

One Hundred Fifth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the twenty-seventh day of January, one thousand nine hundred and ninety-eight*

An Act

To consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Foreign Affairs Reform and Restructuring Act of 1998”.

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

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

(1) Division A—Foreign Affairs Agencies Consolidation Act of 1998.

(2) Division B—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) Division C—United Nations Reform Act of 1998.

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

Sec. 1. Short title.

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

**DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES**

**TITLE I—GENERAL PROVISIONS**

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Report on budgetary cost savings resulting from reorganization.

**TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**

**CHAPTER 1—GENERAL PROVISIONS**

Sec. 201. Effective date.

**CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.

Sec. 212. Transfer of functions to Secretary of State.

Sec. 213. Under Secretary for Arms Control and International Security.

**CHAPTER 3—CONFORMING AMENDMENTS**

Sec. 221. References.

Sec. 222. Repeals.

Sec. 223. Amendments to the Arms Control and Disarmament Act.

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- Sec. 224. Compensation of officers.
- Sec. 225. Additional conforming amendments.

### TITLE III—UNITED STATES INFORMATION AGENCY

#### CHAPTER 1—GENERAL PROVISIONS

- Sec. 301. Effective date.

#### CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

- Sec. 311. Abolition of United States Information Agency.
- Sec. 312. Transfer of functions.
- Sec. 313. Under Secretary of State for Public Diplomacy.
- Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

#### CHAPTER 3—INTERNATIONAL BROADCASTING

- Sec. 321. Congressional findings and declaration of purpose.
- Sec. 322. Continued existence of Broadcasting Board of Governors.
- Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
- Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
- Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
- Sec. 326. Transfer of broadcasting related funds, property, and personnel.
- Sec. 327. Savings provisions.
- Sec. 328. Report on the privatization of RFE/RL, Incorporated.

#### CHAPTER 4—CONFORMING AMENDMENTS

- Sec. 331. References.
- Sec. 332. Amendments to title 5, United States Code.
- Sec. 333. Application of certain laws.
- Sec. 334. Abolition of United States Advisory Commission on Public Diplomacy.
- Sec. 335. Conforming amendments.
- Sec. 336. Repeals.

### TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

#### CHAPTER 1—GENERAL PROVISIONS

- Sec. 401. Effective date.

#### CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

- Sec. 411. Abolition of United States International Development Cooperation Agency.
- Sec. 412. Transfer of functions and authorities.
- Sec. 413. Status of AID.

#### CHAPTER 3—CONFORMING AMENDMENTS

- Sec. 421. References.
- Sec. 422. Conforming amendments.

### TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

#### CHAPTER 1—GENERAL PROVISIONS

- Sec. 501. Effective date.

#### CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

- Sec. 511. Reorganization of Agency for International Development.

#### CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

- Sec. 521. Definition of United States assistance.
- Sec. 522. Administrator of AID reporting to the Secretary of State.
- Sec. 523. Assistance programs coordination and oversight.

### TITLE VI—TRANSITION

#### CHAPTER 1—REORGANIZATION PLAN

- Sec. 601. Reorganization plan and report.

#### CHAPTER 2—REORGANIZATION AUTHORITY

- Sec. 611. Reorganization authority.

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- Sec. 612. Transfer and allocation of appropriations.
- Sec. 613. Transfer, appointment, and assignment of personnel.
- Sec. 614. Incidental transfers.
- Sec. 615. Savings provisions.
- Sec. 616. Authority of Secretary of State to facilitate transition.
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### **DIVISION B—FOREIGN RELATIONS AUTHORIZATION**

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- Sec. 1002. Definition of appropriate congressional committees.

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- Sec. 1101. Administration of foreign affairs.
- Sec. 1102. International commissions.
- Sec. 1103. Grants to The Asia Foundation.
- Sec. 1104. Voluntary contributions to international organizations.
- Sec. 1105. Voluntary contributions to peacekeeping operations.
- Sec. 1106. Limitation on United States voluntary contributions to United Nations Development Program.
- Sec. 1107. United Nations Population Fund.

#### TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

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- Sec. 1203. Retention of additional defense trade controls registration fees.
- Sec. 1204. Fees for commercial services.
- Sec. 1205. Pilot program for foreign affairs reimbursement.
- Sec. 1206. Fee for use of diplomatic reception rooms.
- Sec. 1207. Budget presentation documents.
- Sec. 1208. Office of the Inspector General.
- Sec. 1209. Capital Investment Fund.
- Sec. 1210. Contracting for local guards services overseas.
- Sec. 1211. Authority of the Foreign Claims Settlement Commission.
- Sec. 1212. Expenses relating to certain international claims and proceedings.
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- Sec. 1214. Counterdrug and anticrime activities of the Department of State.
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##### CHAPTER 3—REFUGEES AND MIGRATION

###### SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

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#### CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

- Sec. 1301. Coordinator for Counterterrorism.
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- Sec. 1401. International information activities and educational and cultural exchange programs.

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- Sec. 1411. Retention of interest.
- Sec. 1412. Use of selected program fees.
- Sec. 1413. Muskie Fellowship Program.
- Sec. 1414. Working Group on United States Government-Sponsored International Exchanges and Training.
- Sec. 1415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
- Sec. 1416. United States-Japan Commission.
- Sec. 1417. Surrogate broadcasting study.
- Sec. 1418. Radio broadcasting to Iran in the Farsi language.
- Sec. 1419. Authority to administer summer travel and work programs.
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- Sec. 1421. Voice of America broadcasts.

### TITLE XV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

- Sec. 1501. International conferences and contingencies.
- Sec. 1502. Restriction relating to United States accession to any new international criminal tribunal.
- Sec. 1503. United States membership in the Bureau of the Interparliamentary Union.
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### TITLE XVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

- Sec. 1601. Authorization of appropriations.
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### TITLE XVII—EUROPEAN SECURITY ACT OF 1998

- Sec. 1701. Short title.
- Sec. 1702. Statement of policy.
- Sec. 1703. Authorities relating to NATO enlargement.
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### TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

- Sec. 1801. Reports on claims by United States firms against the Government of Saudi Arabia.

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- Sec. 1802. Reports on determinations under title IV of the Libertad Act.
- Sec. 1803. Report on compliance with the Hague Convention on International Child Abduction.
- Sec. 1804. Sense of the Congress relating to recognition of the Ecumenical Patriarchate by the Government of Turkey.
- Sec. 1805. Report on relations with Vietnam.
- Sec. 1806. Reports and policy concerning human rights violations in Laos.
- Sec. 1807. Report on an alliance against narcotics trafficking in the Western Hemisphere.
- Sec. 1808. Congressional statement regarding the accession of Taiwan to the World Trade Organization.
- Sec. 1809. Programs or projects of the International Atomic Energy Agency in Cuba.
- Sec. 1810. Limitation on assistance to countries aiding Cuba nuclear development.
- Sec. 1811. International Fund for Ireland.
- Sec. 1812. United States policy with respect to Jerusalem as the capital of Israel.
- Sec. 1813. Support for democratic opposition in Iraq.
- Sec. 1814. Development of democracy in the Republic of Serbia.
- Sec. 1815. Funds made available under chapter 4 of part II of the Foreign Assistance Act of 1961.
- Sec. 1816. Foreign organizations that perform or promote abortion; forced abortion in the People's Republic of China.

### **DIVISION C—UNITED NATIONS REFORM**

#### TITLE XX—GENERAL PROVISIONS

- Sec. 2001. Short title.
- Sec. 2002. Definitions.
- Sec. 2003. Nondelegation of certification requirements.

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- Sec. 2201. United Nations policy on Israel and the Palestinians.
- Sec. 2202. Data on costs incurred in support of United Nations peacekeeping operations.
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- Sec. 2205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
- Sec. 2206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.
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#### TITLE XXIII—ARREARS PAYMENTS AND REFORM

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###### SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

- Sec. 2301. Authorization of appropriations.
- Sec. 2302. Obligation and expenditure of funds.
- Sec. 2303. Forgiveness of amounts owed by the United Nations to the United States.

###### SUBCHAPTER B—UNITED STATES SOVEREIGNTY

- Sec. 2311. Certification requirements.

###### SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

- Sec. 2321. Certification requirements.

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- Sec. 2331. Certification requirements.

