSED.**—No funds authorized to be appropriated by this Act

shall be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed after January 1, 1987, and is not reopened.

(b) FUNDS FOR OPERATING CERTAIN CONSULATES.—

(1) ALLOCATION.—Of the funds authorized to be appropriated by section 101(a)(1) for “Salaries and Expenses”, not less than \$50,000,000 for each of the fiscal years 1988 and 1989 shall be available only to operate United States consulates in Salzburg, Strasbourg, Goteborg, Lyon, Dusseldorf, Tangier, Genoa, Nice, Porto Alegre, and Maracaibo.

(2) EXCESS FUNDS.—Funds allocated by paragraph (1) which are in excess of the amount needed to operate the consulates specified in that paragraph may be used for other purposes under “Administration of Foreign Affairs” if all the specified consulates are open and functioning.

(c) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) any post closed after January 1, 1987, and before the date of enactment of this Act if the host government will not allow that post to be reopened;

(2) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located;

(3) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against American travel to that city has been issued by the Department of State;

(4) any post closed in order to provide funds to open a new consular or diplomatic post which will be staffed by the Department of State on a full-time basis with at least one Foreign Service officer or member of the Senior Foreign Service, if the Secretary of State, prior to the closing of the post, prepares and transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report stating that—

(A) the new post is a higher priority than the post proposed to be closed; and

(B) the total number of consular and diplomatic posts abroad is not less than the number of such posts in existence on January 1, 1987 (excluding the posts exempted under paragraphs (1) through (4)); and

(5) the post closed pursuant to section 123.

(d) SEQUESTRATION.—In the case that a sequestration order is issued pursuant to Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.; Public Law 99-177), the Secretary of State may, as part of an agencywide austerity proposal, submit a report proposing a list of consular posts to be downgraded or closed in order to comply with the sequestration order, together with a justification for the inclusion of each post on such list. Such report shall be submitted to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(e) DEFINITION.—As used in this section, the term “consular or diplomatic post” does not include a post to which only personnel of agencies other than the Department of State are assigned.

(f) **EFFECTIVE DATE.**—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 123. CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA.

22 USC 2656
note.

(a) **PROHIBITION ON USE OF FUNDS.**—None of the funds made available for the Department of State for any fiscal year may be used for the expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda.

(b) **EFFECTIVE DATE.**—The prohibition contained in subsection (a) shall take effect 60 days after the date of enactment of this Act unless the President determines that closing this post would not be in the national security interests of the United States and informs the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives of such determination.

President of U.S.

SEC. 124. REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

22 USC 2680
note.

The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 30 days after the end of each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for "Emergencies in the Diplomatic and Consular Service" for that quarter.

SEC. 125. REQUIREMENTS APPLICABLE TO GIFTS USED FOR REPRESENTATIONAL PURPOSES.

The last sentence of section 25(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(b)) is amended by inserting before the period the following: ", but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds".

SEC. 126. PROTECTION OF HISTORIC AND ARTISTIC FURNISHINGS OF RECEPTION AREAS OF THE DEPARTMENT OF STATE BUILDING.

Gifts and
property.

(a) **PROTECTION AND DISPOSITION.**—Title I of the State Department Basic Authorities Act of 1956, is amended—

(1) by redesignating section 41 as section 42; and

(2) by inserting after section 40 the following new section:

22 USC 2651
note.

"SEC. 41. PROTECTION OF HISTORIC AND ARTISTIC FURNISHINGS OF RECEPTION AREAS OF THE DEPARTMENT OF STATE BUILDING.

22 USC 2713.

"(a) **IN GENERAL.**—The Secretary of State shall administer the historic and artistic articles of furniture, fixtures, and decorative objects of the reception areas of the Department of State by such means and measures as conform to the purposes of the reception areas, which include conserving those articles, fixtures, and objects and providing for their enjoyment in such manner and by such means as will leave them for the use of the American people. Nothing shall be done under this subsection which conflicts with the administration of the Department of State or with the use of the reception areas for official purposes of the United States Government.

"(b) **DISPOSITION OF HISTORIC AND ARTISTIC ITEMS.**—

“(1) **ITEMS COVERED.**—Articles of furniture, fixtures, and decorative objects of the reception areas (and similar articles, fixtures, and objects acquired by the Secretary of State), when declared by the Secretary of State to be of historic or artistic interest, shall thereafter be considered to be the property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

“(2) **SALE OR TRADE.**—Whenever the Secretary of State determines that—

“(A) any item covered by paragraph (1) is no longer needed for use or display in the reception areas, or

“(B) in order to upgrade the reception areas, a better use of that article would be its sale or exchange, the Secretary may, with the advice and concurrence of the Director of the National Gallery of Art, sell the item at fair market value or trade it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this subsection.

“(3) **SMITHSONIAN INSTITUTION.**—The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the reception areas, to the Smithsonian Institution or a similar institution for care, repair, study, storage, or exhibition.

“(c) **DEFINITION.**—For purposes of this section, the term ‘reception areas’ means the areas of the Department of State Building, located at 2201 C Street, Northwest, Washington, District of Columbia, known as the Diplomatic Reception Rooms (eighth floor), the Secretary of State’s offices (seventh floor), the Deputy Secretary of State’s offices (seventh floor), and the seventh floor reception area.”

(b) **AUTHORITY TO INSURE CERTAIN HISTORIC AND ARTISTIC FURNISHINGS.**—Section 3 of that Act (22 U.S.C. 2670) is amended—

(1) by striking out “and” at the end of paragraph (i);

(2) by striking out the period at the end of paragraph (j) and inserting in lieu thereof “; and”; and

(3) by adding at the end the following:

“(k) subject to the availability of appropriated funds, obtain insurance on the historic and artistic articles of furniture, fixtures, and decorative objects which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department.”

Abortion.
Sterilization.

SEC. 127. INCLUSION OF COERCIVE POPULATION CONTROL INFORMATION IN ANNUAL HUMAN RIGHTS REPORT.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) by striking out “and” at the end of paragraph (1);

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

(C) by inserting after paragraph (1) the following new paragraph:

“(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization; and”;

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the first sentence "Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization."

SEC. 128. LIMITATION ON THE USE OF A FOREIGN MISSION IN A MANNER INCOMPATIBLE WITH ITS STATUS AS A FOREIGN MISSION.

(a) **AMENDMENT TO FOREIGN MISSIONS ACT.**—The State Department Basic Authorities Act of 1956 is amended by adding at the end of title II (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") the following:

"SEC. 215. USE OF FOREIGN MISSION IN A MANNER INCOMPATIBLE WITH ITS STATUS AS A FOREIGN MISSION.

22 USC 4315.

"(a) **ESTABLISHMENT OF LIMITATION ON CERTAIN USES.**—A foreign mission may not allow an unaffiliated alien the use of any premise of that foreign mission which is inviolable under United States law (including any treaty) for any purpose which is incompatible with its status as a foreign mission, including use as a residence.

Aliens.

"(b) **TEMPORARY LODGING.**—For the purposes of this section, the term 'residence' does not include such temporary lodging as may be permitted under regulations issued by the Secretary.

"(c) **WAIVER.**—The Secretary may waive subsection (a) with respect to all foreign missions of a country (and may revoke such a waiver) 30 days after providing written notification of such a waiver, together with the reasons for such waiver (or revocation of such a waiver), to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Congress concerning the implementation of this section and shall submit such other reports to the Congress concerning changes in implementation as may be necessary.

"(e) **DEFINITIONS.**—For the purposes of this section—

"(1) the term 'foreign mission' includes any international organization as defined in section 209(b); and

"(2) the term 'unaffiliated alien' means, with respect to a foreign country, an alien who—

"(A) is admitted to the United States as a nonimmigrant, and

"(B) is not a member, or a family member of a member, of a foreign mission of that foreign country."

(b) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to any foreign mission beginning on the date of enactment of this Act.

22 USC 4315
note.

(2)(A) The amendment made by subsection (a) shall apply beginning 6 months after the date of enactment of this Act with respect to any nonimmigrant alien who is using a foreign mission as a residence or a place of business on the date of enactment of this Act.

Aliens.

(B) The Secretary of State may delay the effective date provided for in subparagraph (A) for not more than 6 months with respect to any nonimmigrant alien if the Secretary finds that a hardship to that alien would result from the implementation of subsection (a).

SEC. 129. ALLOCATION OF SHARED COSTS AT MISSIONS ABROAD.

Reports.

In order to provide for full reimbursement of shared administrative costs at United States missions abroad, the Secretary of State shall review, and revise if necessary, the allocation procedures under which agencies reimburse the Department of State for shared administrative costs at United States missions abroad. Within 3 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on such review and any revision.

SEC. 130. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this title may be obligated or expended for site acquisition, development, or construction of any new facility in Israel, Jerusalem, or the West Bank.

Real property.

SEC. 131. PURCHASING AND LEASING OF RESIDENCES.

It is the sense of the Congress that in its fiscal year 1989 budget presentations to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Department of State shall provide sufficient information on the advantages and disadvantages of purchasing rather than leasing residential properties to enable the Congress to determine the specific amount of savings that would or would not be achieved by purchasing such properties. The Department also shall make recommendations to the Congress on the purchasing and leasing of such properties.

Gifts and
property.
Real property.
22 USC 2697
note.

SEC. 132. PROHIBITION ON ACQUISITION OF HOUSE FOR SECRETARY OF STATE.

The Department of State shall not solicit or receive funds for the construction, purchase, lease or rental of, nor any gift or bequest of real property or any other property for the purpose of providing living quarters for the Secretary of State.

22 USC 4301
note.

SEC. 133. UNITED STATES DEPARTMENT OF STATE FREEDOM OF EXPRESSION.

(a) **FINDING.**—Congress finds that the United States Department of State, on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(b) **PROHIBITION.**—It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

SEC. 134. REPEAL OF OFFICE OF POLICY AND PROGRAM REVIEW.

(a) **REPEAL.**—Subsection (b) of section 413 of the Diplomatic Security Act (22 U.S.C. 4861(b)) is repealed.

(b) **CONFORMING AMENDMENTS.**—Section 413(a) of such Act (22 U.S.C. 4861(a)) is amended—

(1) by striking out “(a)” and all that follows through “STATE.—”; and

(2) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively.

SEC. 135. STUDIES AND PLANNING FOR A CONSOLIDATED TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.

Section 123(c)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended—

22 USC 4021
note.
99 Stat. 413.

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer a total not to exceed \$11,000,000 for 'Administration of Foreign Affairs' to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural, and engineering planning under subsection (b)."

SEC. 136. RESTRICTION ON SUPERVISION OF GOVERNMENT EMPLOYEES BY CHIEFS OF MISSION.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) in subsection (a)(1), by inserting "executive branch" after "Government";

(2) in subsection (a)(2), by inserting "executive branch" after "Government" the second place it appears; and

(3) in subsection (b), by inserting "executive branch" after "Any".

SEC. 137. STUDY AND REPORT CONCERNING THE STATUS OF INDIVIDUALS WITH DIPLOMATIC IMMUNITY IN THE UNITED STATES.

(a) **STUDY.**—The Secretary shall undertake a study of the minimum liability insurance coverage required for members of foreign missions and their families and the feasibility of requiring an increase in such minimum coverage. In conducting such study, the Secretary shall consult with members of the insurance industry, officials of State insurance regulatory bodies, and other experts, as appropriate. The study shall consider the following:

Insurance.

(1) The adequacy of the currently required insurance minimums, including the experiences of injured parties.

(2) The feasibility and projected cost of increasing the current minimum coverages to \$1,000,000 or some lesser amount in the commercial insurance market, including consideration of individual umbrella policies to provide additional coverage above the current minimum.

(3) The feasibility and cost of requiring additional coverage up to \$1,000,000 through a single group insurance arrangement, administered by the Department, providing umbrella coverage for the entire class of foreign officials who are immune from the jurisdiction of the United States.

(4) The consequences to United States missions abroad, including their costs of operation, that might reasonably be anticipated as a result of requiring an increase in the insurance costs of foreign missions in the United States.

(5) Any other issues and recommendations the Secretary may consider appropriate.

(b) **REPORT.**—The Secretary shall compile a report to the Congress concerning the problem arising from diplomatic immunity from criminal prosecution and from civil suit. The report shall set forth the background of the various issues arising from the problem, the

Law
enforcement and
crime.

extent of the problem, an analysis of proposed and other potential measures to address the problem (including an analysis of the costs associated with and difficulties of implementing the various proposals), consider the potential and likely impact upon United States diplomatic personnel of actions in other nations that are comparable to such proposals, and make recommendations for addressing the problem with respect to the following:

(1) The collection of debts owed by foreign missions and members of such missions and their families to individuals and entities in the United States.

(2) A detailed catalog of incidents of serious criminal offenses by persons entitled to immunity under the Vienna Convention on Diplomatic Relations and other treaties to assist in developing an understanding of the extent of the problem.

(3) The feasibility of having the Department of State develop and periodically submit to the Congress a report concerning—

(A) serious criminal offenses committed in the United States by individuals entitled to immunity from the criminal jurisdiction of the United States; and

(B) delinquency in the payment of debts owed by foreign missions and members of such missions and their families to individuals and entities in the United States.

(4) Methods for improving the education of law enforcement officials on the extent of immunity provided to members of foreign missions and their families under the Vienna Convention on Diplomatic Relations and other treaties.

(5) Proposals to assure that law enforcement officials fully investigate, charge, and institute and maintain prosecution of members of foreign missions and their families to the extent consistent with the obligations of the United States under the Vienna Convention on Diplomatic Relations and other treaties.

(6) The extent to which existing practices regarding the circumstances under which diplomatic visas under section 101(a)(15)(A) of the Immigration and Nationality Act are issued and revoked are adequate to ensure the integrity of the diplomatic visa category.

(7) The extent to which current registration and documentation requirements fully and accurately identify individuals entitled to diplomatic immunity.

(8) The extent to which the Department of State is able to identify diplomats allegedly involved in serious crimes in the United States so as to initiate their removal from the United States and the extent to which existing law may be inadequate to prevent the subsequent readmission of such individuals under nonimmigrant and immigrant categories unrelated to section 101(a)(15)(A) of the Immigration and Nationality Act.

(9) A comparison of the procedures for the issuance of visas to diplomats from foreign nations to the United States and international organizations with the procedures accorded to United States diplomats to such nations and to international organizations in such nations, and recommendations to achieve reciprocity in such procedures.

(10)(A) A review of the definition of the term "family" under the Diplomatic Relations Act.

(B) An evaluation of the effect of amendments to the term "family" on the number of persons entitled to diplomatic immunity in the United States.

(C) An evaluation of the potential effect of various amendments to the term "family" under the Diplomatic Relations Act on the number of serious criminal offenses committed in the United States by members of foreign missions and their families entitled to immunity from the criminal jurisdiction of the United States.

(11) An examination of all possible measures to prevent the use of diplomatic pouches for the illicit transportation of narcotics, explosives, or weapons.

(12) An examination of the considerations in establishing a fund for compensating the victims of crimes committed by persons entitled to immunity from criminal prosecution under the Vienna Convention on Diplomatic Relations and other treaties, including the feasibility of establishing an insurance fund financed by foreign missions.

(c) CONGRESS.—Not more than 90 days after the date of enactment of this Act, the findings and recommendations of the study under subsection (a) and the report under subsection (b) shall be submitted to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

SEC. 138. FEDERAL JURISDICTION OF DIRECT ACTIONS AGAINST INSURERS OF DIPLOMATIC AGENTS.

(a) PERIOD OF LIABILITY.—Section 1364 of title 28, United States Code, is amended by inserting after "who is" the following: ", or was at the time of the tortious act or omission,".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to the first tortious act or omission occurring after the date of enactment of this Act.

Drugs and drug abuse.
Arms and munitions.

Effective date.
28 USC 1364 note.

SEC. 139. ENFORCEMENT OF CASE-ZABLOCKI ACT REQUIREMENTS.

(a) RESTRICTION ON USE OF FUNDS.—If any international agreement, whose text is required to be transmitted to the Congress pursuant to the first sentence of subsection (a) of section 112b of title 1, United States Code (commonly referred to as the "Case-Zablocki Act"), is not so transmitted within the 60-day period specified in that sentence, then no funds authorized to be appropriated by this or any other Act shall be available after the end of that 60-day period to implement that agreement until the text of that agreement has been so transmitted.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of enactment of this Act and shall apply during fiscal years 1988 and 1989.

International agreements.
1 USC 112b note.

SEC. 140. ANNUAL COUNTRY REPORTS ON TERRORISM.

(a) REQUIREMENT OF ANNUAL COUNTRY REPORTS ON TERRORISM.—The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by March 31 of each year, a full and complete report providing—

(1) detailed assessments with respect to each foreign country—

(A) in which acts of international terrorism occurred which were, in the opinion of the Secretary, of major significance;

22 USC 2656f.

(B) about which the Congress was notified during the preceding five years pursuant to section 6(j) of the Export Administration Act of 1979; and

(C) which the Secretary determines should be the subject of such report; and

(2) all relevant information about the activities during the preceding year of any terrorist group, and any umbrella group under which such terrorist group falls, known to be responsible for the kidnapping or death of an American citizen during the preceding five years, any terrorist group known to be financed by countries about which Congress was notified during the preceding year pursuant to section 6(j) of the Export Administration Act of 1979, and any other known international terrorist group which the Secretary determines should be the subject of such report.

(b) **PROVISIONS TO BE INCLUDED IN REPORT.**—The report required under subsection (a) should to the extent feasible include (but not be limited to)—

(1) with respect to subsection (a)(1)—

(A) a review of major counterterrorism efforts undertaken by countries which are the subject of such report, including, as appropriate, steps taken in international fora;

(B) the response of the judicial system of each country which is the subject of such report with respect to matters relating to terrorism affecting American citizens or facilities, or which have, in the opinion of the Secretary, a significant impact on United States counterterrorism efforts, including responses to extradition requests; and

(C) significant support, if any, for international terrorism by each country which is the subject of such report, including (but not limited to)—

(i) political and financial support;

(ii) diplomatic support through diplomatic recognition and use of the diplomatic pouch;

(iii) providing sanctuary to terrorists or terrorist groups; and

(iv) the positions (including voting records) on matters relating to terrorism in the General Assembly of the United Nations and other international bodies and fora of each country which is the subject of such report; and

(2) with respect to subsection (a)(2), any—

(A) significant financial support provided by foreign governments to those groups directly, or provided in support of their activities;

(B) provisions of significant military or paramilitary training or transfer of weapons by foreign governments to those groups;

(C) provision of diplomatic recognition or privileges by foreign governments to those groups; and

(D) provision by foreign governments of sanctuary from prosecution to these groups or their members responsible for the commission, attempt, or planning of an act of international terrorism.

(c) **CLASSIFICATION OF REPORT.**—The report required under subsection (a) shall, to the extent practicable, be submitted in an unclassified form and may be accompanied by a classified appendix.

International
organizations.

(d) DEFINITIONS.—As used in this section—

(1) the term “international terrorism” means terrorism involving citizens or the territory of more than 1 country;

(2) the term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; and

(3) the term “terrorist group” means any group practicing, or which has significant subgroups which practice, international terrorism.

(e) REPORTING PERIOD.—

(1) The report required under subsection (a) shall cover the events of the calendar year preceding the year in which the report is submitted.

(2) The report required by subsection (a) to be submitted by March 31, 1988, may be submitted no later than August 31, 1988.

SEC. 141. RESTRICTION ON USE OF FUNDS FOR PUBLIC DIPLOMACY EFFORTS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for the Department of State may be used by the Department of State to make any contract or purchase order agreement, on or after the date of enactment of this Act, with any individual, group, organization, partnership, corporation, or other entity for the purpose of—

(1) providing advice or assistance for any program for foreign representatives of any civic, labor, business, or humanitarian group during any visit to Washington, District of Columbia, or any other location within the United States;

District of
Columbia.

(2) providing contact with any refugee group or exile in Washington, District of Columbia, or elsewhere in the United States, including the arranging of any media event, interview, or public appearance;

Refugees.
District of
Columbia.

(3) translating articles on regions of the world and making them available for distribution to United States news organizations or public interest groups;

(4) providing points of contact for public interest groups seeking to interview exiles, refugees, or other visitors;

Refugees.

(5) coordinating or accompanying media visits to any region of the world;

(6) providing source material relating to regional conflicts for public diplomacy efforts;

(7) providing or presenting, in writing or orally, factual material on security considerations, refugee problems, or political dynamics of any region of the world for use on public diplomacy efforts;

Refugees.

(8) editing briefs or other materials for use on public diplomacy efforts;

(9) conducting special studies or projects for use on public diplomacy efforts;

(10) designing or organizing a distribution system for materials for use on public diplomacy efforts; or

(11) directing the operation of this distribution system, including—

(A) development of specialized, segmented addressee lists of persons or organizations which have solicited materials or information on any region of the world;

Mail.

- (B) computerization, coding, maintenance, or updating of lists;
- (C) retrieval, storage, mailing, or shipping of individual or bulk packets of publications;
- (D) maintenance or control of inventory or reserve stocks of materials;
- (E) distribution of materials;
- (F) coordinating publication production; or
- (G) conducting systematic evaluations of the system.

Contracts.

(b) EXCEPTIONS.—

(1) Subsection (a) does not apply to any contract or purchase order agreement made, after competitive bidding, by or for the Bureau of Public Affairs of the Department of State.