#### CHAPTER 2—MISCELLANEOUS PROVISIONS

- Sec. 2341. Statutory construction on relation to existing laws.
- Sec. 2342. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

## **DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES**

### **TITLE I—GENERAL PROVISIONS**

#### **SEC. 101. SHORT TITLE.**

This division may be cited as the “Foreign Affairs Agencies Consolidation Act of 1998”.

#### **SEC. 102. PURPOSES.**

The purposes of this division are—

- (1) to strengthen—
  - (A) the coordination of United States foreign policy; and
  - (B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;
- (2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—
  - (A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;
  - (B) transferring certain functions of the Agency for International Development to the Department of State; and
  - (C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;
- (3) to ensure that programs critical to the promotion of United States national interests be maintained;
- (4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;
- (5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and
- (6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

#### **SEC. 103. DEFINITIONS.**

In this division:

- (1) ACDA.—The term “ACDA” means the United States Arms Control and Disarmament Agency.
- (2) AID.—The term “AID” means the United States Agency for International Development.
- (3) AGENCY; FEDERAL AGENCY.—The term “agency” or “Federal agency” means an Executive agency as defined in section 105 of title 5, United States Code.
- (4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee

on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term “covered agency” means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term “Department” means the Department of State.

(7) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term “IDCA” means the United States International Development Cooperation Agency.

(9) OFFICE.—The term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term “Secretary” means the Secretary of State.

(11) USIA.—The term “USIA” means the United States Information Agency.

**SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.**

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this division, including cost savings by each of the following categories:

- (1) Reductions in personnel.
- (2) Administrative consolidation, including procurement.
- (3) Program consolidation.
- (4) Consolidation of real properties and leases.

**TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**

**CHAPTER 1—GENERAL PROVISIONS**

**SEC. 201. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the earlier of—

- (1) October 1, 1998; or
- (2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

**CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

**SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.**

The United States Arms Control and Disarmament Agency is abolished.

**SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.**

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

**SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.**

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking “There” and inserting the following:

“(1) IN GENERAL.—There”; and

(2) by adding at the end the following:

“(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.”.

**CHAPTER 3—CONFORMING AMENDMENTS**

**SEC. 221. REFERENCES.**

Except as otherwise provided in section 223 or 225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

**SEC. 222. REPEALS.**

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

**SEC. 223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.**

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—



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- (A) in the first undesignated paragraph, by striking “creating a new agency of peace to deal with” and inserting “addressing”;
- (B) by striking the second undesignated paragraph;
- and
- (C) in the third undesignated paragraph—
  - (i) by striking “This organization” and inserting “The Secretary of State”;
  - (ii) by striking “It shall have” and inserting “The Secretary shall have”;
  - (iii) by striking “and the Secretary of State”;
  - (iv) by inserting “, nonproliferation,” after “arms control” in paragraph (1);
  - (v) by striking paragraph (2);
  - (vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and
  - (vii) by striking “, as appropriate,” in paragraph (3) (as redesignated);
- (2) in section 3 (22 U.S.C. 2552), by striking subsection (c);
- (3) in the heading for title II, by striking “**ORGANIZATION**” and inserting “**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**”;
- (4) in section 27 (22 U.S.C. 2567)—
  - (A) by striking the third sentence;
  - (B) in the fourth sentence, by striking “, acting through the Director”; and
  - (C) in the fifth sentence, by striking “Agency” and inserting “Department of State”;
- (5) in section 28 (22 U.S.C. 2568)—
  - (A) by striking “Director” each place it appears and inserting “Secretary of State”;
  - (B) in the second sentence—
    - (i) by striking “Agency” each place it appears and inserting “Department of State”; and
    - (ii) by striking “Agency’s” and inserting “Department of State’s”; and
  - (C) by striking the fourth sentence;
- (6) in section 31 (22 U.S.C. 2571)—
  - (A) by inserting “this title in” after “powers in”;
  - (B) by striking “Director” each place it appears and inserting “Secretary of State”;
  - (C) by striking “insure” each place it appears and inserting “ensure”;
  - (D) in the second sentence, by striking “in accordance with procedures established under section 35 of this Act”;
  - (E) in the fourth sentence by striking “The authority” and all that follows through “disarmament:” and inserting the following: “The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:”; and
  - (F) in subsection (1), by inserting “and” at the end;
- (7) in section 32 (22 U.S.C. 2572)—
  - (A) by striking “Director” and inserting “Secretary of State”; and