(2) During fiscal years 1988 and 1989, a contract related to advocacy and policy positions may be entered into by or on behalf of the Department of State if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified not less than 15 days in advance of the proposed contract.

(c) **LIMITATION ON USE OF FUNDS.**—Of the funds authorized to be appropriated by this or any other Act, not more than \$389,000 may be used in any fiscal year to finance the activities set forth in subsection (a).

SEC. 142. AUTHORITY TO INVEST AND RECOVER EXPENSES FROM INTERNATIONAL CLAIMS SETTLEMENT FUNDS.

22 USC 1627.

(a) **INVESTMENT AUTHORITY.**—Section 8 of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) is amended by adding at the end thereof the following new subsection:

Securities.

“(g) The Secretary of the Treasury is authorized and directed to invest the amounts held respectively in the ‘special funds’ established by this section in public debt securities with maturities suitable for the needs of the separate accounts and bearing interest at rates determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities. The interest earned on the amounts in each special fund shall be used to make payments, in accordance with subsection (c), on awards payable from that special fund.”

(b) **AUTHORITY TO ACCEPT REIMBURSEMENTS.**—The Department of State Appropriation Act of 1937 (49 Stat. 1321; 22 U.S.C. 2661) is amended under the heading entitled “INTERNATIONAL FISHERIES COMMISSION” by inserting after the fourth undesignated paragraph the following new paragraph:

“The Secretary of State is authorized to accept reimbursement from corporations, firms, and individuals for the expenses of travel, translation, printing, special experts, and other extraordinary expenses incurred in pursuing a claim on their behalf against a foreign government or other foreign entity. Such reimbursements shall be credited to the appropriation account against which the expense was initially charged.”

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT: PROHIBITION ON USE OF MT. ALTO SITE.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Union of Soviet Socialist Republics has intentionally and substantially violated international agreements with the United States concerning the establishment and operation of the new United States Embassy complex in Moscow by significantly delaying progress and by constructing the premises of that Embassy so as to compromise the security of United States operations, thus rendering the premises unuseable for the primary purpose intended under those agreements;

(2) the Soviet Government's actions constitute a material violation of international law and a substantial default in performance under the contract for construction of the new United States Embassy complex, and the United States is entitled to claim appropriate compensation;

(3) due to actions of the Government of the Union of Soviet Socialist Republics, United States Government personnel cannot pursue their official duties in confidence, as the national security and diplomatic relations of the United States requires, within the new United States Embassy being constructed in Moscow;

(4) the Government of the Union of Soviet Socialist Republics has similarly taken steps to impair the full and proper use of the present United States Embassy in Moscow, to the detriment of the national security of the United States and its ability to conduct diplomatic relations;

(5) as a result of the substantial violations by the Soviet Union of these international agreements with the United States and other Soviet violations of international law, the United States is entitled to terminate, in whole or in part, those agreements;

(6) termination of such agreements may include withdrawal of rights and privileges otherwise granted to the Soviet Union concerning the establishment of a new Soviet Embassy complex in Washington, District of Columbia;

District of
Columbia.

(7) the location of the new Soviet Embassy on Mount Alto creates serious concerns with respect to electronic surveillance and potential damage to the national security of the United States; and

(8) to protect the national security of the United States, therefore, the United States should exercise its right to terminate the Embassy agreements in view of the substantial and intentional Soviet breaches thereof, unless the threat to the national security posed by adherence to those agreements can be overcome.

(b) WITHDRAWAL FROM EMBASSY AGREEMENT.—The United States shall withdraw from the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings unless

President of U.S.

the President makes the determinations and waiver under subsection (c).

(c) **WAIVER.**—

(1) **PRESIDENTIAL DETERMINATIONS REQUIRED.**—The President may waive subsection (b) if he determines that—

(A) it is vital to the national security of the United States that the United States not withdraw from the agreement (and related agreements, notes, and understandings) referred to in subsection (b);

(B) steps have been or will be taken that will ensure that the new chancery building to be occupied by the United States Embassy in Moscow can be safely and securely used for its intended purposes; and

(C) steps have been or will be taken to eliminate, no later than 2 years after the date of enactment of this Act, the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

(2) **WHEN DETERMINATIONS MAY BE MADE.**—The President may not make the determination and waiver permitted by paragraph (1) before the end of the 6-month period beginning on the date of enactment of this Act.

(3) **REPORT TO CONGRESS.**—The waiver permitted by paragraph (1) shall not be effective until 30 days after the determinations and waiver are reported to the Congress. Any such report shall include—

(A) a detailed justification for each of the determinations;

(B) an assessment of the impact on national security of the removal of the Soviet Embassy from Mt. Alto; and

(C) specify the steps that have been or will be taken to achieve the requirements of paragraphs (1) (B) and (C).

(4) **NONDELEGATABILITY.**—The President may not delegate the responsibility for making the determination and waiver permitted by paragraph (1).

(d) **NOTIFICATION OF UNAVAILABILITY OF MOUNT ALTO.**—If the President does not waive subsection (b), the Secretary of State shall notify the Government of the Union of Soviet Socialist Republics that the Mount Alto site will cease to be available to that Government for any purpose as of the date which is 1 year and 10 days after the earliest date on which the President could make the waiver under subsection (c).

(e) **PROHIBITION ON FUTURE USE OF MOUNT ALTO SITE BY FOREIGN MISSIONS.**—If subsection (b) takes effect, the Mount Alto site may not be made available for use thereafter by a foreign mission for any purpose.

SEC. 152. RECOVERY OF DAMAGES INCURRED AS A RESULT OF SOVIET INTELLIGENCE ACTIVITIES DIRECTED AT THE NEW UNITED STATES EMBASSY IN MOSCOW.

It is the sense of the Congress that the arbitration process between the United States and the Union of Soviet Socialist Republics, which is currently under way with respect to damages arising from delays in the construction of the new United States Embassy in Moscow, should include Soviet reimbursement of the full costs incurred by the United States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

President of U.S.

President of U.S.

SEC. 153. UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES. 22 USC 4301 note.

(a) **REQUIREMENT FOR RECIPROCITY IN CERTAIN MATTERS.**—The Secretary of State shall exercise the authority granted in title II of the State Department Basic Authorities Act of 1956 (relating to foreign missions) to obtain the full cooperation of the Soviet Government in achieving the following objectives by October 1, 1989:

(1) **FINANCE.**—United States diplomatic and consular posts in the Soviet Union not pay more than fair value for goods or services as a result of the Soviet Government's control over Soviet currency valuation and over the pricing of goods and services.

(2) **ACCESS TO GOODS AND SERVICES.**—United States diplomatic and consular posts in the Soviet Union have full access to goods and services, including utilities. Utilities.

(3) **REAL PROPERTY.**—The real property used for office purposes, the real property used for residential purposes, and the real property used for all other purposes by United States diplomatic and consular posts in the Soviet Union is comparable in terms of quantity and quality to the real property used for each of those purposes by diplomatic and consular posts of the Soviet mission to the United States.

(b) **SOVIET CONSULATES IN THE UNITED STATES.**—The Secretary of State shall not allow the Soviet mission to the United States to occupy any new consulate in the United States until the United States mission in Kiev is able to occupy secure permanent facilities.

(c) **SECRETARY OF THE TREASURY.**—The Secretary of the Treasury shall provide to the Secretary of State such assistance with respect to the implementation of paragraph (1) of subsection (a) as the Secretary of State may request.

(d) **REPORTS TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act and annually thereafter, the Secretary of State shall submit to the Congress a report setting forth the actions taken and planned to be taken in carrying out subsection (a).

(e) **DEFINITION OF BENEFIT.**—Paragraph (1) of section 202(a) of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(1); commonly referred to as the Foreign Missions Act) is amended—

(1) by striking out “and” at the end of subparagraph (E);

(2) in subparagraph (F), by inserting “and” after “services,” and

(3) by inserting after subparagraph (F) the following new subparagraph:

“(G) financial and currency exchange services.”

SEC. 154. REPORT ON PERSONNEL OF SOVIET STATE TRADING ENTERPRISES.

Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report discussing whether the number of personnel of Soviet state trading enterprises in the United States should be reduced.

SEC. 155. PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN HIGH INTELLIGENCE THREAT COUNTRIES. 22 USC 4802 note.

(a) **SPECIAL SECURITY PROGRAM.**—The Secretary of State shall develop and implement, within three months after the date of enactment of this Act, a special personnel security program for

personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

- (1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;
- (2) counterintelligence awareness and related training;
- (3) security reporting and command arrangements designed to counter intelligence threats; and
- (4) length of duty criteria and policies regarding rest and recuperative absences.

(b) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this subsection, the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

(c) **DEFINITION.**—As used in subsection (a), the term “high intelligence threat country” means—

- (1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961; and
- (2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.

SEC. 156. ACCOUNTABILITY REVIEW BOARDS.

(a) **ESTABLISHMENT OF A BOARD.**—Section 301 of the Diplomatic Security Act (22 U.S.C. 4831) is amended—

(1) by inserting “, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad,” after “mission abroad”; and

(2) by inserting after the first sentence thereof the following new sentence: “With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review Board if, after consultation with the Chairman of the Select Committee on Intelligence of the Senate and the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board.”

(b) **BOARD FINDINGS.**—Section 304(a) of that Act (22 U.S.C. 4834(a)) is amended by inserting “or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be)” after “mission abroad” the first place it appears.

22 USC 3943
note.

SEC. 157. PROHIBITION ON CERTAIN EMPLOYMENT AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN COMMUNIST COUNTRIES.

(a) **PROHIBITION.**—After September 30, 1990, no national of a Communist country may be employed as a foreign national employee in any area of a United States diplomatic or consular

Classified
information.

facility in any Communist country where classified materials are maintained.

(b) **DEFINITION.**—As used in this section, the term “Communist country” means a country listed in section 620(f) of the Foreign Assistance Act of 1961.

(c) **ADDITIONAL FUNDS FOR HIRING UNITED STATES CITIZENS.**—The Congress expresses its willingness to provide additional funds to the Department of State for the expenses of employing United States nationals to replace the individuals dismissed by reason of subsection (a).

(d) **REPORT AND REQUEST FOR FUNDS.**—As a part of the Department of State’s authorization request for fiscal years 1990 and 1991, the Secretary of State, in consultation with the heads of all relevant agencies, shall submit—

(1) a report, which shall include—

(A) a feasibility study of the implementation of this section; and

(B) an analysis of the impact of the implementation of this section on the budget of the Department of State; and

(2) a request for funds necessary for the implementation of this section pursuant to the findings and conclusions specified in the report under paragraph (1).

(e) **WAIVER.**—The President may waive this section—

President of U.S.

(1) if funds are not specifically authorized and appropriated to carry out this section; or

(2) the President determines that it is in the national security interest of the United States to continue to employ foreign service nationals.

The President shall notify the appropriate committees of Congress each time he makes the waiver conferred on him by this section.

President of U.S.

SEC. 158. TERMINATION OF RETIREMENT BENEFITS FOR FOREIGN NATIONAL EMPLOYEES ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES.

22 USC 4041
note.

(a) **TERMINATION.**—The Secretary of State shall exercise the authorities available to him to ensure that the United States does not provide, directly or indirectly, any retirement benefits of any kind to any present or former foreign national employee of a United States diplomatic or consular post against whom the Secretary has convincing evidence that such employee has engaged in intelligence activities directed against the United States. To the extent practicable, the Secretary shall provide due process in implementing this section.

(b) **WAIVER.**—The Secretary of State may waive the applicability of subsection (a) on a case-by-case basis with respect to an employee if he determines that it is vital to the national security of the United States to do so and he reports such waiver to the appropriate committees of the Congress.

SEC. 159. REPORT ON EMPLOYMENT OF FOREIGN NATIONALS AT FOREIGN SERVICE POSTS ABROAD.

Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Director of Central Intelligence, the Director of the United States Information Agency, and the Director of the Peace Corps, shall submit to the Congress a report discussing the advisability of employing foreign nationals at

foreign service posts abroad (including their access to automatic data processing systems and networks).

22 USC 4851
note.
Classified
information.

SEC. 160. CONSTRUCTION SECURITY CERTIFICATION.

(a) **CERTIFICATION.**—Before undertaking any new construction or major renovation project in any foreign facility intended for the storage of classified materials or the conduct of classified activities, the Secretary of State, after consultation with the Director of Central Intelligence, shall certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed); and

(2) the facility resulting from such project incorporates—

(A) adequate measures for protecting classified information and national security-related activities; and

(B) adequate protection for the personnel working in the diplomatic facility.

(b) **AVAILABILITY OF DOCUMENTATION.**—All documentation with respect to a certification referred to in subsection (a) and any dissenting views thereto shall be available, in an appropriately classified form, to the Chairman of the Committee on Foreign Affairs of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

(c) **DIRECTOR OF CENTRAL INTELLIGENCE.**—The Director of Central Intelligence shall provide to the Secretary of State such assistance with respect to the implementation of this section as the Secretary of State may request.

(d) **DISSENTING VIEWS.**—If the Director of Central Intelligence disagrees with the Secretary of State with respect to any project certification made pursuant to subsection (a), the Director shall submit in writing disagreeing views to the Secretary of State.

Real property.
Communications
and tele-
communications.

SEC. 161. PROTECTION FROM FUTURE HOSTILE INTELLIGENCE ACTIVITIES IN THE UNITED STATES.

Section 205 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4305) is amended by adding at the end the following:

“(d)(1) After the date of enactment of this subsection, real property in the United States may not be acquired (by sale, lease, or other means) by or on behalf of the foreign mission of a foreign country described in paragraph (4) if, in the judgment of the Secretary of Defense (after consultation with the Secretary of State), the acquisition of that property might substantially improve the capability of that country to intercept communications involving United States Government diplomatic, military, or intelligence matters.

“(2) After the date of enactment of this subsection, real property in the United States may not be acquired (by sale, lease, or other means) by or on behalf of the foreign mission of a foreign country described in paragraph (4) if, in the judgment of the Director of the Federal Bureau of Investigation (after consultation with the Secretary of State), the acquisition of that property might substantially improve the capability of that country to engage in intelligence activities directed against the United States Government, other than the intelligence activities described in paragraph (1).

“(3) The Secretary of State shall inform the Secretary of Defense and the Director of the Federal Bureau of Investigation immediately upon notice being given pursuant to subsection (a) of this section of a proposed acquisition of real property by or on behalf of the foreign mission of a foreign country described in paragraph (4).

“(4) For the purposes of this subsection, the term ‘foreign country’ means—

“(A) any country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961;

“(B) any country determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, to be a country which has repeatedly provided support for acts of international terrorism; and

“(C) any other country which engages in intelligence activities in the United States which are adverse to the national security interests of the United States.

“(5) As used in this section, the term ‘substantially improve’ shall not be construed to prevent the establishment of a foreign mission by a country which, on the date of enactment of this section—

“(A) does not have a mission in the United States, or

“(B) with respect to a city in the United States, did not maintain a mission in that city.”

SEC. 162. APPLICATION OF TRAVEL RESTRICTIONS TO PERSONNEL OF CERTAIN COUNTRIES AND ORGANIZATIONS.

(a) **AMENDMENT TO FOREIGN MISSIONS ACT.**—Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.) as amended by section 128 is further amended by adding at the end the following new section:

“SEC. 216. APPLICATION OF TRAVEL RESTRICTIONS TO PERSONNEL OF CERTAIN COUNTRIES AND ORGANIZATIONS. 22 USC 4316.

“(a) **REQUIREMENT FOR RESTRICTIONS.**—The Secretary shall apply the same generally applicable restrictions to the travel while in the United States of the individuals described in subsection (b) as are applied under this title to the members of the missions of the Soviet Union in the United States.

“(b) **INDIVIDUALS SUBJECT TO RESTRICTIONS.**—The restrictions required by subsection (a) shall be applied with respect to those individuals who (as determined by the Secretary) are—

“(1) the personnel of an international organization, if the individual is a national of any foreign country whose government engages in intelligence activities in the United States that are harmful to the national security of the United States;

“(2) the personnel of a mission to an international organization, if that mission is the mission of a foreign government that engages in intelligence activities in the United States that are harmful to the national security of the United States; or

“(3) the family members or dependents of an individual described in paragraphs (1) and (2);

and who are not nationals or permanent resident aliens of the United States.

“(c) **WAIVERS.**—The Secretary, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, may waive application of the restrictions required by subsection (a) if the Secretary determines that the national security and foreign policy interests of the United States so require.

“(d) **REPORTS.**—The Secretary shall transmit to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate, and to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives, not later than six months after the date of enactment of this section and not later than every six months thereafter, a report on the actions taken by the Secretary in carrying out this section during the previous six months.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘generally applicable restrictions’ means any limitations on the radius within which unrestricted travel is permitted and obtaining travel services through the auspices of the Office of Foreign Missions for travel elsewhere, and does not include any restrictions which unconditionally prohibit the members of missions of the Soviet Union in the United States from traveling to designated areas of the United States and which are applied as a result of particular factors in relations between the United States and the Soviet Union.

“(2) the term ‘international organization’ means an organization described in section 209(b)(1); and

“(3) the term ‘personnel’ includes—

“(A) officers, employees, and any other staff member, and

“(B) any individual who is retained under contract or other arrangement to serve functions similar to those of an officer, employee, or other staff member.”

(b) **EFFECTIVE DATE.**—Subsection (a) of the section enacted by this section shall take effect 90 days after the date of enactment of this Act.

22 USC 4316
note.

SEC. 163. COUNTERINTELLIGENCE POLYGRAPH SCREENING OF DIPLOMATIC SECURITY SERVICE PERSONNEL.

(a) **IMPLEMENTATION OF PROGRAM.**—Under the regulations issued pursuant to subsection (b), the Secretary of State shall implement a program of counterintelligence polygraph examinations for members of the Diplomatic Security Service (established pursuant to title II of the Diplomatic Security Act) during fiscal years 1988 and 1989.

(b) **REGULATIONS.**—The Secretary of State shall issue regulations to govern the program required by subsection (a). Such regulations shall provide that the scope of the examinations under such program, the conduct of such examinations, and the rights of individuals subject to such examinations shall be the same as those under the counterintelligence polygraph program conducted pursuant to section 1221 of the Department of Defense Authorization Act, 1986 (Public Law 99-145).

SEC. 164. UNITED STATES EMBASSY IN HUNGARY.

(a) **FINDINGS.**—The Congress finds that—

(1) the full implementation of the security program of a United States diplomatic mission to a Communist country cannot be accomplished if employees of that mission who are citizens of the host country are present in the same facilities where diplomatic and consular activities of a sensitive nature are performed;

(2) the facilities currently housing the offices of the United States diplomatic mission to Hungary are totally inadequate for the proper conduct of United States diplomatic activities, and unnecessarily expose United States personnel and their activi-

ties to the scrutiny of the intelligence services of the Government of Hungary;

(3) the presence of local citizens in a facility where sensitive activities are performed, as well as their access to certain unclassified administrative information, greatly enhances the ability of the host government's intelligence services to restrict our diplomatic activities in that country;

(4) since the United States Government owns a substantial amount of property in Budapest, it is in a unique position to build new facilities which will substantially enhance the security of the United States diplomatic mission to Hungary; and

(5) units such as the Navy Construction Battalion are uniquely qualified to construct such facilities in an eastern bloc country.

(b) **STATEMENT OF POLICY.**—It is the sense of the Congress that—

(1) the Department of State should proceed in a timely fashion to negotiate an agreement with the Government of Hungary to allow for the construction of new chancery facilities in Budapest which would totally segregate sensitive activities from those of an unclassified and public-oriented character; and

(2) any such agreement should ensure that the United States Government will have the right to employ only American construction personnel and materials and will have complete control over access to the chancery site from the inception of construction.

International agreements.

PART D—PERSONNEL MATTERS

SEC. 171. COMMISSION TO STUDY FOREIGN SERVICE PERSONNEL SYSTEM.

In consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs and the Committee on Post Office and Civil Service of the House of Representatives, and the exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980), the Secretary shall appoint a commission of five distinguished members, at least four of whom shall have a minimum of ten years experience in personnel management. The Commission shall conduct a study of the Foreign Service personnel system, with a view toward developing a system that provides adequate career stability to the members of the Service. Not more than 1 year after the date of enactment of this Act, the Commission shall transmit its report and recommendations to the Secretary of State, the Chairman of the Committee on Foreign Relations of the Senate, the Chairman of the Committee on Foreign Affairs of the House of Representatives, and the Chairman of the Committee on Post Office and Civil Service of the House of Representatives.

Government organization and employees.

Reports.

SEC. 172. PROTECTION OF CIVIL SERVICE EMPLOYEES.

22 USC 2664a.

(a) **FINDINGS.**—The Congress finds that—

(1) the effectiveness and efficiency of the Department of State is dependent not only on the contribution of Foreign Service employees but equally on the contribution of the 42 percent of the Department's employees who are employed under the Civil Service personnel system;

(2) the contribution of these Civil Service employees has been overlooked in the management of the Department and greater equality of promotion, training, and career enhancement

opportunities should be accorded to the Civil Service employees of the Department; and

(3) a goal of the Foreign Service Act of 1980 was to strengthen the contribution made by Civil Service employees of the Department of State by creating a cadre of experienced specialists and managers in the Department to provide essential continuity.

(b) **EQUITABLE REDUCTION OF BUDGET.**—The Secretary of State shall take all appropriate steps to assure that the burden of cuts in the budget for the Department is not imposed disproportionately or inequitably upon its Civil Service employees.

(c) **ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR CIVIL SERVICE EMPLOYEES.**—There is established in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The position of Ombudsman for Civil Service Employees shall be a career reserved position within the Senior Executive Service. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department's mandated responsibilities and the career interests of those employees are adequately represented. The position of Ombudsman for Civil Service Employees shall be designated from one of the Senior Executive Service positions (as defined in section 3132(a)(2) of title 5, United States Code) in existence on the date of enactment of this Act.

(d) **DEFINITION.**—For purposes of this section, the term "Civil Service employees" means employees of the Federal Government except for members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980).

SEC. 173. COMPENSATION FOR CERTAIN STATE DEPARTMENT OFFICIALS.

(a) **PAY LEVELS.**—The State Department Basic Authorities Act of 1956 is amended—

(1) in section 35(b) (22 U.S.C. 2706(b)) by inserting after the second sentence the following new sentence: "The Coordinator shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5, United States Code."; and

(2) in section 203(a) (22 U.S.C. 4303(a)) by inserting at the end "The Director shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5, United States Code.".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

(c) **BUDGET ACT.**—Any new spending authority (as defined in section 401(c) of the Congressional Budget Act of 1974) provided by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 174. AUDIT OF MERIT PERSONNEL SYSTEM OF FOREIGN SERVICE.

The Comptroller General of the United States shall conduct an audit and inspection of the operation of the merit personnel system in the Foreign Service and report to the Congress, not later than one year after the date of enactment of this Act, as to any improvements in the merit personnel system that the Comptroller General considers necessary. The report of the Comptroller General shall pay particular attention to reports of racial, ethnic, sexual, and other

22 USC 2707.

22 USC 2707
note.

Reports.
Discrimination,
prohibition.

discriminatory practices in the recruitment, appointment, assignment, and promotion of Foreign Service employees.

SEC. 175. PERFORMANCE PAY.

22 USC 3965
note.

(a) REVIEW OF PERFORMANCE PAY PROGRAMS.—

(1) **SUSPENSION OF AWARDS DURING REVIEW.**—During the period beginning on the date of enactment of this Act, and ending on the date on which the Inspector General of the Department of State reports to the Congress pursuant to paragraph (2), performance pay may not be awarded under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) to any member of the Senior Foreign Service in the Department of State.

(2) **REVIEW BY INSPECTOR GENERAL.**—The Inspector General of the Department of State shall conduct a complete and thorough review of—

(A) the procedures in the Department of State under which performance pay recipients are chosen to determine whether the procedures and award determinations are free from bias and reflect fair standards; and

(B) the adequacy of the criteria and the equity of the criteria actually applied in making those awards.

The review should be conducted in accordance with generally accepted Government auditing standards. The Inspector General shall report the results of this review to the Secretary of State and to the Congress no later than May 1, 1988.

(3) **REPORT BY SECRETARY OF STATE.**—No later than 60 days after the report of the Inspector General is submitted to the Secretary of State under paragraph (2), the Secretary shall submit to the Congress a report containing the comments of the Secretary on the report of the Inspector General and describing the actions taken and proposed to be taken by the Secretary as a result of the report.

(b) CARRY-OVER OF SENIOR FOREIGN SERVICE PERFORMANCE PAY.—Section 405(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)) is amended—

(1) in paragraph (4), by inserting at the end thereof the following: “Any amount which is not paid to a member of the Senior Foreign Service during a fiscal year because of this limitation shall be paid to that individual in a lump sum at the beginning of the following fiscal year. Any amount paid under this authority during a fiscal year shall be taken into account for purposes of applying the limitation in the first sentence of this subparagraph with respect to such fiscal year.”; and

(2) by adding at the end thereof the following:

“(5) The Secretary of State shall prescribe regulations, consistent with section 5582 of title 5, United States Code, under which payment under this section shall be made in the case of any individual whose death precludes payment under paragraph (4) of this subsection.”.

SEC. 176. EXTENSION OF LIMITED APPOINTMENTS.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) by striking out “section 311(a)” and inserting in lieu thereof “subsection (b)”; and

(2) by inserting “(a)” after “LIMITED APPOINTMENTS.—”; and

(3) by adding at the end the following new subsection:
 “(b) A limited appointment may be extended for continued service—

“(1) as a consular agent;

“(2) in accordance with section 311(a);

“(3) as a career candidate, if continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11; and

“(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency.”.

SEC. 177. CHIEF OF MISSIONS SALARY.

(a) **LIMITATION ON COMPENSATION.**—Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a)) is amended—

(1) by striking out “Except as provided in section 302(b), each” and inserting in lieu thereof “Each”; and

(2) by striking out the period at the end thereof and inserting in lieu thereof “, except that the total compensation, exclusive of danger pay, for any chief of mission shall not exceed the annual rate payable for level II of such Executive Schedule.

(b) **SALARY.**—Section 302(b) of such Act (22 U.S.C. 3942(b)) is amended by striking out “may elect to continue to receive” and all that follows and inserting in lieu thereof “shall receive the salary and leave (if any) of the position to which the member is appointed by the President and shall not be eligible for performance pay under chapter 4 of this Act.”.

22 USC 3942
note.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall not apply to the salary of any individual serving under a Presidential appointment under section 302 of the Foreign Service Act of 1980 immediately before the date of the enactment of this Act during the period such individual continues to serve in such position.

SEC. 178. PAY LEVEL OF AMBASSADORS AT LARGE.

(a) **COMPENSATION.**—Chapter 53 of title 5 of the United States Code is amended—

(1) in section 5313, by striking out “Ambassadors at Large.”; and

(2) in section 5315, by adding at the end thereof the following: “Ambassadors at Large.”.

22 USC 5313
note.

(b) **EFFECTIVE DATE AND LIMITATION.**—The amendments made by subsection (a) shall take effect 30 days after the date of enactment of this Act and shall not affect the salary of any individual holding the rank of Ambassador at Large immediately before the date of enactment of this Act during the period such individual continues to serve in such position.

SEC. 179. FOREIGN SERVICE CAREER CANDIDATES TAX TREATMENT.

District of
Columbia.

(a) **REPRESENTATION TO TAX AUTHORITIES.**—Section 301(d)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3941(d)(3)) is amended by adding at the end thereof “Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to Senate confirmation or that they are exempt on the basis of

serving in an appointment whose tenure is at the pleasure of the President.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to tax years beginning after December 31, 1987.

22 USC 3941
note.

SEC. 180. PROHIBITION ON MEMBER OF A FOREIGN SERVICE UNION NEGOTIATING ON BEHALF OF THE DEPARTMENT OF STATE.

Labor disputes.

It is the sense of Congress that the Secretary of State should take steps to assure that in labor-management negotiations between the Department of State and the exclusive representative of the Foreign Service employees of the Department, those who direct and conduct negotiations on behalf of management are not also beneficiaries of the agreements made with the exclusive representative.

SEC. 181. CLARIFICATION OF JURISDICTION OF FOREIGN SERVICE GRIEVANCE BOARD.

(a) **BOARD DECISIONS.**—Section 1107(d) of the Foreign Service Act of 1980 (22 U.S.C. 4137(d)) is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following:

“(2) A recommendation under paragraph (1) shall, for purposes of section 1110 of this Act, be considered a final action upon the expiration of the 30-day period referred to in such paragraph, except to the extent that it is rejected by the Secretary by an appropriate written decision.

“(3)(A) If the Secretary makes a written decision under paragraph (1) rejecting a recommendation in whole or in part on the basis of a determination that implementing such recommendation would be contrary to law, the Secretary shall, within the 30-day period referred to in such paragraph—

“(i) submit a copy of such decision to the Board; and

“(ii) request that the Board reconsider its recommendation or, if less than the entirety is rejected, that the Board reconsider the portion rejected.

“(B)(i) Within 30 days after receiving a request under subparagraph (A), the Board shall, after reviewing the Secretary’s decision, make a recommendation to the Secretary either confirming, modifying, or vacating its original recommendation or, if less than the entirety was rejected, the portion involved.

“(ii) Reconsideration under this subparagraph shall be limited to the question of whether implementing the Board’s original recommendation, either in whole or in part, as applicable, would be contrary to law.

“(C) A recommendation made under subparagraph (B) shall be considered a final action for purposes of section 1110 of this Act, and shall be implemented by the Secretary.”.

(b) **BOARD RECOMMENDATIONS.**—The first sentence of section 1107(d)(1) of such Act (as amended by subsection (a) of this section) is amended by inserting “, tenure” immediately after “relates directly to promotion”.

(c) **CAREER APPOINTMENTS.**—Section 306 of such Act (22 U.S.C. 3946) is amended by adding at the end thereof the following new subsection:

“(c) Nothing in this section shall be construed to limit the authority of the Secretary or the Foreign Service Grievance Board under section 1107 of this Act.”.

(d) **SEPARATION FOR CAUSE.**—Section 610(a)(2) of such Act (22 U.S.C. 4010(a)(2)) is amended by adding after the first sentence the following new sentence: “If such cause is not established at such hearing, the Grievance Board shall have the authority to direct the Department to pay reasonable attorneys fees to the extent and in the manner provided by section 1107(b)(5) of this Act.”

22 USC 3946
note.

(e) **APPLICATION.**—The amendments made by this section shall not apply with respect to any grievance in which the Board has issued a final decision pursuant to section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) before the date of enactment of this Act.

SEC. 182. RECORD OF GRIEVANCES AWARDED.

Section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) is hereby amended by adding the following new subsection:

“(e)(1) The Board shall maintain records of all grievances awarded in favor of the grievant in which the grievance concerns gross misconduct by a supervisor. Subject to paragraph (2), the Committee on Foreign Relations of the Senate shall be provided with a copy of the grievance decision whenever such a supervisor is nominated for any position requiring the advice and consent of the Senate and the Board shall provide access to the entire record of any proceedings of the Board concerning such a grievance decision to any Member of the Committee on Foreign Relations upon a request by the Chairman or Ranking Minority Member of such committee.

Classified
information.

“(2)(A) Except as provided in subparagraph (B), all decisions, proceedings, and other records disclosed pursuant to paragraph (1) shall be treated as confidential and may be disclosed only to Committee members and appropriate staff.

“(B) Whenever material is provided to the Committee or a Member thereof pursuant to paragraph (1), the Board shall, at the same time, provide a copy of all such material to the supervisor who is the subject of such material.

“(C) A supervisor who is the subject of records disclosed to the committee pursuant to this subsection shall have the right to review such record and provide comments to the Committee concerning such record. Such comments shall be treated in a confidential manner.”

22 USC 3922a
note.

SEC. 183. WOMEN AND MINORITIES IN THE FOREIGN SERVICE.

(a) **FINDINGS.**—The Congress finds that the Department of State and other Foreign Service agencies have not been successful in their efforts—

(1) to recruit and retain members of minority groups in order to increase significantly the number of members of minority groups in the Foreign Service; and

(2) to provide adequate career advancement for women and members of minority groups in order to increase significantly the numbers of women and members of minority groups in the senior levels of the Foreign Service.

(b) **A MORE REPRESENTATIVE FOREIGN SERVICE.**—The Secretary of State and the head of each of the other agencies utilizing the Foreign Service personnel system—

(1) shall substantially increase their efforts to implement effectively the plans required by section 152(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, so that the Foreign Service becomes truly representative of the American people throughout all levels of the Foreign Service; and

(2) shall ensure that those plans effectively address the need to promote increased numbers of qualified women and members of minority groups into the senior levels of the Foreign Service.

(c) **DEPARTMENT OF STATE HIRING PRACTICES OF MINORITIES AND WOMEN.**—The Secretary of State shall include annually as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980—

Reports.

(1) a report on the progress made at the Assistant Secretary and Bureau level of the Department of State in increasing the presence of minorities and women at all levels in the Foreign Service and Civil Service workforces of the Department of State, and

(2) the specific actions taken to address the lack of Hispanic Americans, Asian Americans, and Native Americans in the Senior Executive Service and Senior Foreign Service of the Department of State.

Minorities.

SEC. 184. COMPLIANCE WITH LAW REQUIRING REPORTS TO CONGRESS.

(a) **COMPLIANCE WITH PRIOR REQUEST.**—Within 90 days after the date of enactment of this Act, the Secretary of State shall submit to the chairmen and ranking members of the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate, and the Committee on Foreign Affairs, the Committee on Post Office and Civil Service, and the Committee on Government Operations of the House of Representatives, a report complying with the 1984 request of the Senate Committee on Governmental Affairs for a listing and description of all policy and supporting positions in the Department of State and related agencies. The report shall include an unclassified tabulation, as of the 1984 request, of the following:

Reports.

(1) All Foreign Service officer positions then occupied by noncareer appointees.

(2) All positions in the Senior Foreign Service subject to noncareer appointment.

(3) The name of the incumbent; location; type; level, grade, or salary; tenure; and expiration (if any) of each position.

(b) **COMPLIANCE WITH FUTURE REQUESTS.**—Whenever the Committee on Governmental Affairs of the Senate or the Committee on Post Office and Civil Service of the House of Representatives requests information from the Secretary of State for inclusion in the publication "U.S. Government Policy and Supporting Positions", the Secretary shall provide such information in a timely manner.

SEC. 185. CHANGES IN REPORTING REQUIREMENTS.

(a) **REPORT ON PERSONNEL ACTIONS IN THE FOREIGN SERVICE.**—Section 105(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3905(d)(2)) is amended to read as follows:

"(2) The Secretary shall transmit, to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, the Department's reports on its equal employment opportunity and affirmative action programs and its minority recruitment programs, which reports are required by law, regulation, or directive to be submitted to the Equal Employment Opportunity Commission (EEOC) or the Office of Personnel Management (OPM). Each such report shall be transmitted to the Congress at least once annually, and shall be received by the Congress not later

Minorities.

than 30 days after its original submission to the Equal Employment Opportunity Commission or the Office of Personnel Management.”.

(b) **REPORT ON USE OF FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES.**—Section 601(c) of such Act (22 U.S.C. 4001(c)) is amended by adding at the end thereof the following new paragraph:

“(4) Not later than March 1 of each year, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall—

“(A) describe the steps taken and planned in furtherance of—

“(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

“(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

“(B) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including, with respect to each of the relevant promotion competition groups, the projected ranges of rates of appointment, promotion, and attrition over each of the next 5 fiscal years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

“(C) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member.”.

(c) **REPEALS.**—(1) Section 703(f) of the Foreign Service Act of 1980 (22 U.S.C. 4023(f)) is repealed.

22 USC 4173.

(2) Sections 2402 (a) and (b) of the Foreign Service Act of 1980 are repealed, and section 2402(c) of such Act is amended by striking out “this section” and inserting in lieu thereof “section 601(c)(4)”.

(3) Section 152(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3922a(c)) is repealed.

SEC. 186. DISPOSITION OF PERSONAL PROPERTY ABROAD.

(a) **AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.**—The State Department Basic Authorities Act of 1956 (Public Law 84-885; 22 U.S.C. 2269 et seq.) is amended by adding at the end thereof the following new title:

“TITLE III—DISPOSITION OF PERSONAL PROPERTY ABROAD

22 USC 4341.

“SEC. 301. DEFINITIONS.

“For purposes of this title, the following terms have the following meanings:

“(1) The term ‘employee’ means an individual who is under the jurisdiction of a chief of mission to a foreign country (as provided under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) and who is—

“(A) an employee as defined by section 2105 of title 5, United States Code;

“(B) an officer or employee of the United States Postal Service or of the Postal Rate Commission;

“(C) a member of a uniformed service who is not under the command of an area military commander; or

“(D) an expert or consultant as authorized pursuant to section 3109 of title 5, United States Code, with the United States or any agency, department, or establishment thereof; but is not a national or permanent resident of the foreign country in which employed.

“(2) The term ‘contractor’ means—

“(A) an individual employed by personal services contract pursuant to section 2(c) of this Act (22 U.S.C. 2669(c)), section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)), or pursuant to other similar authority, including, in the case of an organization performing services under such authority, an individual involved in the performance of such services; and

“(B) such other individuals or firms providing goods or services by contract as are designated by regulations issued pursuant to section 303;

but does not include a contractor with or under the supervision of an area military commander.

“(3) The term ‘charitable contribution’ means a contribution or gift as defined in section 170(c) of the Internal Revenue Code of 1986, or other similar contribution or gift to a bona fide charitable foreign entity as determined pursuant to regulations or policies issued pursuant to section 303.

“(4) The term ‘chief of mission’ has the meaning given such term by section 102(3) of the Foreign Service Act of 1980 (22 U.S.C. 2902(3)).

“(5) The term ‘foreign country’ means any country or territory, excluding the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, American Samoa, Guam, the Virgin Islands, and other territories or possessions of the United States.

“(6) The term ‘personal property’ means any item of personal property, including automobiles, computers, boats, audio and video equipment, and any other items acquired for personal use, but excluding items of minimal value as determined by regulation or policy issued pursuant to section 303.

“(7) The term ‘profit’ means any proceeds (including cash and other valuable consideration but not including amounts of such proceeds given as charitable contributions) for the sale, disposition, or assignment of personal property in excess of the basis for such property. For purposes of this title, basis shall include initial price, inland and overseas transportation costs (if not reimbursed by the United States Government), shipping insurance, taxes, customs fees, duties or other charges, and capital improvements, but shall not include insurance on an item while in use, or maintenance and related costs. For purposes of computing profit, proceeds and costs shall be valued in United States dollars at the time of receipt or payment, at a rate of exchange as determined by regulation or policy issued pursuant to section 303.

22 USC 4342.

“SEC. 302. LIMITATIONS ON DISPOSITION OF PERSONAL PROPERTY.

“(a) **GENERAL RULE.**—Except as authorized under subsection (b), employees or members of their family shall not sell, assign, or otherwise dispose of personal property within a foreign country which was imported into or purchased within that foreign country and which, by virtue of the official status of the employee, was exempt from import limitation, customs duties, or taxes which would otherwise apply.

“(b) **APPROVAL BY CHIEF OF MISSION.**—The chief of mission to a foreign country, or a designee of such chief of mission, is authorized to approve within that foreign country sales, assignment, or other dispositions of property by employees under the chief of mission’s jurisdiction (as described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) to the extent that such sale, assignment, or other disposition is in accordance with regulations and policies, rules, and procedures issued pursuant to section 303.

“(c) **VIOLATION.**—Violation of this section, or other importation, sale, or other disposition of personal property within a foreign country which violates its laws or regulations or governing international law and is prohibited by regulations and policies, rules, and procedures issued pursuant to section 303, shall be grounds for disciplinary action against an employee.

22 USC 4343.

“SEC. 303. REGULATIONS.

“(a) **ISSUANCE; PURPOSE.**—The Secretary of State may issue regulations to carry out the purposes of this title. The primary purpose of such regulations and related policies, rules, and procedures shall be to assure that employees and members of their families do not profit personally from sales or other transactions with persons who are not themselves entitled to exemption from import restrictions, duties, or taxes.

“(b) **CONTRACTORS.**—Such regulations shall require that, to the extent contractors enjoy importation or tax privileges in a foreign country because of their contractual relationship to the United States Government, after the effective date of this title contracting agencies shall include provisions in their contracts to carry out the purpose of this title.

“(c) **CHIEF OF MISSION.**—In order to ensure that due account is taken of local conditions, including applicable laws, markets, exchange rate factors, and accommodation exchange facilities, such regulations may authorize the chief of mission to each foreign country to establish more detailed policies, rules, or procedures for the application of this title within that country to employees under the chief of mission’s jurisdiction.”

22 USC 4341
note.

(b) **EFFECTIVE DATE.**—This section shall take effect 180 days after the date of enactment of this Act.

SEC. 187. AUTHORITIES FOR SERVICE OF FASCELL FELLOWS.

Section 1005(b) of the Fascell Fellowship Act (22 U.S.C. 4904(b)) is amended to read as follows:

“(b) **AUTHORITIES.**—Fellows may be employed—

“(1) under a temporary appointment in the civil service;

“(2) under a limited appointment in the Foreign Service; or

“(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956.”

SEC. 188. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.

(a) **IN GENERAL.**—Subchapter I of Chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended by inserting after section 829 (22 U.S.C. 4069) the following:

“SEC. 830. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.

22 USC 4069a.

“(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent or in such amounts as are provided in advance in appropriations Acts, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

“(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

“(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

“(b) A former spouse shall not be entitled to benefits under this section if—

“(1) the former spouse remarries before age 55; or

“(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

“(c)(1) The entitlement of a former spouse to benefits under this section—

“(A) shall commence on the later of—

“(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

“(ii) the first day of the month in which the divorce or annulment involved becomes final; and

“(B) shall terminate on the earlier of—

“(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

“(ii) the date the benefits of the participant terminates.

“(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

“(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

“(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

“(3) Benefits under this section shall be treated the same as an annuity under section 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

“(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

Regulations.

“(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

“(d) For the purposes of this section, the term ‘benefits’ means—

“(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

“(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

“(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

22 USC 4069b.

“SEC. 831. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.

“(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent or in such amounts as are provided in advance in appropriations Acts, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

“(1) the full amount of the participant’s or former participant’s annuity, as computed under this chapter; or

“(2) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

“(b) If an election has been made with respect to such former spouse under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant’s or former participant’s annuity referred to in subsection (a) less the amount of such election.