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- (B) by striking “subsection” and inserting “section”;
- (8) in section 33(a) (22 U.S.C. 2573(a))—
- (A) by striking “the Secretary of State,”; and
  - (B) by striking “Director” and inserting “Secretary of State”;
- (9) in section 34 (22 U.S.C. 2574)—
- (A) in subsection (a)—
    - (i) in the first sentence, by striking “Director” and inserting “Secretary of State”;
    - (ii) in the first sentence, by striking “and the Secretary of State”;
    - (iii) in the first sentence, by inserting “, nonproliferation,” after “in the fields of arms control”;
    - (iv) in the first sentence, by striking “and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation”;
    - (v) in the second sentence, by striking “section 27” and inserting “section 201”; and
    - (vi) in the second sentence, by striking “the” after “serve as”;
  - (B) by striking subsection (b);
  - (C) by redesignating subsection (c) as subsection (b);
- and
- (D) in subsection (b) (as redesignated)—
    - (i) in the text above paragraph (1), by striking “Director” and inserting “Secretary of State”;
    - (ii) by striking paragraph (1); and
    - (iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;
- (10) in section 36 (22 U.S.C. 2576)—
- (A) by striking “Director” each place it appears and inserting “Secretary of State”; and
  - (B) by striking “, in accordance with the procedures established pursuant to section 35 of this Act,”;
- (11) in section 37 (22 U.S.C. 2577)—
- (A) by striking “Director” and “Agency” each place it appears and inserting “Secretary of State” or “Department of State”, respectively; and
  - (B) by striking subsection (d);
- (12) in section 38 (22 U.S.C. 2578)—
- (A) by striking “Director” each place it appears and inserting “Secretary of State”; and
  - (B) by striking subsection (c);
- (13) in section 41 (22 U.S.C. 2581)—
- (A) by striking “In the performance of his functions, the Director” and inserting “In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act”;
  - (B) by striking “Agency”, “Agency’s”, “Director”, and “Director’s” each place they appear and inserting “Department of State”, “Department of State’s”, “Secretary of State”, or “Secretary of State’s”, as appropriate;
  - (C) in subsection (a), by striking the sentence that begins “It is the intent”;

(D) in subsection (b)—

(i) by striking “appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,”;

(ii) in paragraph (1), by striking “exception” and inserting “subsection”; and

(iii) in paragraph (2)—

(I) by striking “exception” and inserting “subsection”; and

(II) by striking “ceiling” and inserting “positions allocated to carry out the purpose of this Act”;

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:  
“(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;” and

(H) in subsection (h) (as redesignated), by striking “Deputy Director” and inserting “Under Secretary for Arms Control and International Security”;

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking “CONFLICT-OF-INTEREST AND”;

(B) by striking “The members” and all that follows through “(5 U.S.C. 2263), or any other” and inserting “Members of advisory boards and consultants may serve as such without regard to any”; and

(C) by inserting at the end the following new sentence:  
“This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.”;

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting “, nonproliferation,” after “arms control” each place it appears;

(ii) by striking “Director, in consultation with the Secretary of State,” and inserting “Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with”;

- (iii) by striking “the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence” and inserting “and the Chairman of the Joint Chiefs of Staff”;
- (iv) by striking paragraphs (2) and (4); and
- (v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and
- (B) by adding at the end of subsection (b) the following: “The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.”;
- (16) in section 52 (22 U.S.C. 2593b), by striking “Director” and inserting “Secretary of State”;
- (17) in section 61 (22 U.S.C. 2593a)—
  - (A) in paragraph (1), by striking “United States Arms Control and Disarmament Agency” and inserting “Department of State”;
  - (B) by striking paragraph (2);
  - (C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;
  - (D) in paragraph (4) (as redesignated), by striking “paragraph (4)” and inserting “paragraph (3)”;
  - (E) in paragraph (6) (as redesignated), by striking “United States Arms Control and Disarmament Agency and the”;
- (18) in section 62 (22 U.S.C. 2595a)—
  - (A) in subsection (c)—
    - (i) in the subsection heading, by striking “DIRECTOR” and inserting “SECRETARY OF STATE”;
    - (ii) by striking “2(d), 22, and 34(c)” and inserting “102(3) and 304(b)”;
  - (B) by striking “Director” and inserting “Secretary of State”;
- (19) in section 64 (22 U.S.C. 2595b-1)—
  - (A) by striking the section title and inserting “**SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.**”;
  - (B) by striking subsection (a); and
  - (C) in subsection (b)—
    - (i) by striking “(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—”;
    - (ii) by striking “Foreign Affairs” and inserting “International Relations”;
- (20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting “of America” after “United States”; and
- (21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