“(c) A former spouse shall not be entitled to a survivor annuity under this section if—

“(1) the former spouse remarries before age 55; or

“(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

“(d)(1) The entitlement of a former spouse to a survivor annuity under this section—

“(A) shall commence—

“(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on such date; and

“(ii) in the case of any other former spouse, beginning on the later of—

“(I) the date that the participant or former participant to whom the former spouse was married dies; or

“(II) the effective date of this section; and

“(B) shall terminate on the last day of the month before the former spouse’s death or remarriage before attaining the age 55.

“(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary,

complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

“(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

“(e) The Secretary shall—

“(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

Regulations.

“(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

“(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

“SEC. 832. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

22 USC 4069c.

“(a) Except as provided in subsection (c)(1), any individual—

“(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

“(2) who, at any time during the 18-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

“(3) who was married to such employee for not less than 10 years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

“(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

Regulations.

“(A) files an election for such enrollment; and

“(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

“(2) The Secretary shall, as soon as possible, take all steps practicable—

“(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

“(B) to notify each such former spouse of that individual's rights under this section.

“(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

“(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

Regulations.

“(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

“(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

“(e) For purposes of this section the term ‘health benefits plan’ means an approved health benefits plan under chapter 89 of title 5, United States Code.”

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 829 the following:

“Sec. 830. Retirement benefits for certain former spouses.

“Sec. 831. Survivor benefits for certain former spouses.

“Sec. 832. Health benefits for certain former spouses.”

TITLE II—THE UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS.

There are authorized to be appropriated to the United States Information Agency the following amounts to carry out international information activities under the United States Information and Educational Exchange Act of 1948, Reorganization Plan Number 2 of 1977, and other purposes authorized by law:

(1) For “Salaries and Expenses”, \$369,455,000 for the fiscal year 1988 and \$376,845,000 for the fiscal year 1989;

(2) For “Television and Film Service”, \$30,391,000 for the fiscal year 1988 and \$30,999,000 for the fiscal year 1989; and

(3) For “East-West Center”, \$20,000,000 for the fiscal year 1988 and \$20,400,000 for the fiscal year 1989.

SEC. 202. FUNDS APPROPRIATED FOR THE UNITED STATES INFORMATION AGENCY.

(a) NOTIFICATION REQUIREMENT BEFORE AWARDED PROGRAM GRANTS.—Section 705(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c) is amended by striking out “for the fiscal years 1986 and 1987”.

(b) PROHIBITION ON CERTAIN REPROGRAMMING.—Section 705 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c) is amended by adding at the end the following:

“(c) Funds appropriated for the United States Information Agency may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which

is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.”

SEC. 203. RECEIPTS FROM ENGLISH-TEACHING AND LIBRARY PROGRAMS.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

“SEC. 810. Notwithstanding the provisions of section 3302(b) of title 31, United States Code, or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency’s applicable appropriation to such extent as may be provided in advance in an appropriation Act.”

SEC. 204. USIA POSTS AND PERSONNEL OVERSEAS.

22 USC 1461
note.

(a) **PROHIBITION.**—No funds authorized to be appropriated by this Act or any other Act may be used to pay any expense associated with the closing of any United States Information Agency post abroad. No funds authorized to be appropriated by this Act shall be used to pay for any expense associated with the Bureau of Management or with the television and film service of the United States Information Agency if a United States Information Agency post abroad is closed after April 1, 1987, and not reopened within 180 days of the date of enactment of this Act.

(b) **LIMITATION ON REDUCTION OF POSITIONS.**—Reductions shall not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees of the Agency at the same time in 1981.

(c) **WAIVER.**—Subsections (a) and (b) shall not apply to any United States Information Agency post closed—

(1) after January 1, 1987, and before the date of enactment of this Act if the host government will not allow that post to be reopened;

(2) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located;

(3) where there is a real and present threat to American diplomats in the city where the post is located and where a travel advisory warning against American travel to the city has been issued by the Department of State; or

(4) when the post is closed so as to provide funds to open a new post, staffed by at least one full-time foreign service officer, and where the Director of the United States Information Agency reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(A) the new post is a higher priority than the post proposed to be closed; and

(B) the total number of United States Information Agency posts abroad staffed by full-time Foreign Service

employees of the Agency is not less than the number of such posts in existence on April 1, 1987.

Reports.

(d) **SEQUESTRATION.**—In the case that a sequestration order is issued pursuant to Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.; Public Law 99-177), the Director of the United States Information Agency may, as part of an agency wide austerity proposal, submit a report proposing a list of United States Information Agency posts to be downgraded or closed in order to comply with the sequestration order, together with a justification for the inclusion of each post on such list. Such report shall be submitted to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 205. FORTY-YEAR LEASING AUTHORITY.

Section 801(3) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(3)) is amended by striking out "twenty-five" and inserting in lieu thereof "forty".

SEC. 206. UNITED STATES INFORMATION AGENCY PROGRAMMING ON AFGHANISTAN.

(a) **THE AFGHANISTAN COUNTRY PLAN.**—The Director of the United States Information Agency shall implement a formal, comprehensive country plan on Afghanistan based on the guidelines set forth in the United States Information Agency country plan instructions for fiscal year 1988.

(b) **REPORT TO CONGRESS.**—Not later than 60 days after the date of the enactment of this Act, the Director of the United States Information Agency shall provide Congress in writing with the proposed comprehensive Afghanistan country plan.

Communications
and tele-
communications.
22 USC 1463
note.

SEC. 207. TELEVISION SERVICE OF THE UNITED STATES INFORMATION AGENCY.

The television and film service of the United States Information Agency, including Worldnet broadcasts, shall operate under the same criteria and conditions as are specified for the Voice of America by section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463).

SEC. 208. LIMITATION ON WORLDNET FUNDING.

Funds may not be reprogrammed in fiscal years 1988 and 1989 from any program, project, or activity for Worldnet. Funds may not be transferred in fiscal years 1988 and 1989 from any other account for Worldnet.

SEC. 209. AUDIENCE SURVEY OF WORLDNET PROGRAM.

(a) **EARMARK.**—Of the funds authorized to be appropriated for USIA's Worldnet Program by section 201(2), not less than \$500,000 for the fiscal year 1988 shall be available only for the purpose of conducting a market survey in Europe of USIA's Worldnet programming.

(b) **QUALIFICATIONS OF SURVEYOR.**—Such survey shall be conducted by a television market survey company which has a long established reputation for objective estimates of television audience size and which has not less than 15 years of substantial experience in estimating audience size.

(c) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the House Committee on Foreign Affairs containing—

- (1) the best estimate by the company performing the audience survey of the number of persons in Europe who watch, on a daily basis, the passive (noninteractive) shows of USIA's Worldnet Program. Such estimate shall include the number of persons who watch a part of the daily passive (noninteractive) shows of USIA's Worldnet Program and the number of persons who watch such programs in their entirety;
- (2) a description of the demographic composition and nationality of the persons watching such programs; and
- (3) the entire report prepared by the company conducting the survey.

(d) **NOTIFICATION OF SELECTED SURVEYOR.**—At least 30 days prior to the approval by the Director of the United States Information Agency of a contract with a company conducting the survey required by this section, the Director shall provide the Chairman of the Senate Committee on Foreign Relations and the Chairman of the House Foreign Affairs Committee of the name of the company selected to conduct the survey together with a copy of the proposed contract.

Contracts.

(e) **LIMITATION.**—No funds authorized to be appropriated to the United States Information Agency shall be expended after October 1, 1988, on the production or acquisition of passive (noninteractive) programs for USIA's Worldnet television service unless—

- (1) the survey required by this section has been completed in the manner described by this section;
- (2) the report required by this section, along with a copy of the survey results, has been submitted to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives; and
- (3) the survey shows with a high degree of reliability that the average daily European audience for the passive (noninteractive) programs of USIA's Worldnet television service is not less than 2,000,000 viewers.

SEC. 210. NATIONAL ENDOWMENT FOR DEMOCRACY.

Nicaragua.

In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency \$17,500,000 for the fiscal year 1988 and \$18,100,000 for the fiscal year 1989 to be available only for a grant to the National Endowment for Democracy for carrying out its purposes, of which not less than \$250,000 for the fiscal year 1988 shall be used to support elements of the free press, including free radio, and the democratic civic opposition inside Nicaragua which espouse democratic principles and objectives. As is the case with all programs of the National Endowment for Democracy, no employee of any department, agency, or other component of the United States Government may participate, directly or indirectly, in controlling and directing the use of these funds to the free press and democratic civic opposition inside Nicaragua.

SEC. 211. SEPARATE ACCOUNTS FOR NED GRANTEES.

Section 504(h) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)) is amended by inserting "separate accounts with respect to such assistance and" after "keeps".

SEC. 212. NED TREATMENT OF INDEPENDENT LABOR UNIONS.

Section 503 of the National Endowment for Democracy Act (22 U.S.C. 4412) is amended by adding at the end thereof the following new subsection:

"(f) Nothing in this title shall preclude the Endowment from making grants to independent labor unions."

SEC. 213. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 604 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

"UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

"SEC. 604. (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

"(b) The Commission shall be composed of seven members who shall be appointed by and serve at the pleasure of the President. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor and business, and professional backgrounds. The President shall designate a member to chair the Commission.

President of U.S.

"(c) The Commission shall have a staff director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

"(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

Effective date.

"(d) This section shall enter into force on January 20, 1989. Any provisions of section 8 of Reorganization Plan Numbered 2 of 1977 inconsistent with this section shall no longer have legal effect on that date. The prohibition limiting membership of individuals from the same political party is repealed."

SEC. 214. DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "AMERICA THE WAY I SEE IT".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "America The Way I See It"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) reimburse the Director for any expenses of the Agency in making that master copy available;

(B) deposit that film in the National Archives of the United States; and

(C) make copies of that film available for purchase and public viewing within the United States.

Public
information.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 215. AVAILABILITY OF CERTAIN USIA PHOTOGRAPHS FOR DISTRIBUTION WITHIN THE UNITED STATES BY THE DEPARTMENT OF DEFENSE.

Public
information.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency shall make available, upon request, to the Secretary of Defense and the Secretaries of the military departments concerned photographs of military operations and military related activities that occurred in the Republic of Vietnam for the purpose of developing and publishing military histories by those departments. The Secretary of Defense, or the Secretary of the military department concerned, as appropriate, shall reimburse the Director for any expenses involved in making such photographs available. Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 216. USIA UNDERGRADUATE SCHOLARSHIP PROGRAM.

(a) **INCREASED FUNDING FOR CARIBBEAN REGION.**—It is the sense of the House of Representatives that the United States Information Agency should provide increased funding for students in the Caribbean region under the scholarship program for developing countries established by title VI of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

(b) **DEFINITION.**—

(1) As used in this section, the term "Caribbean region" means—

(A) Antigua and Barbuda, Aruba, the Bahamas, Barbados, Belize, Cuba, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Christopher and Nevis, St. Vincent and the Grenadines, St. Lucia, Trinidad and Tobago;

(B) Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Netherlands Antilles, Turks and Caicos Islands; and

(C) French Guiana, Guadeloupe, and Martinique.

(2) Nothing in this subsection may be construed to encourage or authorize scholarships for students from any country which is a Communist country.

TITLE III—EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency for the Bureau of Educational and Cultural Affairs \$188,625,000 for the fiscal year 1988 and \$192,438,000 for the fiscal year 1989 to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961. Of the funds authorized to be appropriated by this section, not less than—

(1) \$93,000,000 for the fiscal year 1988 and \$93,000,000 for the fiscal year 1989 shall be available only for grants for the Fulbright Academic Exchange Programs;

(2) \$39,000,000 for the fiscal year 1988 and \$39,000,000 for the fiscal year 1989 shall be available only for grants for the International Visitors Program;

(3) \$5,250,000 for the fiscal year 1988 and \$5,250,000 for the fiscal year 1989 shall be available only for grants for the Hubert H. Humphrey Fellowship Program;

(4) \$2,500,000 for the fiscal year 1988 and \$2,500,000 for the fiscal year 1989 shall be available only for the Congress-Bundestag Exchange;

(5) \$500,000 for the fiscal year 1988 and \$500,000 for the fiscal year 1989 shall be available only to the Seattle Goodwill Games Organizing Committee for Cultural Exchange and other exchange-related activities associated with the 1990 Goodwill Games to be held in Seattle, Washington;

(6) \$5,000,000 for the fiscal year 1988 and \$5,000,000 for the fiscal year 1989 shall be available only for the Arts America Program; and

(7) \$300,000 for the fiscal year 1988 shall be available only for books and materials to complete the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

(b) **ALLOCATION OF FUNDS FOR EXCHANGES BETWEEN THE UNITED STATES AND THE SOVIET UNION.**—(1) Of the funds authorized to be appropriated by subsection (a), not less than \$2,000,000 shall be available only for grants for exchange of persons programs between the United States and the Soviet Union.

(2) Funds allocated by paragraph (1) or (2) of subsection (a) may be counted toward the allocation required by this subsection to the extent that such funds are used, in accordance with their respective programs, for grants for exchange of persons programs between the United States and the Soviet Union.

SEC. 302. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM.

(a) **ESTABLISHMENT.**—Section 112(a) of the Mutual Educational Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) by striking out “and” at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof “; and”; and

(3) by adding at the end thereof the following new paragraph:

“(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the

Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) who have not received their initial baccalaureate degree.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by section 301, there is authorized to be appropriated \$2,000,000 for fiscal year 1988 and \$2,000,000 for fiscal year 1989 to carry out the program established by the amendment made by subsection (a).

SEC. 303. THE ARTS AMERICA PROGRAM.

Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)), as amended by section 302, is further amended—

- (1) by striking out “and” at the end of paragraph (7);
- (2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and”; and
- (3) by adding at the end thereof the following new paragraph:
“(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.”.

SEC. 304. PROFESSORSHIP ON CONSTITUTIONAL DEMOCRACY.

(a) **FEDERAL SUPPORT FOR PROFESSORSHIP.**—The President, in support of the statutory program of American studies abroad, is directed to foster studies in constitutional democracy at the Santo Tomas University in the Republic of the Philippines by supporting at such university under section 102(b)(4) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(4)) a professorship on the subject of constitutional democracy, if such professorship is established by such university.

(b) **FINANCIAL SUPPORT FOR THE PROFESSORSHIP.**—If the professorship referred to in subsection (a) is established by the Santo Tomas University in the Republic of the Philippines, veterans of the Pacific theater in World War II and veterans of the Korean conflict and Vietnam era are encouraged to contribute funds under section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)) to support such professorship.

SEC. 305. UNITED STATES-INDIA FUND.

Section 903(b) of the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (22 U.S.C. 290j-1) is amended to read as follows:

“(b) In accordance with the agreement negotiated pursuant to section 902(a), sums made available for investment for the United States-India Fund for Cultural, Educational, and Scientific Cooperation under the Departments of Commerce, Justice, and State, and the Judiciary and Related Agencies Appropriation Act, 1985, and any earnings on such sums shall be available for the purposes of section 902(a).”.

President of U.S.
Philippines.
Schools and
colleges.

SEC. 306. THE EDWARD ZORINSKY MEMORIAL LIBRARY.

Indonesia.

(a) **MEMORIAL FOR EDWARD ZORINSKY.**—The United States Information Service library in Jakarta, Indonesia is named “The Edward Zorinsky Memorial Library”.

(b) **MEMORIAL PLAQUE.**—The Director of the United States Information Agency shall cause a plaque to be made and prominently displayed at the library described in subsection (a). The plaque shall bear the following inscription:

“THE EDWARD ZORINSKY MEMORIAL LIBRARY

“This library is dedicated to the memory of Edward Zorinsky, United States Senator from Nebraska. As a Senator, Edward Zorinsky worked tirelessly to promote the free exchange of ideas and people between the United States and other countries. This library, which is a forum for the exchange of ideas and knowledge between the people of the United States and the people of Indonesia, was reopened after a hiatus of more than twenty years as a result of legislation authored by Senator Zorinsky.”.

SEC. 307. CULTURAL PROPERTY ADVISORY COMMITTEE.

19 USC 2605.

(a) **TERMS OF SERVICE.**—Section 306(b)(3)(A) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

President of U.S.

“(3)(A) Members of the Committee shall be appointed for terms of three years and may be reappointed for one or more terms. With respect to the initial appointments, the President shall select, on a representative basis to the maximum extent practicable, four members to serve three-year terms, four members to serve two-year terms, and the remaining members to serve a one-year term. Thereafter each appointment shall be for a three-year term.”.

(b) **VACANCIES; CHAIRMANSHIP.**—Section 306(b)(3)(B) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

“(B)(i) A vacancy in the Committee shall be filled in the same manner as the original appointment was made and for the unexpired portion of the term, if the vacancy occurred during a term of office. Any member of the Committee may continue to serve as a member of the Committee after the expiration of his term of office until reappointed or until his successor has been appointed.

“(ii) The President shall designate a Chairman of the Committee from the members of the Committee.”.

19 USC 2605
note.

(c) **APPLICATION.**—The amendment made by subsection (a) shall apply to members of the Cultural Property Advisory Committee first appointed after the date of enactment of this Act.

TITLE IV—VOICE OF AMERICA**SEC. 401. AUTHORIZATIONS OF APPROPRIATIONS.**

In addition to the amounts authorized to be appropriated under title II, there are authorized to be appropriated the following amounts to the United States Information Agency for the Voice of America for the purpose of carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act:

- (1) for "Salaries and Expenses", \$177,200,000 for the fiscal year 1988 and \$180,744,000 for the fiscal year 1989;
- (2) for "Voice of America/Europe", \$3,000,000 for the fiscal year 1988 and \$3,060,000 for the fiscal year 1989; and
- (3) for "Radio Broadcasting to Cuba", \$12,652,000 for the fiscal year 1988 and \$12,905,000 for the fiscal year 1989.

SEC. 402. VOICE OF AMERICA/EUROPE.

Title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.) is amended by adding after section 503 the following new section:

"SEC. 504. VOICE OF AMERICA/EUROPE.

22 USC 1464.

"As part of its duties and programs under title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.), Voice of America/Europe shall—

- "(1) target news and features in accordance with the findings and recommendations of the Young European Survey;
- "(2) conduct periodic audience evaluations and measurements; and
- "(3) promote and advertise Voice of America/Europe."

SEC. 403. CONTRACTOR REQUIREMENTS.

22 USC 1471
note.

(a) **FINDINGS.**—The Congress finds that the overriding national security aspects of the \$1,300,000,000 facilities modernization program of the Voice of America require the assurance of uninterrupted logistic support under all circumstances for the program. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on the projects of this program.

(b) **RESPONSIVE BID.**—A bid shall not be treated as a responsive bid for purposes of the facilities modernization program of the Voice of America unless the bidder can establish that the United States goods and services content, excluding consulting and management fees, of his proposal and the resulting contract will not be less than 55 percent of the value of his proposal and the resulting total contract.

(c) **PREFERENCE FOR UNITED STATES CONTRACTORS.**—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the facilities modernization program of the Voice of America, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(d) **EXCEPTION.**—

(1) Subsection (c) shall not apply with respect to any project of the facilities modernization program of the Voice of America when—

(A) precluded by the terms of an international agreement with the host foreign country;

International agreements.

(B) a foreign bidder can establish that he is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

(i) its national public radio and television sector, or
 (ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority; or

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Director of the United States Information Agency that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project; or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "United States person" means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a modernization project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the modernization project site; and

(F) has the existing technical and financial resources in the United States to perform the contract; and

(2) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as "RFP") or the Invitation For Bids (commonly referred to as "IFB") was issued after December 28, 1986.

TITLE V—THE BOARD FOR INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

“(A) \$186,000,000 for fiscal year 1988 and \$207,424,000 for fiscal year 1989; and”.

(b) **ALLOCATION OF FUNDS.**—Of the funds authorized to be appropriated by section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973, \$12,000,000 for the fiscal year 1988 and \$12,000,000 for the fiscal year 1989 shall be available only for radio transmitter construction and modernization.

SEC. 502. RESERVE FOR OFFSETTING DOWNWARD FLUCTUATIONS IN OVERSEAS RATES.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(b)) is amended by inserting after “RFE/RL, Incorporated,” the following: “shall be certified to the Congress by the Director of the Office of Management and Budget and placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year. Any such amount”.

SEC. 503. CERTIFICATION OF CERTAIN CREDITABLE SERVICE.

The third to last sentence of section 8332(b) of title 5, United States Code, is amended by inserting “, and the Secretary of State with respect to the Asia Foundation and the Secretary of Defense with respect to the Armed Forces Network, Europe (AFN-E),” after “Board for International Broadcasting”.

TITLE VI—ASIA FOUNDATION

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 404 of the Asia Foundation Act (22 U.S.C. 4401 et seq.) is amended to read as follows:

“SEC. 404. FUNDING.

22 USC 4403.

“There is authorized to be appropriated to the Secretary of State \$13,700,000 for the fiscal year 1988 and \$15,000,000 for the fiscal year 1989 for grants to the Asia Foundation pursuant to this title.”.

TITLE VII—INTERNATIONAL ORGANIZATIONS

PART A—UNITED NATIONS

SEC. 701. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

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

Union of Soviet
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22 USC 287e
note.

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effec-

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tively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) **REPORT TO CONGRESS.**—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(B) The number of Soviet and Soviet-bloc nationals who are currently employed in the United States system on long-term contracts.

(C) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(D) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(E) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(F) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

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

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of

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the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) DEFINITION.—For the purposes of this section, the term “Soviet-bloc” means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

SEC. 702. REFORM IN THE BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) FINDINGS.—The Congress finds that the consensus based decision-making procedure established by General Assembly Resolution 41/213 is a significant step toward complying with the intent of section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405), as in effect before the date of enactment of this Act.

(b) REFORM.—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405), is amended to read as follows:

“SEC. 143. REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

“(a) FINANCIAL RESPONSIBILITY IN BUDGET PROCEDURES.—To achieve greater financial responsibility in preparation of the assessed budgets of the United Nations and its specialized agencies, the President should continue vigorous efforts to secure implementation by the United Nations, and adoption and implementation by its specialized agencies, of decision-making procedures on budgetary matters which assures that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

“(b) LIMITATION ON ASSESSED CONTRIBUTIONS.—

Contracts.

“(1) With respect to United States assessed contributions to the United Nations for each calendar year beginning with calendar year 1987—

“(A) 40 percent of the United States assessed contributions may be paid beginning on October 1 of such calendar year;

“(B) 40 percent of the United States assessed contributions may be paid when the President has determined and so reported to the Congress that—

“(i) the consensus based decision-making procedure established by General Assembly Resolution 41/213 is being implemented and its results respected by the General Assembly;

“(ii) progress is being made toward the 50 percent limitation on seconded employees of the Secretariat as called for by the Group of High Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18); and

“(iii) the 15 percent reduction in the staff of the Secretariat (recommendations 55 and 57 of the Group of 18) is being implemented and that such reduction is being equitably applied among the nationals on such staff; and

“(C) 20 percent of the United States assessed contributions may be paid beginning on a date which is 30 days after receipt by the Congress of the report described in subparagraph (B) unless the Congress within such 30-day period enacts, in accordance with subsection (c), a joint resolution prohibiting the payment of the remaining 20 percent of such funds.

“(2) In the case that the amount appropriated for United States assessed contributions to the United Nations for a calendar year is less than the full amount of such United States assessed contributions for that year, the final one-fifth of the amount appropriated may only be paid—

“(A) after the President has made the determinations and report specified in paragraph (1)(B); and

“(B) beginning on a date which is 30 days after receipt by the Congress of the report referred to in subparagraph (A) unless the Congress within such 30-day period enacts, in accordance with subsection (c), a joint resolution prohibiting the payment of the remaining one-fifth of such funds.

“(3) For each calendar year beginning with calendar year 1987, no payment may be made of an assessed contribution by the United States to any of the specialized agencies of the United Nations if such payment would cause the United States share of the total assessed budget for such agency to exceed 20 percent in any calendar year unless the President determines and so reports to the Congress that such agency has made substantial progress toward the adoption and implementation of decision-making procedures on budgetary matters in a manner that substantially achieves the greater financial responsibility referred to in subsection (a).

“(4) Subject to the availability of appropriations, when the presidential determinations referred to in paragraphs (1)(B), (2), and (3) have been made, payment of assessed contributions for

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Reports.

President of U.S.
Reports.

prior years may be made to the United Nations or its specialized agencies (as the case may be) without regard to the contribution limitation contained in this section prior to its being amended by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

“(c) DEFINITION AND PROCEDURES.—

“(1)(A) The provisions of this subsection shall apply to the introduction and consideration in the Senate of a joint resolution described in subsections (b)(1)(C) and (b)(2).

“(B) For purposes of this subsection, the term ‘joint resolution’ means only a joint resolution introduced within 3 days after the date on which the report of the President described in subsection (b)(1)(B) is received by Congress, the matter after the resolving clause of which is as follows: ‘That the payment to the United Nations of those contributions described in section 143(b)(1)(C) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is prohibited’.

“(2) A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the 8th day after its introduction.

“(3) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 15 days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the Senate.

“(4)(A) When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

“(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the

Senate, the vote on final passage of the joint resolution shall occur.

“(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

“(5) If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives from the House of Representatives a joint resolution, then the following procedures shall apply:

“(A) The joint resolution of the House of Representatives shall not be referred to a committee.

“(B) With respect to a joint resolution of the Senate—

“(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

“(ii) the vote on final passage shall be on the joint resolution of the House of Representatives.

“(6) This subsection is enacted by the Congress—

“(A) as an exercise of rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.”

(c) **CONFORMING AMENDMENT.**—The table of contents in section 1 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405) is amended by striking out the item relating to section 143 and inserting in lieu thereof the following:

“Sec. 143. Reform in the budget decision-making procedures of the United Nations and its specialized agencies.”

(d) **TERMINATION DATE.**—This section shall terminate on September 30, 1989.

22 USC 287e
note.

SEC. 703. HOUSING ALLOWANCES OF INTERNATIONAL CIVIL SERVANTS.

(a) **UNITED STATES POLICY.**—It is the policy of the United States to seek the implementation by the United Nations of the recommendation by the International Civil Service Commission to deduct from the pay (commonly referred to as a “rental deduction”) of an international civil servant the amount of any housing allowance or payment which is provided by any member state to that international civil servant, in accordance with Article 100 of the Charter of the United Nations and regulations thereunder.

(b) **UNITED STATES AMBASSADOR TO THE UNITED NATIONS.**—The United States Ambassador to the United Nations shall seek to promote the adoption of the recommendation described in subsection (a).

SEC. 704. UNITED STATES PARTICIPATION IN THE UNITED NATIONS IF ISRAEL IS ILLEGALLY EXPELLED.

(a) **GENERAL RULE.**—The first sentence of section 115(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985

22 USC 287 note.

22 USC 287 note.

is amended to read as follows: "If Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in any principal or subsidiary organ or in any specialized, technical, or other agency of the United Nations, the United States shall suspend its participation in any such organ or agency until the illegal action is reversed."

(b) **RULE OF CONSTRUCTION.**—Such section is further amended by adding at the end thereof the following: "Nothing in this section may be construed to diminish or to affect United States participation in the United Nations Security Council or the Safeguards Program of the International Atomic Energy Agency."

SEC. 705. UNITED NATIONS PROJECTS WHOSE PRIMARY PURPOSE IS TO BENEFIT THE PALESTINE LIBERATION ORGANIZATION.

Section 114(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting the following new paragraph (3) after paragraph (2):

"(3) 25 percent of the amount budgeted for that year for the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (or any similar successor entity);"

SEC. 706. PUBLIC ACCESS TO UNITED NATIONS WAR CRIMES COMMISSION FILES.

(a) **FINDINGS.**—The Congress finds that—

(1) with the passing of time, it is important to document fully Nazi war crimes and crimes against humanity, lest the enormity of those crimes be forgotten; and

(2) the files of the United Nations War Crimes Commission deposited in the archives of the United Nations contain information valuable to our knowledge of the genocidal actions of the Nazis.

(b) **POLICY.**—It is the sense of the Congress that United States policy should be to support access by interested individuals and organizations to the files of the United Nations War Crimes Commission deposited in the archives of the United Nations.

SEC. 707. REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS.

The last sentence of section 117 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, is amended by inserting before the period the following: " , together with the amount and type of foreign assistance (if any) made available by the United States for the preceding fiscal year to each such country under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, and the Peace Corps Act".

SEC. 708. PROTECTION OF TYRE BY THE UNITED NATIONS INTERIM FORCE IN LEBANON.

(a) **FINDINGS.**—The Congress finds that—

(1) the archaeological site of the ancient city of Tyre is an important part of the heritage of the people of Lebanon and of people everywhere;

22 USC 287b
note.

(2) war and civil strife threaten the survival of the archaeological site at Tyre;

(3) the purchase of artifacts from Tyre, including purchases allegedly made by troops of the United Nations Interim Force in Lebanon (UNIFIL), is encouraging illegal excavation and looting of the Tyre site; and

(4) the United Nations Interim Force in Lebanon (UNIFIL) could best protect the archaeological site of Tyre so as to preserve this treasure for future generations.

(b) **EXTENSION OF MANDATE OF UNIFIL.**—The Secretary of State should request the Secretary General of the United Nations and the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL) to include protection of the archaeological site of the ancient city of Tyre. The Secretary of State is directed to seek an order prohibiting the purchase of any artifact from Tyre by any person associated with the United Nations.

(c) **REPORTING REQUIREMENT.**—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, for as long as the United Nations Interim Force in Lebanon remains in Lebanon, the Secretary of State shall report in writing to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives on the progress made in implementing this section.

PART B—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

SEC. 721. ESTABLISHMENT OF COMMISSION.

22 USC 287 note.

The United States Commission on Improving the Effectiveness of the United Nations (hereafter in this part referred to as the "Commission") is hereby established.

SEC. 722. PURPOSES OF THE COMMISSION.

22 USC 287 note.

(a) **PURPOSES.**—The purposes of the Commission shall be to—

(1) examine the United Nations system as a whole and identify and evaluate its strengths and weaknesses; and

(2) prepare and submit to the President and to the Congress recommendations on ways to improve the effectiveness of the United Nations system and the role of the United States in the United Nations system, including the feasibility of and means for implementing such recommendations.

(b) **CONSULTATION REGARDING OTHER UNITED NATIONS REFORM EFFORTS.**—In carrying out this section, the Commission shall make every effort to consult, where appropriate, with other public and private institutions and organizations engaged in efforts to reform the United Nations system, including efforts being made directly under the auspices of the United Nations.

SEC. 723. MEMBERSHIP OF THE COMMISSION.

22 USC 287 note.

(a) **MEMBERS.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 16 members, appointed as follows:

(A) Two Members of the Senate, one appointed by the President pro tempore of the Senate and one appointed by the Minority Leader of the Senate.

(B) Two Members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House.

(C) Eight individuals from the private sector, two appointed by the President pro tempore of the Senate, two appointed by the Minority Leader of the Senate, two appointed by the Speaker of the House, and two appointed by the Minority Leader of the House.

President of U.S.

(D) Four individuals appointed by the President, not more than two of whom may be from the same political party.

(2) **CRITERION FOR APPOINTMENTS.**—Individuals appointed pursuant to subparagraphs (C) and (D) of paragraph (1) shall be representative, to the maximum extent possible, of the full range of American society.

(3) **APPOINTMENTS TO BE MADE PROMPTLY.**—All appointments pursuant to paragraph (1) shall be made not later than 60 days after the effective date of this part.

(4) **VACANCIES.**—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment was made.

(b) **ADVISORS.**—Former United States Permanent Representatives to the United Nations who are not appointed to the Commission shall be invited by the Commission to serve as advisors to the Commission.

(c) **COMPENSATION AND TRAVEL EXPENSES.**—

(1) **COMPENSATION IN GENERAL.**—Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) **GOVERNMENT PERSONNEL.**—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission, and Advisors serving pursuant to subsection (b), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(d) **CHAIRMAN AND VICE CHAIRMAN.**—The Chairman and Vice Chairman shall be elected by the Commission from among members of the Commission.

(e) **QUORUM.**—Nine members of the Commission shall constitute a quorum for purposes of transacting business, except that four members shall constitute a quorum for holding public hearings.

22 USC 287 note.

SEC. 724. POWERS OF THE COMMISSION.

(a) **IN GENERAL.**—For the purpose of carrying out this part, the Commission may hold such hearings (subject to the requirements of subsection (b)) and sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to fulfill the purposes specified in section 722.

(b) MEETINGS.—

(1) **MINIMUM NUMBER OF PUBLIC HEARINGS.**—The Commission shall hold a minimum of five public hearings.

(2) **OPEN MEETINGS.**—Section 552b of title 5 of the United States Code shall apply with respect to the Commission.

(3) **CALLING MEETINGS.**—The Commission shall meet at the call of the Chairman or a majority of its members.

(c) **DELEGATION OF AUTHORITY.**—When so authorized by the majority of the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this part. Upon request of the Chairman of the Commission, the head of any such Federal agency shall furnish such information to the Commission, to the extent authorized by law; except that the head of any Federal agency to which a request for information is provided pursuant to this subsection may deny access to such information, or make access subject to such terms and conditions as the head of that agency may prescribe, on the basis that the information in question is classified and the Commission does not have adequate procedures to safeguard the information in question, or that the Commission does not have a need to know the classified information. In addition, a Federal agency may not provide the Commission with information that could disclose intelligence sources or methods without first securing the approval of the Director of Central Intelligence. The head of any such Federal agency may provide information on a reimbursable basis.

Classified
information.

SEC. 725. STAFF.

22 USC 287 note.

(a) **STAFF MEMBERS AND CONSULTANTS.**—Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, may—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such other staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) **DETAILING OF GOVERNMENT PERSONNEL.**—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out this part.

SEC. 726. REPORT.

22 USC 287 note.

The Commission shall transmit to the President and to the Congress a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, including minority views. This report shall be transmitted not later than 18 months after the date on which all members of the Commission have been appointed.

22 USC 287 note. **SEC. 727. FUNDING FOR THE COMMISSION.**

(a) **COMMISSION TO BE PRIVATELY FUNDED.**—The Commission may accept and use contributions from private United States sources to carry out this part. No Federal funds may be made available to the Commission for use in carrying out this part.

(b) **LIMITATION ON SIZE OF CONTRIBUTIONS.**—The Commission may not accept contributions from any single source which have a value of more than—

(1) \$100,000, or

(2) 20 percent of the total of all contributions accepted by the Commission.

(c) **COMMISSION APPROVAL OF CERTAIN CONTRIBUTIONS.**—The Commission may accept contributions having a value of \$1,000 or more from a single source only if more than two-thirds of the members of the Commission have approved the acceptance of those contributions.

(d) **DISCLOSURE OF CONTRIBUTIONS.**—

(1) **PERIODIC REPORTS TO CONGRESS.**—Every 30 days, the Commission shall submit to the chairman of the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a list of the source and amount of each contribution accepted by the Commission during the preceding 30 days.

(2) **FINAL REPORT.**—The source and amount of each contribution accepted by the Commission shall be listed in the report submitted pursuant to section 726.

(e) **LIMITATION ON OBLIGATIONS AND EXPENDITURES.**—Notwithstanding subsection (a), the limitations on expenditures and obligations in section 1341 of title 31, United States Code, shall apply to the Commission.

22 USC 287 note. **SEC. 728. GENERAL ACCOUNTING OFFICE AUDITS OF THE COMMISSION.**

The provisions of subchapter II of chapter 7 of title 31 of the United States Code (relating to the general duties and powers of the General Accounting Office) shall apply with respect to the programs and activities of the Commission, including the receipt, disbursement, and use of funds contributed to the Commission, to the same extent as those provisions apply with respect to other agencies of the United States Government.

22 USC 287 note. **SEC. 729. TERMINATION OF THE COMMISSION.**

The Commission shall cease to exist 60 days after submitting its report pursuant to section 726.

22 USC 287 note. **SEC. 730. EFFECTIVE DATE.**

This part shall take effect on March 1, 1989.

PART C—OTHER INTERNATIONAL ORGANIZATIONS

22 USC 288h. **SEC. 741. PRIVILEGES AND IMMUNITIES TO OFFICES OF MISSION TO THE UNITED STATES OF THE COMMISSION OF THE EUROPEAN COMMUNITIES.**

The Act entitled “An Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members

thereof", approved October 18, 1972 (86 Stat. 815), is amended by adding at the end the following: "Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

22 USC 288h.
President of U.S.

"(1) the privileges and immunities described in the preceding sentence; or

"(2) as appropriate for the functioning of a particular office, privileges and immunities, equivalent to those accorded consular premises, consular officers, and consular employees, pursuant to the Vienna Convention on Consular Relations."

SEC. 742. CONTRIBUTION TO THE REGULAR BUDGET OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND SENSE OF CONGRESS CONCERNING RECOGNITION OF RED SHIELD OF DAVID.

Israel.

(a) **UNITED STATES CONTRIBUTION.**—Pursuant to the provisions of section 109 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, the Secretary of State shall make an annual contribution to the regular budget of the International Committee of the Red Cross of an amount which is not less than 10 percent of its regular budget. Such contribution may be made from the funds authorized to be appropriated by section 104 for "Migration and Refugee Assistance".

(b) **LIMITATION ON CONTRIBUTIONS.**—Notwithstanding subsection (a), for fiscal year 1988, the United States contribution to the regular budget of the International Committee of the Red Cross shall not exceed nor be less than the amount contributed by the United States to the regular budget of the International Committee of the Red Cross in fiscal year 1987.

(c) **RECOGNITION OF THE RED SHIELD OF DAVID.**—It is the sense of the Congress that a diplomatic conference of governments should grant identical status of recognition to the Red Shield of David (Magen David Adom) as that granted to the Red Cross and the Red Crescent and that the Red Shield of David Society of Israel should be accepted as a full member of the League of Red Cross Societies and the quadrennial International Conferences of the Red Cross.

SEC. 743. IMMUNITIES FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

The International Organizations Immunities Act is amended by inserting after section 12 (22 U.S.C. 288f-2) the following new section:

"SEC. 13. The International Committee of the Red Cross, in view of its unique status as an impartial humanitarian body named in the Geneva Conventions of 1949 and assisting in their implementation, shall be considered to be an international organization for the purposes of this title and may be extended the provisions of this title in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

22 USC 288f-3.

SEC. 744. NORTH ATLANTIC ASSEMBLY.

(a) **APPOINTMENT OF SECRETARIES TO THE NORTH ATLANTIC ASSEMBLY DELEGATIONS.**—Section 1 of the joint resolution entitled “Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization”, approved July 11, 1956 (22 U.S.C. 1928b; Public Law 84-689), is amended by adding at the end thereof the following new sentences: “Each delegation shall have a secretary. The secretaries of the Senate and House delegations shall be appointed, respectively, by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2 of such joint resolution is amended—

(1) by striking out “\$50,000” and inserting in lieu thereof “\$75,000”; and

(2) by striking out “\$25,000” the first place it appears and inserting in lieu thereof “\$50,000”.

Refugees.
22 USC 2601
note.
President of U.S.

SEC. 745. UNITED STATES MEMBERSHIP IN INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION.

The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, and, upon entry into force of the amendments to such constitution approved in Geneva, Switzerland, on May 20, 1987, to continue membership in the organization under the name International Organization for Migration in accordance with such constitution and amendments. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participation in the Committee.

Caribbean.

SEC. 746. RECOGNITION OF CARICOM.

It is the sense of the Congress that the Secretary of State should consider recognizing the Caribbean Community and Common Market (CARICOM) as a regional planning organization in the Caribbean.

Reports.

SEC. 747. ASIAN-PACIFIC REGIONAL HUMAN RIGHTS CONVENTION.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress which—

(1) examines the nature and extent of human rights problems in the Asian-Pacific region; and

(2) assesses the willingness of the countries in the region to negotiate a regional human rights convention similar to the American Convention on Human Rights, the Conference on Security and Cooperation in Europe, and the African Charter on Peoples' and Human Rights.

TITLE VIII—INTERNATIONAL NARCOTICS CONTROL

22 USC 2656
note.

SEC. 801. ASSIGNMENT OF DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD.

If the Secretary of State, in exercising his authority to establish overseas staffing levels for Federal agencies with activities abroad, authorizes the assignment of any Drug Enforcement Administration agent to a particular United States mission abroad, the Secretary shall authorize the assignment of at least two such agents to that mission.

SEC. 802. QUARTERLY REPORTS ON PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DRUG ENFORCEMENT ADMINISTRATION AGENTS IN MEXICO.

Section 134(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended by striking out "progress made in the Camarena case," and inserting in lieu thereof "progress made in investigating, and prosecuting those responsible for, the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar and the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior,".

Enrique
Camarena
Salazar.
Alfredo Zavala
Avelar.
Victor Cortez, Jr.
99 Stat. 421.
18 USC 3181
note.

SEC. 803. REQUIREMENT THAT EXTRADITION OF DRUG TRAFFICKERS BE A PRIORITY ISSUE OF UNITED STATES MISSIONS IN MAJOR ILLICIT DRUG PRODUCING OR TRANSIT COUNTRIES.

The Secretary of State shall ensure that the Country Plan for the United States diplomatic mission in each major illicit drug producing country and in each major drug-transit country (as those terms are defined in section 481(i) of the Foreign Assistance Act of 1961) includes, as an objective to be pursued by the mission—

- (1) negotiating an updated extradition treaty which ensures that drug traffickers can be extradited to the United States, or
- (2) if an existing treaty provides for such extradition, taking such steps as may be necessary to ensure that the treaty is effectively implemented.

SEC. 804. INFORMATION-SHARING SYSTEM SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on the status of the comprehensive information system on drug arrests of foreign nationals which was required to be established by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

Reports.

SEC. 805. CERTIFICATION PROCEDURES FOR DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES AND INCLUSION OF SPECIFIC AGENCY COMMENTS.

(a) REPORT.—Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:
“(7) Each report pursuant to this subsection shall include specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs Service and the Drug Enforcement Administration, with respect to

22 USC 2291.
Reports.

the degree to which countries listed in the report have cooperated fully with such agencies during the preceding year as described in subsection (h)."

22 USC 2291. (b) RESOLUTION OF DISAPPROVAL.—Section 481(h) of the Foreign Assistance Act of 1961 is amended in subparagraph (A), by striking out "30" and inserting in lieu thereof "45".

SEC. 806. SANCTIONS ON DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.

19 USC 2492. (a) SANCTIONS.—Section 802 of the Trade Act of 1974 is amended—
(1) in subsection (a)—

(A) by striking out "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (6);

(C) by amending paragraph (6), as so redesignated, to read as follows:

"(6) take any combination of the actions described in paragraphs (1) through (5)."; and

(D) by inserting after paragraph (3) the following new paragraphs:

"(4) take the steps described in subsection (d)(1) or (d)(2), or both, to curtail air transportation between the United States and that country;

"(5) withdraw the personnel and resources of the United States from participation in any arrangement with that country for the pre-clearance of customs by visitors between the United States and that country; or";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "corruption by government officials and" after "preventing and punishing";

(B) in paragraph (2)(A), by striking out "and" at the end thereof;

(C) in paragraph (2)(B), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(D) by adding at the end thereof the following new clause:

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery."; and

(3) in subsection (c), by inserting "paragraph (1), (2), or (3) of" after "under"; and

(4) by adding at the end thereof the following new subsection:

Transportation. "(d) PRESIDENTIAL ACTION REGARDING AVIATION.—

"(1)(A) The President is authorized to notify the government of a country against which is imposed the sanction described in subsection (a)(4) of his intention to suspend the authority of foreign air carriers owned or controlled by the government or nationals of that country to engage in foreign air transportation to or from the United States.

"(B) Within 10 days after the date of notification of a government under subparagraph (A), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

“(C) The President may also direct the Secretary of Transportation to take such steps as may be necessary to suspend the authority of any air carrier to engage in foreign air transportation between the United States and that country.

“(2)(A) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country against which the sanction described in subsection (a)(4) is imposed in accordance with the provisions of that agreement.

“(B) Upon termination of an agreement under this paragraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States.

“(C) Upon termination of an agreement under this paragraph, the Secretary of Transportation may also revoke the authority of any air carrier to engage in foreign air transportation between the United States and that country.

“(3) The Secretary of Transportation may provide for such exceptions from paragraphs (1) and (2) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

“(4) For purposes of this subsection, the terms ‘air transportation’, ‘air carrier’, ‘foreign air carrier’ and ‘foreign air transportation’ have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).”

(b) **CONFORMING AMENDMENT.**—The title heading of title VIII of the Trade Act of 1974 is amended to read as follows: “TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES”.

(c) **ALIENS EXCLUDABLE FROM ADMISSION TO THE UNITED STATES.**—Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended to read as follows:

“(23) Any alien who—

“(A) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

“(B) the consular officers or immigration officers know or have reason to believe is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled substance;”.

TITLE IX—IMMIGRATION AND REFUGEE PROVISIONS

SEC. 901. PROHIBITION ON EXCLUSION OR DEPORTATION OF ALIENS ON CERTAIN GROUNDS.

8 USC 1182 note.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, no alien may be denied a visa or excluded from admission into the

United States, subject to restrictions or conditions on entry into the United States, or subject to deportation because of any past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States.

(b) **CONSTRUCTION REGARDING EXCLUDABLE ALIENS.**—Nothing in this section shall be construed as affecting the existing authority of the executive branch to deport, to deny issuance of a visa to, or to deny admission to the United States of, any alien—

Defense and
national
security.

Terrorism.

(1) for reasons of foreign policy or national security, except that such deportation or denial may not be based on past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States;

(2) who a consular official or the Attorney General knows or has reasonable ground to believe has engaged, in an individual capacity or as a member of an organization, in a terrorist activity or is likely to engage after entry in a terrorist activity; or

(3) who seeks to enter in an official capacity as a representative of a purported labor organization in a country where such organizations are in fact instruments of a totalitarian state.

In addition, nothing in subsection (a) shall be construed as applying to an alien who is described in section 212(a)(33) of the Immigration and Nationality Act (relating to those who assisted in the Nazi persecutions), to an alien described in the last sentence of section 101(a)(42) of such Act (relating to those assisting in other persecutions) who is seeking the benefits of section 207, 208, 243(h)(1), or 245A of such Act (relating to admission as a refugee, asylum, withholding of deportation, and legalization), or to an alien who is described in section 21(c) of the State Department Basic Authorities Act of 1956. In paragraph (2), the term "terrorist activity" means the organizing, abetting, or participating in a wanton or indiscriminate act of violence with extreme indifference to the risk of causing death or serious bodily harm to individuals not taking part in armed hostilities.

(c) **CONSTRUCTION REGARDING STANDING TO SUE.**—Nothing in this section shall be construed as affecting standing in any Federal court or in any administrative proceeding.

(d) **EFFECTIVE PERIOD.**—Subsection (a) shall only apply to—

(1) applications for visas submitted during 1988;

(2) admissions sought after December 31, 1987, and before March 1, 1989; and

(3) deportations based on activities occurring during 1988 or for which deportation proceedings (including judicial review with respect to such a proceeding) are pending at any time during 1988.

8 USC 1255a
note.

SEC. 902. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF COUNTRIES FOR WHICH EXTENDED VOLUNTARY DEPARTURE HAS BEEN MADE AVAILABLE.

(a) **ADJUSTMENT OF STATUS.**—The status of any alien who is a national of a foreign country the nationals of which were provided (or allowed to continue in) "extended voluntary departure" by the Attorney General on the basis of a nationality group determination at any time during the 5-year period ending on November 1, 1987,

shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(1) applies for such adjustment within two years after the date of the enactment of this Act;

(2) establishes that (A) the alien entered the United States before July 21, 1984, and (B) has resided continuously in the United States since such date and through the date of the enactment of this Act;

(3) establishes continuous physical presence in the United States (other than brief, casual, and innocent absences) since the date of the enactment of this Act;

(4) in the case of an alien who entered the United States as a nonimmigrant before July 21, 1984, establishes that (A) the alien's period of authorized stay as a nonimmigrant expired not later than six months after such date through the passage of time or (B) the alien applied for asylum before July 21, 1984; and

(5) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)).

The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than 90 days after the date of the enactment of this Act.

(b) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c)(6), (d), (f), (g), (h), and (i) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act.

SEC. 903. PROCESSING OF CUBAN NATIONALS FOR ADMISSION TO THE UNITED STATES.

8 USC 1201 note.

(a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of the enactment of this Act, consular officers of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(g) of the Immigration and Nationality Act, on and after the date of the enactment of this Act, consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

(2) The term "refugee" has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act.

Cambodia.
Vietnam.
Laos.
Hong Kong.
Indonesia.
Singapore.
Philippines.
Thailand.
Malaysia.

SEC. 904. INDOCHINESE REFUGEE RESETTLEMENT.

(a) FINDINGS.—It is the sense of the Congress that—

(1) the continued occupation of Cambodia by Vietnam and the oppressive conditions within Vietnam, Cambodia, and Laos have led to a steady flight of persons from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) the United States has already played a major role in responding to the Indochinese refugee problem by accepting approximately 850,000 Indochinese refugees into the United States since 1975 and has a continued interest in persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand have been the front line countries bearing tremendous burdens caused by the flight of these persons;

(4) all members of the international community bear a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of slow and limited procedures, failure to implement effective policies for the region's "long-stayer" populations, failure to monitor adequately refugee protection and screening programs, particularly along the Thai-Cambodian and Thai-Laotian borders, and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure from Vietnam for refugees, including Amerasians and long-held "reeducation camp" prisoners;

(5) the Government of Thailand should be complemented for allowing the United States to process ration card holders in Khao I Dang and potentially qualified immigrants in Site 2 and in Khao I Dang;

(6) given the serious protection problem in Southeast Asian first asylum countries and the need to preserve first asylum in the region, the United States should continue its commitment to an ongoing, generous admission and protection program for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved;

(7) the executive branch should seek adequate funding levels to meet United States policy objectives to ensure the well-being of Indochinese refugees in first asylum, and to process 29,500 Indochinese refugees within the overall refugee admissions level of 68,000 as determined by the President; and

(8) the Government of Thailand should be complimented for the progress that has been made in implementing an effective antipiracy program.

(b) RECOMMENDATIONS.—The Congress finds and recommends the following with respect to Indochinese refugees:

(1) The Secretary of State should urge the Government of Thailand to allow full access by highland refugees to the Lao Screening Program, regardless of the method of their arrival or the circumstances of their apprehension, and should intensify

its efforts to persuade the Government of Laos to accept the safe return of persons rejected under the Lao Screening Program.

(2) Refugee protection and monitoring activities should be expanded along the Thai-Laotian border in an effort to identify and report on incidents of refugees forcibly repatriated into Laos.

(3) The Secretary of State should urge the Government of Thailand to address immediately the problems of protection associated with the Khmer along the Thai-Cambodian border. The Government of Thailand, along with appropriate international relief agencies, should develop and implement a plan to provide for greater security and protection for the Khmer at the Thai border.

(4) The international community should increase its efforts to assure that Indochinese refugee camps are protected, that refugees have access to a free market at Site 2, and that international observers and relief personnel are present on a 24-hour-a-day basis at Site 2 and any other camp where it is deemed necessary.

(5) The Secretary of State should make every effort to identify each person at Site 2 who may qualify for admission to the United States as an immigrant and for humanitarian parole.

(6) The United Nations High Commissioner for Refugees should be pressed to upgrade staff presence and the level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region, and to pursue voluntary repatriation possibilities in cases where monitoring is available and the safety of the refugees is assured.

International organizations.

(c) **ALLOCATIONS OF REFUGEE ADMISSIONS.**—Given the existing connection between ongoing resettlement and the preservation of first asylum, the United States and the United Nations High Commissioner for Refugees should redouble efforts to assure a stable and secure environment for refugees while dialog is pursued on other long-range solutions, it is the sense of the Congress that—

International organizations.

(1) within the worldwide refugee admissions ceiling determined by the President, the President should continue to recommend generous numbers of admissions from East Asia first asylum camps and from the Orderly Departure Program sufficient to sustain preservation of first asylum and security for Indochinese in Southeast Asia, consistent with worldwide refugee admissions requirements and the consultative processes of the Refugee Act of 1980;

President of U.S.

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam, the number of admissions allocated for Amerasians and their immediate family members should also be generous;

President of U.S.

(3) renewed international efforts must be taken to address the problem of Indochinese refugees who have lived in camps for 3 years or longer; and

(4) the Secretary of State should urge the United Nations High Commissioner for Refugees to organize immediately an international conference to address the problems of Indochinese refugees.

International organizations.

(d) **REPORTING.**—The President shall submit a report to Congress within 180 days after the date of the enactment of this Act on the respective roles of the Immigration and Naturalization Service and

President of U.S.

the Department of State in the refugee program with recommendations for improving the effectiveness and efficiency of the program.

SEC. 905. AMERASIAN CHILDREN IN VIETNAM.

(a) **FINDINGS AND DECLARATIONS.**—The Congress makes the following findings and declarations:

(1) Thousands of children in the Socialist Republic of Vietnam were fathered by American civilians and military personnel.

(2) It has been reported that many of these Amerasian children are ineligible for ration cards and often beg in the streets, peddle black market wares, or prostitute themselves.

(3) The mothers of Amerasian children in Vietnam are not eligible for government jobs or employment in government enterprises and many are estranged from their families and are destitute.

(4) Amerasian children and their families have undisputed ties to the United States and are of particular humanitarian concern to the United States.

(5) The United States has a longstanding and very strong commitment to receive the Amerasian children in Vietnam, if they desire to come to the United States.

(6) In September 1984, the United States informed the Socialist Republic of Vietnam that all Amerasian children in Vietnam, their mothers, and qualifying family members would be admitted as refugees to the United States during a three-year period.

(7) Amerasian emigration from Vietnam increased significantly in fiscal year 1985 under the Orderly Departure Program of the United Nations High Commissioner on Refugees.

(8) On January 1, 1986, the Socialist Republic of Vietnam unilaterally suspended interviews of all individuals seeking to leave Vietnam legally under the auspices of the Orderly Departure Program for resettlement in the United States.

(9) On the 19th and 20th of October 1987, the Socialist Republic of Vietnam permitted the United States to resume interviewing Amerasians and their families.

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

(1) the United States should maintain its strong commitment to receive the Amerasian children in the Socialist Republic of Vietnam and their families;

(2) the Socialist Republic of Vietnam should cooperate fully in facilitating the processing of all Amerasians who desire to be resettled in the United States; and

(3) the Socialist Republic of Vietnam should cooperate fully in the processing of Amerasians for emigration.

SEC. 906. REFUGEES FROM SOUTHEAST ASIA.

(a) **FINDINGS.**—The Congress finds that—

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

Thailand.
Cambodia.
Vietnam.
Laos.

(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975-1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history; and

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland.

Heng Samrin.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees;

International organizations.

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos; and

(5) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents.

Children and youth.

SEC. 907. RELEASE OF YANG WEI.

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

China.
Education.

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his masters of science degree in microbiology in 1986.

(2) In May 1986 Yang Wei returned to China to marry Dr. Che Shaoli and arrange for funding for his continued studies under a PhD program at the University of Arizona.

Che Shaoli.

(3) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(4) Yang Wei has been held without charge or trial since January 11, 1987.

(5) Mr. Yang's wife, a student at Baylor Medical College in Houston, Texas, has been refused any information about her husband's whereabouts or condition by Chinese authorities.

(6) Mr. Yang's father, Yang Jue, and his mother Bi Shuyun, have been denied all contact with their son.

(7) The Chinese Criminal Procedure law of 1979, sections 92, 97, 125, and 142 provides for a maximum of four and a half months of detention without charge or trial and Yang Wei has now been held over six months, contrary to Chinese law.

(8) Yang Wei has not committed any crime under United States or Chinese law.

(9) Yang Wei and his wife only aspire to freedom and democracy.

(10) The treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities.

(11) Recently more than two thousand Chinese students signed an open letter to express their concern about recent political developments in their country.

(b) **POLICY.**—It is the sense of Congress that—

(1) the People's Republic of China should immediately release Yang Wei; and

(2) the United States should consider sympathetically applications for asylum from Chinese students studying in the United States who can, on a case-by-case basis, demonstrate a well-founded fear of persecution.

Yang Jue.
Bi Shuyun.

Anti-Terrorism
Act of 1987.
Palestine
Liberation
Organization.
22 USC 5201
note.
22 USC 5201.

TITLE X—ANTI-TERRORISM ACT OF 1987

SEC. 1001. SHORT TITLE.

This title may be cited as the "Anti-Terrorism Act of 1987".

SEC. 1002. FINDINGS; DETERMINATIONS.

(a) **FINDINGS.**—The Congress finds that—

(1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;

(2) the Palestine Liberation Organization (hereafter in this title referred to as the "PLO") was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;

(3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;

(4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;

(5) the PLO covenant specifically states that "armed struggle is the only way to liberate Palestine, thus it is an overall strategy, not merely a tactical phase";

(6) the PLO rededicated itself to the “continuing struggle in all its armed forms” at the Palestine National Council meeting in April 1987; and

(7) the Attorney General has stated that “various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror”.

(b) DETERMINATIONS.—Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.

SEC. 1003. PROHIBITIONS REGARDING THE PLO.

22 USC 5202.

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this title—

(1) to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

(2) to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

(3) notwithstanding any provision of law to the contrary, to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

SEC. 1004. ENFORCEMENT.

22 USC 5203.

(a) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of this title.

(b) RELIEF.—Any district court of the United States for a district in which a violation of this title occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of this title.

Courts, U.S.

SEC. 1005. EFFECTIVE DATE.

22 USC 5201
note.

(a) EFFECTIVE DATE.—Provisions of this title shall take effect 90 days after the date of enactment of this Act.

(b) TERMINATION.—The provisions of this title shall cease to have effect if the President certifies in writing to the President pro tempore of the Senate and the Speaker of the House that the Palestine Liberation Organization, its agents, or constituent groups thereof no longer practice or support terrorist actions anywhere in the world.

TITLE XI—GLOBAL CLIMATE PROTECTION

Global Climate
Protection Act of
1987.
Environmental
protection.
Pollution.
15 USC 2901
note.

SEC. 1101. SHORT TITLE.

This title may be cited as the “Global Climate Protection Act of 1987”.

15 USC 2901
note.

SEC. 1102. FINDINGS.

The Congress finds as follows:

(1) There exists evidence that manmade pollution—the release of carbon dioxide, chlorofluorocarbons, methane, and other trace gases into the atmosphere—may be producing a long-term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect.

(2) By early in the next century, an increase in Earth temperature could—

(A) so alter global weather patterns as to have an effect on existing agricultural production and on the habitability of large portions of the Earth; and

(B) cause thermal expansion of the oceans and partial melting of the polar ice caps and glaciers, resulting in rising sea levels.

(3) Important research into the problem of climate change is now being conducted by various United States Government and international agencies, and the continuation and intensification of those efforts will be crucial to the development of an effective United States response.

(4) While the consequences of the greenhouse effect may not be fully manifest until the next century, ongoing pollution and deforestation may be contributing now to an irreversible process. Necessary actions must be identified and implemented in time to protect the climate.

(5) The global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to adverse climate change; such international cooperation will be greatly enhanced by United States leadership. A key step in international cooperation will be the meeting of the Governing Council of the United Nations Environment Program, scheduled for June 1989, which will seek to determine a direction for worldwide efforts to control global climate change.

(6) Effective United States leadership in the international arena will depend upon a coordinated national policy.

International
organizations.

15 USC 2901
note.
International
agreements.
Research and
development.
Science and
technology.

SEC. 1103. MANDATE FOR ACTION ON THE GLOBAL CLIMATE.

(a) **GOALS OF UNITED STATES POLICY.**—United States policy should seek to—

(1) increase worldwide understanding of the greenhouse effect and its environmental and health consequences;

(2) foster cooperation among nations to develop more extensive and coordinated scientific research efforts with respect to the greenhouse effect;

(3) identify technologies and activities to limit mankind's adverse effect on the global climate by—

(A) slowing the rate of increase of concentrations of greenhouse gases in the atmosphere in the near term; and

(B) stabilizing or reducing atmospheric concentrations of greenhouse gases over the long term; and

(4) work toward multilateral agreements.

(b) **FORMULATION OF UNITED STATES POLICY.**—The President, through the Environmental Protection Agency, shall be responsible for developing and proposing to Congress a coordinated national policy on global climate change. Such policy formulation shall con-

President of U.S.

sider research findings of the Committee on Earth Sciences of the Federal Coordinating Council on Science and Engineering Technology, the National Academy of Sciences, the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautic and Space Administration, the Department of Energy, the Environmental Protection Agency, and other organizations engaged in the conduct of scientific research.

(c) **COORDINATION OF UNITED STATES POLICY IN THE INTERNATIONAL ARENA.**—The Secretary of State shall be responsible to coordinate those aspects of United States policy requiring action through the channels of multilateral diplomacy, including the United Nations Environment Program and other international organizations. In the formulation of these elements of United States policy, the Secretary of State shall, under the direction of the President, work jointly with the Administrator of the Environmental Protection Agency and other United States agencies concerned with environmental protection, consistent with applicable Federal law.

President of U.S.

SEC. 1104. REPORT TO CONGRESS.

15 USC 2901
note.

Not later than 24 months after the date of enactment of this Act, the Secretary of State and the Administrator of the Environmental Protection Agency shall jointly submit to all committees of jurisdiction in the Congress a report which shall include—

- (1) a summary analysis of current international scientific understanding of the greenhouse effect, including its environmental and health consequences;
- (2) an assessment of United States efforts to gain international cooperation in limiting global climate change; and
- (3) a description of the strategy by which the United States intends to seek further international cooperation to limit global climate change.

SEC. 1105. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION.

15 USC 2901
note.

In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

SEC. 1106. CLIMATE PROTECTION AND UNITED STATES-SOVIET RELATIONS.

Union of Soviet
Socialist
Republics.
15 USC 2901
note.

In recognition of the respective leadership roles of the United States and the Soviet Union in the international arena, and of their joint role as the world's two major producers of atmospheric pollutants, the Congress urges that the President accord the problem of climate protection a high priority on the agenda of United States-Soviet relations.

TITLE XII—REGIONAL FOREIGN RELATIONS MATTERS

PART A—SOVIET UNION AND EASTERN EUROPE

SEC. 1201. SOVIET BALLISTIC MISSILE TESTS NEAR HAWAII.

- (a) **FINDINGS.**—The Congress finds that—

(1) the Union of Soviet Socialist Republics and the United States are presently negotiating a reduction of nuclear weapons and have recently concluded an agreement with respect to reducing the risks of accidental nuclear war;

(2) the Soviet Union has recently conducted two tests of its heavy intercontinental ballistic missiles over trajectories similar to those which could be used in actual attacks on the Hawaiian Islands;

(3) the announced impact points for reentry vehicles from these tests could have resulted in the overflight of sovereign United States territory, namely the Hawaiian Islands;

(4) the Soviet Union reportedly encrypted telemetry from the flight tests in potential violation of the provisions of bilateral arms control agreements;

(5) the Soviet Union used a directed energy device, believed to be a laser, to irradiate a United States military aircraft in international airspace that was monitoring the tests, having the potential effect of interfering with our national technical means of verification;

(6) had this test misfired, Soviet ballistic missile test reentry vehicles could have landed among the Hawaiian Islands; and

(7) the United States does not test strategic missiles in the direction of or in close proximity to sovereign Soviet territory.

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

(1) the actions of the Soviet Union in testing intercontinental ballistic missiles in the Hawaiian region and irradiating United States monitoring aircraft are provocative, unnecessary, and inconsistent with behavior designed to reduce the risk of nuclear war;

(2) the United States Government—

(A) should officially and at the highest levels protest these actions by the Soviet Union and should inform the Soviet Union that it cannot tolerate flight tests in close proximity to sovereign United States territory or interference with United States monitoring aircraft; and

(B) should seek Soviet assurances that such missile testing near United States territory and irradiation of United States territory and irradiation of United States aircraft will not occur in the future; and

(3) the President should, within 10 days of the date of enactment of this Act, report to the Congress in both classified and unclassified form, on—

(A) the details of these Soviet missile tests, including the irradiation of the United States monitoring aircraft;

(B) Soviet explanations offered in response to United States protests; and

(C) what steps will be taken to ensure that such activities will not happen in the future.

President of U.S.
Reports.
Classified
information.

Human rights.

SEC. 1202. EMIGRATION OF JEWS AND OTHERS WHO WISH TO EMIGRATE FROM THE SOVIET UNION.

It is the sense of the Congress that the Government of the Soviet Union should—

(1) permit the emigration of Jews and others who wish to emigrate from the Soviet Union;

(2) remove restrictions on the practice of religion and the exercise of cultural rights; and

(3) cease the official harassment of individuals who wish to emigrate, practice their religion, exercise their cultural rights, or engage in free intellectual pursuits.

SEC. 1203. SYSTEMATIC NONDELIVERY OF INTERNATIONAL MAIL ADDRESSED TO CERTAIN PERSONS RESIDING WITHIN THE SOVIET UNION.

It is the sense of the Congress that—

(1) the President should express to the Government of the Soviet Union the disapproval of the United States regarding the systematic nondelivery of international mail; and

(2) at the Congress of the Universal Postal Union in Washington, District of Columbia, in 1989, the Department of State should bring to the attention of other member countries of the Universal Postal Union patterns of nondelivery of international mail by the Soviet Union contrary to the Acts of the Universal Postal Union and the delegation of the United States should ask other member countries to support the adoption of amendments to the Universal Postal Convention and other measures to encourage improved postal performance by the Soviet Union.

International organizations.

SEC. 1204. UNITED STATES POLICY AGAINST PERSECUTION OF CHRISTIANS IN EASTERN EUROPE AND THE SOVIET UNION.

Human rights.

It is the sense of the Congress that—

(1) the President should continue to express to the governments of the Union of Soviet Socialist Republics and Eastern European countries the deep concern and opposition of the United States with respect to the harassment of Christians and other religious believers;

(2) the governments of the Union of Soviet Socialist Republics and Eastern European countries should comply with their commitments under the United Nations Universal Declaration of Human Rights, the International Covenants on Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document; and

(3) the governments of the Union of Soviet Socialist Republics and Eastern European countries should immediately cease persecuting individuals on the basis of their faith and should afford Christians and other believers their internationally recognized right to freedom of religion.

International organizations.

SEC. 1205. OBSERVANCE BY THE GOVERNMENT OF ROMANIA OF THE HUMAN RIGHTS OF HUNGARIANS IN TRANSYLVANIA.

The Congress deplores activities of the Government of the Socialist Republic of Romania restricting the internationally recognized human rights of Hungarians and other nationalities in Transylvania and elsewhere in Romania.

SEC. 1206. SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

Human rights.

It is the sense of the Congress that—

(1) the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union should be recognized; and

(2) the President should—

(A) direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26,

1988, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union;

(B) call attention to violations of internationally recognized human rights in the Baltic States; and

(C) promote compliance with the human rights and humanitarian provisions of the Helsinki Final Act of the Conference on Security and Cooperation in Europe in the Baltic States.

SEC. 1207. ASSISTANCE IN SUPPORT OF DEMOCRACY IN POLAND.

(a) **SUPPORT FOR SOLIDARITY.**—It is the sense of the Congress that—

(1) Solidarity deserves special praise and recognition as the only free and independent trade union in Poland;

(2) Solidarity reflects the Polish people's desire for free and democratic institutions and activities; and

(3) Solidarity is one of the leading democratic representatives of the Polish working people.

(b) **ASSISTANCE IN SUPPORT OF DEMOCRACY IN POLAND.**—Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for fiscal year 1988, not less than \$1,000,000 shall be available only for the unconditional support of democratic institutions and activities in Poland.

PART B—LATIN AMERICA AND CUBA

SEC. 1211. CUBAN HUMAN RIGHTS VIOLATIONS AND THE FAILURE OF THE UNITED NATIONS TO PLACE CUBA ON ITS HUMAN RIGHTS AGENDA.

(a) **FINDINGS.**—The Congress finds that—

(1) the Universal Declaration of Human Rights, which was adopted and proclaimed by the General Assembly of the United Nations, states in paragraph 2 of Article 13 that “Everyone has the right to leave any country, including his own, and to return to his country”;

(2) the Universal Declaration of Human Rights states in Article 19 that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers”;

(3) the Government of Cuba has violated the Cuban people's internationally recognized human rights, including freedom of movement, emigration, opinion, and expression;

(4) Cuban human rights violations are a major obstacle to improved United States-Cuban relations; and

(5) the United Nations Human Rights Commission has acted selectively in addressing human rights violations in various countries and has failed to place Cuba on its agenda despite overwhelming evidence of the continuing disregard and systematic abuse of internationally recognized human rights by the Government of Cuba.

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

(1) the Government of Cuba should respect internationally recognized human rights, including freedom of movement, emigration, opinion, and expression; and

(2) the United States delegation to the United Nations should continue its commendable efforts to bring this issue before the attention of the United Nations and to place Cuban human rights abuses on the agenda of the United Nations Human Rights Commission.

(c) **DISTRIBUTION OF TEXT TO U.N. MEMBERS.**—The Secretary of State shall cause the text of this section to be circulated by the United States among the members of the United Nations in order to highlight Cuba's behavior in violation of the Universal Declaration of Human Rights.

SEC. 1212. PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade union groups, nongovernmental service organizations, and the democratic civic opposition.

SEC. 1213. TERRORIST BOMBING IN HONDURAS.

(a) **FINDINGS.**—The Congress finds that—

(1) a terrorist bomb exploded on August 8, 1987, in the China Palace restaurant in Comayagua, Honduras;

(2) the bomb was directed at American soldiers and did in fact wound American soldiers and an American contractor;

(3) the United States military personnel were in Honduras assigned to Joint Task Force Bravo;

(4) Honduran authorities have named Alfonso Guerrero Ulloa as a suspect in this act of terrorism and have a warrant for his arrest;

(5) the Government of Mexico, contrary to accepted norms of international law on harboring terrorists, has granted asylum to Mr. Guerrero; and

(6) the United States Government has protested to the Government of Mexico.

(b) **STATEMENT OF POLICY.**—It is the sense of the Congress that—

(1) the United States Congress deplores the harboring of international terrorists, and

(2) the United States Government should call upon the Government of Mexico to turn Mr. Guerrero over to the Government of Honduras.

SEC. 1214. HUMAN RIGHTS IN PARAGUAY.

(a) **FINDINGS.**—The Congress finds that—

(1) the Government of Paraguay systematically has violated the internationally recognized human rights of its citizens;

(2) various provisions of Paraguayan law provide for the detention of individuals without trial for an indefinite period of time;

(3) the police authorities in Paraguay arbitrarily arrest and detain individuals; and

(4) the police authorities have tortured and abused prisoners, resulting in the death of a number of detainees.

Alfonso
Guerrero
Ulloa.
Mexico.

(b) **SENSE OF CONGRESS.**—The Congress expresses its outrage at the human rights abuses specified in subsection (a), pledges to continually speak out against all governments which commit such abuses, and urges the Government of Paraguay to respect the internationally recognized human rights of its citizens.

PART C—AFRICA

SEC. 1221. HUMAN RIGHTS IN ETHIOPIA.

(a) **FINDINGS.**—The Congress finds that—

(1) the Government of Ethiopia has systematically violated the internationally recognized human rights of its citizens;

(2) the Government of Ethiopia holds large numbers of political prisoners and regularly detains without trial many other political opponents of the government;

(3) the Government of Ethiopia engages in torture and ill-treatment of political prisoners;

(4) reliable reports indicate that many political opponents of the Government of Ethiopia “disappear” and that approximately sixty political prisoners were executed in October 1985 without benefit of trial; and

(5) over one million Ethiopians have fled the country.

(b) **SENSE OF CONGRESS.**—The Congress expresses its outrage at the human rights abuses specified in subsection (a), pledges to continually speak out against all governments which commit such abuses, and urges the Government of Ethiopia to respect the internationally recognized human rights of its citizens.

SEC. 1222. UNITED STATES POLICY ON ANGOLA.

(a) **FINDINGS.**—The Congress finds that—

(1) it is in the interest of peace and economic development in southern Africa for the President and the Secretary of State to discuss the conflict in Angola with Soviet leaders;

(2) the President has stated that the resolution of regional conflicts such as Angola, Afghanistan, and Nicaragua is critical to improvements in Soviet-American relations;

(3) the proposed summit between President Reagan and Secretary General Gorbachev provides the United States with an opportunity to encourage complete Soviet-Cuban withdrawal from Angola, the possible provision of humanitarian assistance, and the holding of free and fair elections;

(4) the Marxist regime in Angola known as the Popular Movement for Liberation of Angola (hereafter in this section referred to as the “MPLA”) is currently launching a major dry-season offensive against the opposition involving thousands of Cuban troops and billions of dollars in sophisticated Soviet weaponry;

(5) the people of Angola are starving because of the hardships resulting from 12 years of civil war and inefficient Marxist economic policies;

(6) the MPLA regime has turned to the international community for substantial food aid while continuing to spend most of Angola’s national budget on sustaining the war effort, including payments for Cuban troops and Soviet arms; and

(7) the growing intensity of the war, the starvation and mounting suffering of the Angolan people, the continued presence in Angola of 37,000 Cuban combat troops and South Afri-

Union of Soviet
Socialist
Republics.
Cuba.
President of U.S.

President of U.S.
Mikhail
Gorbachev.

South Africa.

can forces, the continued presence and active involvement of 2,500 Soviet military advisers, and the refusal of the MPLA to negotiate with the opposition, increase the urgency of reaching a peaceful solution.

(b) **POLICY.**—It is the sense of the Congress that—

(1) the United States should continue to work toward a peaceful resolution to the Angolan conflict that includes—

(A) the complete withdrawal of all foreign forces and Soviet military advisers;

(B) a negotiated settlement to the 12-year conflict leading to the formation of a government of national unity and the holding of free and fair elections; and

(C) efforts by the President and the Secretary of State to convey to Soviet leaders at the proposed summit and in other meetings that the aggressive military build-up in Angola undermines positive bilateral relations and that the United States is committed to supporting democratic forces in Angola until democracy is achieved;

President of U.S.

(2) the people of Angola should not be left to starve because of the MPLA regime;

Human rights.

(3) the United States should consider responding to the humanitarian needs of the Angolan people, and if humanitarian assistance is provided, such assistance should be distributed in an evenhanded manner, so that Angolans throughout the entire war-torn country are provided with food and basic medical care;

Human rights.

(4) any humanitarian assistance should be distributed through private and voluntary organizations or nongovernmental organizations; and

(5) within 180 days after the date of the enactment of this Act, the Secretary of State should prepare and transmit to the Congress a report detailing the progress of discussions between the Soviet Union and the United States on the conflict in Angola.

Reports.

SEC. 1223. FORCED DETENTION BY THE AFRICAN NATIONAL CONGRESS AND THE SOUTH AFRICAN GOVERNMENT.

Human rights.
Reports.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on any detention camps maintained by the African National Congress and on detention in South Africa since the South African Government enacted a State of Emergency in June 1986.

SEC. 1224. DETENTION OF CHILDREN IN SOUTH AFRICA.

Human rights.

(a) **FINDINGS.**—The Congress finds that—

(1) the Government of the Republic of South Africa under its system of apartheid repeatedly has detained black children without charge or trial, and has denied parental access to these children for extended periods of time;

(2) the Detainees' Parents' Support Committee of South Africa has compiled information estimating that more than 25,000 people were detained since June 12, 1986, under state of emergency regulations, and approximately 10,000 of these were children, including some as young as age 10;

(3) the Government of the Republic of South Africa has stated on numerous occasions that it has detained children without charge, and that on a certain day in December 1986, 256 children under the age of 16 were in detention; that on a certain

day in February 1987, 281 children under the age of 15 were in detention; that on a certain day in April 1987, 1,424 children under the age of 18 were in detention; and that on a certain day in May 1987, 280 children under the age of 16 were in detention; and that as of June 2, stated that eleven children under the age of 16 were in detention; and as of October, 69 children under the age of 18 are still in detention; and

(4) human rights groups in South Africa estimate that many more children have been detained under state of emergency regulations than the Government of the Republic of South Africa admits;

(5) the state of emergency regulations allow for the detention of individuals without charge for an indefinite period of time; and

(6) the United States Ambassador to South Africa Edward J. Perkins has stated that such detentions are "a most serious abuse of human rights, particularly so where detainees are children as young as 11".

(b) **POLICY.**—The Congress hereby—

(1) calls for the cessation of the practice of detaining children under 18 years of age without charge or trial in South Africa;

(2) calls for the South African Government either to release all children in South Africa held under state of emergency regulations and other laws which authorize detention without charge or, in those cases where an internationally recognized criminal act has allegedly been committed, charge them and allow them their rights of a fair and public trial;

(3) pending the release of the children, calls on the Government of the Republic of South Africa to—

(A) permit the detained children immediate and frequent access to parents and legal counsel;

(B) make public the names and locations of all the detained children;

(C) provide the detained children with adequate food, clothing, and protection; and

(D) permit a recognized, independent, and impartial international humanitarian organization to verify that the provisions of this section are being carried out and that the detained children are not being abused, tortured, or held in solitary confinement, and are not being held in detention in the company of adults; and

(4) calls for the apprehension and trial of all those individuals who execute children by violent activities, including necklacing, and the cessation of these activities.

PART D—MIDDLE EAST

SEC. 1231. MIDDLE EAST PEACE CONFERENCE.

(a) **FINDINGS.**—The Congress finds that—

(1) the General Assembly of the United Nations recognized the sovereignty of the State of Israel through Resolution 181 of 1947 and the right of all Israeli citizens to live within secure and recognized boundaries through Resolutions 242 and 338 of 1973;

(2) the Government of the Soviet Union severed diplomatic relations with the State of Israel in 1967 and has opposed every recent United States initiative for direct, bilateral negotiations

Edward J.
Perkins.

International
organizations.
Israel.
Union of Soviet
Socialist
Republics.

among the warring parties of the Middle East including the Camp David accords of 1979 and the Reagan plan of 1982;

(3) the Government of the Soviet Union has further demonstrated its lack of respect for the integrity of the Israeli state by systematically denying exit visas to Soviet Jews who wish to live and work in the State of Israel; and

(4) a permanent and equitable settlement of the Middle Eastern conflict can result only from agreements between the Arab States and Israel.

(b) **POLICY.**—It is the sense of the Congress that the United States should not actively encourage the participation of the Soviet Union in any conference, meeting, or summit on the Arab-Israeli conflict which includes nations other than those in the Middle East unless the Government of the Soviet Union has either—

(1)(A) reestablished diplomatic relations with the State of Israel at the ambassadorial level;

(B) publicly reaffirmed its acceptance of United Nations Resolutions 242 and 338; and

(C) substantially increased and maintained the number of exit visas granted to Jewish individuals and families within the Soviet Union who have applied for emigration to the State of Israel; or

(2) been jointly invited by the governments of the states in the region involved in the talks.

SEC. 1232. UNITED STATES POLICY TOWARD LEBANON.

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

(1) After nearly 13 years of civil conflict and foreign intervention, the situation in Lebanon appears no closer to resolution.

(2) Through most of the last dozen years, the Lebanese have managed to continue economic activity sufficient to stave off economic collapse and provide its citizens with basic necessities.

(3) During the past year, however, the collapse in the value of the Lebanese pound from less than 40 to the dollar to nearly 300 has made the importation of wheat, rice, and other basic commodities prohibitively expensive.

(4) As a result, for the first time, the Lebanese are faced with the prospect of starvation.

(5) Hizballah and other radical elements are taking advantage of the current economic crisis by providing foreign supplied food. In so doing, they are winning converts to their cause and radicalizing the youth.

(6) It is in the interest of the United States to support the traditional Lebanese free enterprise system of distribution of food which until now has been able to compete successfully with these radical movements.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the United States should base its policy toward Lebanon on the following principles:

(1) Preservation of the unity of Lebanon.

(2) Withdrawal of all foreign forces from Lebanon.

(3) Recognition of and respect for the territorial integrity of Lebanon.

(4) Reassertion of Lebanese sovereignty throughout the nation and recognition that it is the responsibility of the Government of Lebanon for its safekeeping.

Human rights.

Human rights.

Agriculture and
agricultural
commodities.
Hunger.

- Terrorism.** (5) Reestablishment of the authority of the Government of Lebanon throughout the nation is a prerequisite for a lasting solution to the problem of international terrorism emanating from Lebanon.
- (c) **FURTHER SENSE OF CONGRESS.**—It is the further sense of Congress that the provision of at least 200,000 tons of wheat and 30,000 tons of rice through Public Law 480, title I and section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. Provision of this assistance will meet the United States policy objective of strengthening the Central Government as well as helping alleviate a serious hunger problem.
- Maritime affairs.** **SEC. 1233. ACTING IN ACCORDANCE WITH INTERNATIONAL LAW IN THE PERSIAN GULF.**
- (a) **FINDINGS.**—The Congress makes the following findings:
- (1) According to Article 2 of the 1958 Geneva Convention on the High Seas, every state is entitled to exercise free and open use of the high seas for the navigation of its vessels.
- Armed Forces.** (2) On September 22, 1987, United States Navy forces discovered the Iranian ship Iran Ajr laying mines in international waters of the Persian Gulf, and fired upon that ship to help terminate the mining.
- Iran.**
- President of U.S.** (3) On September 23, 1987, President Reagan declared that this United States action was “authorized by law”, and a statement was issued by the State Department that the United States had the right under international law to use “reasonable and proportionate force” to terminate the mining.
- (b) **POLICY.**—It is the sense of the Congress that—
- (1) by mining the high seas of the Persian Gulf without notifying nonbelligerent nations engaged in maritime commerce, the Government of Iran violated international law;
- Iran.** (2) the use of force by the United States Navy to terminate that Iranian mining was justified under international law; and
- Armed Forces.** (3) fostering broader adherence to international law promotes the security interests of the United States.
- SEC. 1234. UNITED STATES POLICY TOWARD THE IRAN-IRAQ WAR.**
- (a) **FINDINGS.**—The Congress finds that—
- (1) the continuation of the Iran-Iraq war threatens the security and stability of all states in the Persian Gulf;
- Petroleum and petroleum products.** (2) stability in the Persian Gulf and the flow of oil is critical to world trade and the economic health of the West;
- (3) the conflict between Iran and Iraq threatens United States strategic and political interests in the region;
- (4) the conflict threatens international commercial shipping interests and activities; and
- (5) the Iran-Iraq war has continued seven years with more than 1,500,000 casualties.
- International organizations.** (b) **POLICY.**—The Congress declares it to be the policy of the United States consistent with United Nations Security Council Resolution 598—
- (1) to support the withdrawal of both Iran and Iraq to internationally recognized boundaries;
- (2) to support an immediate cease-fire;
- (3) to endorse the peaceful resolution of this conflict under the auspices of the United Nations;

(4) to encourage all governments to refrain from providing military supplies to any party which refuses to abide by United Nations Security Council Resolution 598;

(5) to recognize that stability and security in the Persian Gulf will only be achieved if Iran and Iraq are at peace and agree not to interfere in the affairs of other nations through military action or the support of terrorism; and

(6) to urge strict observance of international humanitarian law by both sides and to support financially the International Committee of the Red Cross' special appeal for prisoners of war.

Terrorism.

SEC. 1235. IRAN HUMAN RIGHTS VIOLATIONS.

(a) **FINDINGS.**—The Congress finds that—

International organizations.

(1) the United Nations has passed nine resolutions condemning the violation of human rights in Iran;

(2) the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities stressed in Resolution 1987-12 that to date, more than two-hundred thousand Iranians have been imprisoned, tortured or executed because of their beliefs;

(3) the United Nations Commission on Human Rights confirms seven thousand executions in Iran between 1978 and 1985, and attests that the actual number is probably much higher;

(4) despite the persistent requests over the past six years by the United Nations and by many human rights organizations that the Iranian Government allow a special representative of the United Nations Security Council to inspect Iranian prisons and to determine the true extent of torture in Iran, such requests have been ignored by the Iranian Government;

(5) executions, including executions of children and members of religious minorities, still take place in Iran;

(6) the Khomeini government has brought the domestic economy of Iran to the brink of ruin by pouring the resources of the country into war making;

(7) Iran has rejected all proposals to end the seven year Iran-Iraq war;

(8) Iran has not responded positively to United Nations Security Council Resolution 598 which calls for an end to the Iran-Iraq war;

(9) the Khomeini government continues to attack and intimidate the other countries of the Persian Gulf region; and

(10) it is known that the Khomeini government supports terrorism and has used hostage taking as an instrument of foreign policy.

Terrorism.

(b) **POLICY.**—Now, therefore, the Congress—

(1) expresses concern for those citizens who must endure war and unprecedented repression;

(2) supports an official United States policy of completely halting the shipment of any kind of armament to the Government of Iran; and

(3) urges that the President continue to make every effort to cooperate with the other nations of the United Nations to bring about an end to government sponsored torture in Iranian prisons, to pressure Iran to permit inspection of Iranian prisons by an international delegation, and to respect internationally recognized human rights.

President of U.S.

Human rights.

SEC. 1236. IRANIAN PERSECUTION OF THE BAHAI'S.(a) **POLICY.**—It is the sense of the Congress that—

(1) the Government of Iran has systematically discriminated against the Baha'i community, including the arbitrary detention, torture, and killing of Baha'is, the seizure of Baha'i property, and the outlawing of the Baha'i faith; and

(2) Iran's gross violations of the human rights of the Baha'i community are in direct contravention of the Charter of the United Nations and the United Nations Declaration of Human Rights.

(b) **IMPLEMENTATION OF POLICY.**—It is the sense of Congress that the President shall take all necessary steps to focus international attention on the plight of the Baha'i community and to bring pressure to bear on the Government of Iran to cease its insidious policy of persecution.

PART E—ASIA

Human rights.

SEC. 1241. SOVIET OCCUPATION OF AFGHANISTAN.(a) **FINDINGS ON SOVIET ACTIONS IN AFGHANISTAN.**—The Congress finds that—

(1) the Soviet Union has been waging war against the people of Afghanistan since the invasion of December 25, 1979;

(2) the victims of the Soviet invasion and occupation include more than 1,000,000 dead and more than 3,000,000 Afghans forced to find refuge in neighboring countries;

(3) Soviet military tactics have included the bombing and napalming of villages without regard to the human toll, the destruction of crops, agricultural land, and orchards so as to create famine conditions, and the massacre of hostages and other innocent civilians;

(4) children have been particular victims of Soviet aggression, with some being targeted for death by the dropping of booby-trapped toys while other children have been transported to the Soviet Union for indoctrination;

(5) the Soviet-installed puppet regime has engaged in a consistent pattern of gross violations of the human rights of its own citizens, including torture and summary execution, for which its Soviet sponsors must also be held accountable; and

(6) Soviet actions in Afghanistan constitute a violation of international law and of accepted norms of human decency and, therefore, must be condemned by civilized people everywhere.

(b) **FINDINGS ON THE AFGHAN RESISTANCE.**—The Congress further finds that—

(1) the Afghan people have heroically resisted the Soviet invaders in spite of the tremendous cost of so doing and now control most of their homeland;

(2) the provision of effective assistance to the Afghan people is an obligation of those who cherish freedom;

(3) a total and prompt withdrawal of all Soviet forces from Afghanistan is essential in order for the Afghan people to exercise their inalienable human right to self-determination; and

(4) a negotiated settlement providing for the total and prompt withdrawal of Soviet forces offers the best prospect for an early end to the suffering of the Afghan people.

Children and youth.

(c) **DECLARATION OF POLICY.**—The Congress, therefore, declares it to be the policy of the United States—

(1) to provide such assistance to the Afghan people as will most effectively help them resist the Soviet invaders;

(2) to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and

(3) to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union.

(d) **PROVISION OF ASSISTANCE.**—The President and Secretary of State are directed to adopt policies and programs to ensure that all assistance intended for the Afghan people reaches its intended recipients and that theft or diversion of such assistance not be tolerated.

President of U.S.

SEC. 1242. REPORT ON ADMINISTRATION POLICY ON AFGHANISTAN.

(a) **FINDINGS.**—The Congress finds that—

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

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Socialist
Republics.

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces", political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

Human rights.

(b) **REPORT TO CONGRESS.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in

Classified
information.

a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments.

Dalai Lama.

SEC. 1243. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and 27 Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to Members of the United States Congress during his visit to Washington in September 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) beginning October 7, 1950, the Chinese Communist army invaded and occupied Tibet;

(5) since that time, the Chinese Government has exercised dominion over the Tibetan people, who had always considered themselves as independent, through the presence of a large occupation force;

(6) over 1,000,000 Tibetans perished from 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the policies of the People's Republic of China in Tibet;

(7) after 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, were destroyed and their irreplaceable national legacy of art and literature either destroyed, stolen, or removed from Tibet;

(8) the exploitation of Tibet's vast mineral, forest, and animal reserves has occurred with limited benefit to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) the People's Republic of China has encouraged a large influx of Han-Chinese into Tibet, thereby undermining the political and cultural traditions of the Tibetan people;

(11) there are credible reports of many Tibetans being incarcerated in labor camps and prisons and killed for the nonviolent expression of their religious and political beliefs;

(12) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the 100,000 refugees forced into exile with him, has worked tirelessly for almost 30 years to secure peace and religious freedom in Tibet, as well as the preservation of the Tibetan culture;

(13) in 1959, 1961, and 1965, the United Nations General Assembly called upon the People's Republic of China to end the violations of Tibetans' human rights; International organizations.

(14) on July 24, 1985, 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetans in exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration"; Li Xiannian.

(15) on September 27, 1987, the chairman and ranking minority member of the Senate Foreign Relations Committee, the chairman and ranking minority member of the House Foreign Affairs Committee, and the Co-Chairman of the Congressional Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as an historic step toward resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal."; and Zhao Ziyang.

(16) there has been no positive response by the Government of the People's Republic of China to either of these communications.

(b) STATEMENT OF POLICIES.—It is the sense of the Congress that—

(1) the United States should express sympathy for those Tibetans who have suffered and died as a result of fighting, persecution, or famine over the past four decades;

(2) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(3) the Government of the People's Republic of China should respect internationally recognized human rights and end human rights violations against Tibetans;

(4) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialogue on the future of Tibet;

(5) Tibetan culture and religion should be preserved and the Dalai Lama should be commended for his efforts in this regard;

(6) the United States, through the Secretary of State, should address and call attention to the rights of the Tibetan people, as well as other non-Han-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Xinjiang), and the Mongolians of Inner Mongolia; Mongolia.

(7) the President should instruct United States officials, including the United States Ambassadors to the People's Republic of China and India, to pay greater attention to the concerns of the Tibetan people and to work closely with all concerned about human rights violations in Tibet in order to find areas in which the United States Government and people can be helpful; and President of U.S.

(8) the United States should urge the People's Republic of China to release all political prisoners in Tibet.

(c) **TRANSFER OF DEFENSE ARTICLES.**—With respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China, the United States Government shall, consistent with United States law, take into account the extent to which the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

Reports.

(d) **MIGRATION AND REFUGEE ASSISTANCE.**—Within 60 days after the date of the enactment of this Act, the Secretary of State shall determine whether the needs of displaced Tibetans are similar to those of displaced persons and refugees in other parts of the world and shall report that determination to the Congress. If the Secretary makes a positive determination, of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, such sums as are necessary shall be made available for assistance for displaced Tibetans. The Secretary of State shall determine the best means for providing such assistance.

Appropriation authorization.

(e) **SCHOLARSHIPS.**—For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than 15 scholarships for study at institutions of higher education in the United States.

Vietnam.

SEC. 1244. SUPPORT FOR THE RIGHT OF SELF-DETERMINATION FOR THE CAMBODIAN PEOPLE.

(a) **FINDINGS.**—The Congress finds that—

(1) the Socialist Republic of Vietnam, in violation of its obligations under international law including the United Nations Charter, invaded Cambodia in December 1978;

Heng Samrin.

(2) in January 1979, Vietnam installed a puppet government in Phnom Penh, Cambodia, headed by Heng Samrin;

Union of Soviet Socialist Republics.

(3) eight years later Vietnam continues, with Soviet backing, to occupy Cambodia with some 140,000 troops;

(4) by invading and occupying Cambodia, the Government of the Socialist Republic of Vietnam violated its obligation, undertaken upon becoming a member of the United Nations in 1977, not to use force against the territorial integrity or political independence of any state;

(5) Vietnam has attempted to submerge Cambodian culture and heritage through the settlement of large numbers of Vietnamese in Cambodia;

Human rights.

(6) human rights observers have noted a pattern of torture, political detention, inhumane treatment, and other abuses of human rights by officials of the Vietnamese-backed puppet Cambodian regime;

Pol Pot.

(7) the Vietnamese occupation of Cambodia has compounded the hardship and suffering of a people which had previously suffered barbaric crimes of genocide under Pol Pot's Khmer Rouge and has caused hundreds of thousands of Cambodians to flee their own country;

Heng Samrin.
Norodom Sihanouk.

(8) in recognition of the illegal occupation of Cambodia by the Vietnamese, the United Nations has refused to recognize the credentials of the Heng Samrin regime and has instead continued to recognize the credentials of the Government in Exile led by Prince Norodom Sihanouk;

(9) the member states of the United Nations for the eighth time, and by a record vote, approved a resolution at the forty-second session of the General Assembly calling for the withdrawal of foreign troops from Cambodia;

(10) the 1981 United Nations-sponsored International Conference on Kampuchea called for the early withdrawal of foreign troops and the holding of free elections under United Nations supervision;

(11) the Government of the Socialist Republic of Vietnam has thus far rejected the efforts of the Association of Southeast Asian Nations and supported by the United States to resolve the situation in Cambodia; and

(12) in the absence of a settlement, the non-Communist Cambodian forces continue to wage a war of resistance against Vietnamese occupation forces.

(b) STATEMENT OF POLICY.—The Congress—

Pol Pot.

(1) deplores the continued violation of the sovereignty and territorial independence of Cambodia by the Socialist Republic of Vietnam;

(2) calls upon the Government of the Socialist Republic of Vietnam to immediately withdraw all of its occupation forces from Cambodia and to negotiate a settlement which restores self-determination to the Cambodian people;

(3) believes that such negotiations and withdrawal by Vietnam, together with a satisfactory accounting of Americans still missing in action, would constitute positive steps that would help facilitate the prospect of an end to Vietnam's isolation in the world community and an improvement of its relations with the United States;

(4) supports the efforts of the member nations of the Association of Southeast Asian Nations (ASEAN), the United Nations Secretary General, and the non-Communist Cambodian people to achieve a political settlement which would include such elements as internationally supervised free and fair elections, as well as assurances that there will be no return to the genocidal policies of the Pol Pot regime;

(5) supports efforts to establish an international tribunal to bring to justice those Khmer Rouge leaders during the reign of Pol Pot, and any others, responsible for crimes of genocide against the Cambodian people; and

(6) calls upon the international community to observe a special day of remembrance—

(A) in recognition of the suffering of the Cambodian people under Pol Pot,

(B) in protest of the efforts of Vietnam to suppress the basic human rights, culture, and way of life of the Cambodian people, and

(C) in protest of the illegal occupation of Cambodia by Vietnamese troops.

SEC. 1245. HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) the advancement of human rights is a stated objective of the foreign policy of the United States;

(2) the constitutional guarantees of freedom of speech, press, and peaceful assembly have not been adequately respected in the People's Republic of China;

Religion.

(3) the exercise of religious activities has a detrimental effect on a participant's civil, social, and economic status within the People's Republic of China;

(4) the freedom of movement and the freedom to form independent trade unions and other voluntary associations are severely curtailed;

(5) there have been some encouraging developments including an effort by the current leadership of the People's Republic of China to develop economic policies without regard to a rigid application of Maoist ideology; and

(6) the American people desire to extend their moral support to the struggle for freedom and justice within the People's Republic of China.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the leadership of the People's Republic of China should take necessary steps toward establishing a more democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

SEC. 1246. DEMOCRACY IN TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) stability and peace prevail on the island of Taiwan and in the Western Pacific region;

(2) economic vitality, educational advancement, and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(3) the people of Taiwan, in both national and local elections, have shown themselves fully capable of participating in a democratic political process;

(4) the authorities on Taiwan are nurturing a transition toward more truly democratic and representative political institutions, although a minority of the seats in the central legislature and central electoral college are filled through periodic elections, with the majority of seats still being held by individuals who took office in the late 1940s;

(5) on September 28, 1986, Taiwan's democratic opposition announced the formation of the Democratic Progressive Party;

(6) on October 7, 1986, President Chiang Ching-kuo, announced that the Kuomintang intended to end the state of martial law and to lift the ban on the creation of new political parties;

(7) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan;

(8) the Kuomintang has indicated a desire over the next few years to make more representative Taiwan's central representative bodies, to broaden decisionmaking within the Nationalist Party, to enhance the rule of law, and to increase the powers of local-level government; and

(9) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan and an acceleration of progress toward a full democracy on Taiwan, including full respect for human rights, will strengthen United States ties with the people on Taiwan.

(b) SENSE OF CONGRESS.—The Congress—

Chiang Ching-kuo.

Human rights.

Human rights.

(1) welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) welcomes the lifting of martial law and looks forward to the lifting of the ban on new political parties;

(3) encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions, in particular by—

(A) guaranteeing freedom of speech, expression, and assembly; and

(B) gradually moving toward a fully representative government, including the free and fair election of all members of all central representative bodies; and

(4) requests the American Institute in Taiwan to convey this Nation's continuing support for a democratic and prosperous Taiwan, as stated in the Taiwan Relations Act, and our encouragement for democracy to the leaders and the people of Taiwan.

PART F—MISCELLANEOUS

SEC. 1251. REPORTS ON ILLEGAL TECHNOLOGY TRANSFERS.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of the Congress a report concerning:

(1) The status of the Japanese Government investigation of the transfer of milling machines to the Soviet Union by Toshiba Machine Company, including any prosecution, fine, or other government action.

(2) The status of the Norwegian Government investigation of the transfer of numerical controllers by Kongsberg Vappenfabrik (KV) to the Soviet Union, including any prosecution, fine, or other government action.

(3) Actions undertaken by the Japanese and Norwegian Governments to ensure that such transfers or other breaches of security related to international espionage do not recur.

(4) Actions and plans of the United States Government to respond to such cases of international espionage.

(b) DISCUSSIONS.—The Secretary of State shall enter into discussions with Japan and Norway regarding compensation for damage to United States national security resulting from such cases of international espionage. The Secretary shall submit a preliminary report to the appropriate committees of the Congress concerning the status of such discussions 180 days after the date of enactment of this Act and shall submit a final report 360 days after the date of enactment of this Act. The Secretary may submit such other subsequent reports as may be appropriate.

SEC. 1252. REPORT ON PROGRESS TOWARD A WORLD SUMMIT ON TERRORISM.

It is the sense of the Congress that the President should convene a summit meeting of Western world leaders to adopt a unified effective program against international terrorism.

Japan.
Union of Soviet
Socialist
Republics.
Norway.
Espionage.
Defense and
national
security.

President of U.S.

SEC. 1253. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

Terrorism.

(a) **FINDINGS.**—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passports.

(b) **DISCUSSIONS.**—The Congress urges the President to enter into discussions with other countries regarding the feasibility of a general agreement permitting the deletion of the place of birth as a required item of information on passports.

International
organizations.
Japan.
Federal Republic
of Germany.

SEC. 1254. SUPPORT OF MUTUAL DEFENSE ALLIANCES.

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

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends tens of billions of dollars annually to assist in the defense of allies of the United States.

(3) The financial burden of mutual defense assumed by many NATO allies and particularly Japan is not commensurate with their economic resources, and, as a result, the United States bears a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its gross national product on defense.

(5) United States allies, particularly West Germany and Japan, have derived tremendous economic benefit from the free trade system among the Western countries, accumulating in certain cases large payments surpluses, while protected through military alliances to which the United States has made an overwhelming commitment of resources.

(6) The greatest weakness in the ability of the United States to sustain the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(7) The Federal budget deficit must be reduced in order to revitalize the economy.

(8) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels could weaken the long-term vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) **POLICY.**—It is the sense of the Congress that—

(1) the President should enter into discussions with countries which participate in mutual defense alliances with the United States, especially the member nations of NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) the objective of such discussions with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for

defense spending between those allies and the United States that is commensurate with their resources;

(3) the President should report to the Congress, within one year after the date of the enactment of this Act, on the progress of such discussions; and

(4) if, in the judgment of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

President of U.S. Reports.

President of U.S. Reports.

SEC. 1255. ARMS EXPORT CONTROL ENFORCEMENT AND COORDINATION.

(a) EXPORT LICENSES.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

“(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

President of U.S.

“(A) persons who are the subject of an indictment for, or have been convicted of, a violation under—

“(i) this section,

“(ii) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410),

“(iii) section 793, 794, or 798 of title 18, United States Code (relating to espionage involving defense or classified information),

“(iv) section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16),

“(v) section 206 of the International Emergency Economic Powers Act (relating to foreign assets controls; 50 U.S.C. App. 1705),

“(vi) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2),

“(vii) chapter 105 of title 18, United States Code (relating to sabotage),

“(viii) section 4(b) of the Internal Security Act of 1950 (relating to communication of classified information; 50 U.S.C. 783(b)),

“(ix) section 57, 92, 101, 104, 222, 224, 225, or 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2077, 2122, 2131, 2134, 2272, 2274, 2275, and 2276),

“(x) section 601 of the National Security Act of 1947 (relating to intelligence identities protection; 50 U.S.C. 421), or

“(xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c));

“(B) persons who are the subject of an indictment or have been convicted under section 371 of title 18, United States Code, for conspiracy to violate any of the statutes cited in subparagraph (A); and

“(C) persons who are ineligible—

“(i) to contract with,

“(ii) to receive a license or other form of authorization to export from, or

Espionage.
Defense and national security.
Classified information.

Sabotage.

Classified information.

Classified information.

- Imports. “(iii) to receive a license or other form of authorization to import defense articles or defense services from, any agency of the United States Government.
- President of U.S. “(2) The President shall require that each applicant for a license to export an item on the United States Munitions List identify in the application all consignees and freight forwarders involved in the proposed export.
- “(3) If the President determines—
- “ (A) that an applicant for a license to export under this section is the subject of an indictment for a violation of any of the statutes cited in paragraph (1),
- “ (B) that there is reasonable cause to believe that an applicant for a license to export under this section has violated any of the statutes cited in paragraph (1), or
- “ (C) that an applicant for a license to export under this section is ineligible to contract with, or to receive a license or other form of authorization to import defense articles or defense services from, any agency of the United States Government,
- President of U.S. the President may disapprove the application. The President shall consider requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.
- “(4) A license to export an item on the United States Munitions List may not be issued to a person—
- “ (A) if that person, or any party to the export, has been convicted of violating a statute cited in paragraph (1), or
- President of U.S. “ (B) if that person, or any party to the export, is at the time of the license review ineligible to receive export licenses (or other forms of authorization to export) from any agency of the United States Government,
- except as may be determined on a case-by-case basis by the President, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to export and a finding by the President that appropriate steps have been taken to mitigate any law enforcement concerns.
- “(5) A license to export an item on the United States Munitions List may not be issued to a foreign person (other than a foreign government).
- “(6) The President may require a license (or other form of authorization) before any item on the United States Munitions List is sold or otherwise transferred to the control or possession of a foreign person or a person acting on behalf of a foreign person.
- President of U.S. “(7) The President shall, in coordination with law enforcement and national security agencies, develop standards for identifying high-risk exports for regular end-use verification. These standards shall be published in the Federal Register and the initial standards shall be published not later than October 1, 1988.
- Federal Register, publication.
- Defense and national security. Law enforcement and crime.
- “(8) Upon request of the Secretary of State, the Secretary of Defense and the Secretary of the Treasury shall detail to the office primarily responsible for export licensing functions under this section, on a nonreimbursable basis, personnel with appropriate expertise to assist in the initial screening of applications for export licenses under this section in order to determine the need for further review of those applications for foreign policy, national security, and law enforcement concerns.
- “(9) For purposes of this subsection—

“(A) the term ‘foreign corporation’ means a corporation that is not incorporated in the United States;

“(B) the term ‘foreign government’ includes any agency or subdivision of a foreign government, including an official mission of a foreign government;

“(C) the term ‘foreign person’ means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and includes foreign corporations, international organizations, and foreign governments;

“(D) the term ‘party to the export’ means—

“(i) the president, the chief executive officer, and other senior officers of the license applicant;

“(ii) the freight forwarders or designated exporting agent of the license application; and

“(iii) any consignee or end user of any item to be exported; and

“(E) the term ‘person’ means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities.”

(b) REVIEW OF MUNITIONS CONTROL REGISTRATIONS.—Section 38(b)(1) of that Act is amended—

22 USC 2778.

(1) by inserting “(A)” after “(1)”; and

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

“(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. The Secretary shall report to the President regarding such concerns as necessary.”

Reports.

(c) MUNITIONS CONTROL REGISTRATION FEES.—Section 38(b) of that Act is amended by inserting at the end the following:

“(3)(A) For each of the fiscal years 1988 and 1989, \$250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

“(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

“(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

“(B) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.”

TITLE XIII—EFFECTIVE DATE

22 USC 2651
note.

SEC. 1301. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on the date of its enactment.

Approved December 22, 1987.

LEGISLATIVE HISTORY—H.R. 1777 (S. 1394):

HOUSE REPORTS: No. 100-34 (Comm. on Foreign Affairs) and No. 100-475 (Comm. of Conference).

SENATE REPORTS: No. 100-75 accompanying S. 1394 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 133 (1987):

June 11, 16, 18, 23, considered and passed House.

Oct. 2, 6, 7, S. 1394 considered in Senate.

Oct. 8, H.R. 1777 considered and passed Senate, amended, in lieu of S. 1394.

Dec. 15, House agreed to conference report.

Dec. 16, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Dec. 22, Presidential statement.