**SEC. 224. COMPENSATION OF OFFICERS.**

Title 5, United States Code, is amended—

(1) in section 5313, by striking “Director of the United States Arms Control and Disarmament Agency.”;

(2) in section 5314, by striking “Deputy Director of the United States Arms Control and Disarmament Agency.”;

(3) in section 5315—

(A) by striking “Assistant Directors, United States Arms Control and Disarmament Agency (4).”; and

(B) by striking “Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency”, and inserting “Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State”; and

(4) in section 5316, by striking “General Counsel of the United States Arms Control and Disarmament Agency.”.

**SEC. 225. ADDITIONAL CONFORMING AMENDMENTS.**

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking “Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense” and inserting “Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence”;

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking “be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director’s assessment as to” and inserting “take into account”; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking “the assessment of the Director of the United States Arms Control and Disarmament Agency as to”;

(B) by striking “(1)” after “(a)”; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking “, the Director of the Arms Control and Disarmament Agency,”;

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking “and the Director of the United States Arms Control and Disarmament Agency”;

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking “, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency” and inserting “and the Secretary of Commerce”; and

(B) by striking “or the Director”;

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking “with the Director of the United States Arms Control and Disarmament Agency,”; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking “, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency” and inserting “and the Secretary of Commerce”.

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(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” and inserting “take into account”.

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking “Eleven” and inserting “Twelve”.

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking “, Director of the Arms Control and Disarmament Agency”.

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking “the Arms Control and Disarmament Agency,”; and

(B) in the second sentence, by striking “the Director of the Arms Control and Disarmament Agency,”;

(2) in section 109b. (42 U.S.C. 2129(b)), by striking “and the Director”;

(3) in section 111b. (42 U.S.C. 2131(b)) by striking “the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission,” and inserting “the Nuclear Regulatory Commission”;

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking “and in consultation with the Director of the Arms Control and Disarmament Agency (‘the Director’)”;

(ii) by inserting “and” after “Energy,”;

(iii) by striking “Commission, and the Director, who” and inserting “Commission. The Secretary of State”; and

(iv) after “nuclear explosive purpose.”, by inserting the following new sentence: “Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.”;

(B) in subsection d., in the first proviso—

(i) by striking “Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency,” and inserting “Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,”; and

(ii) by striking “has been” and inserting “have been”; and

(C) in the first undesignated paragraph following subsection d., by striking “the Arms Control and Disarmament Agency,”;

(5) in section 126a.(1), by striking “the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission” and inserting “and the Nuclear Regulatory Commission,”;

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking “the Director,”;

(ii) in the third sentence, by striking “the Director declares that he intends” and inserting “the Secretary of State is required”; and

(iii) in the third sentence, by striking “the Director’s declaration” and inserting “the requirement to prepare a Nuclear Proliferation Assessment Statement”;

(B) in paragraph (2)—

(i) by striking “Director’s view” and inserting “view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission”; and

(ii) by striking “he may prepare” and inserting “the Secretary of State, in consultation with such Secretary or the Commission, shall prepare”; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking “, the Director of the Arms Control and Disarmament Agency,”;

(B) in the sixth and seventh sentences, by striking “Director” each place it appears and inserting “Secretary of State”; and

(C) in the seventh sentence, by striking “Director’s” and inserting “Secretary of State’s”.

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking “, the Secretary of State, and the Director of the Arms Control and Disarmament Agency” and inserting “and the Secretary of State”;

(3) in section 304(d) (42 U.S.C. 2156a), by striking “the Secretary of Defense, and the Director,” and inserting “and the Secretary of Defense,”;

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking “the Department of Commerce, and the Arms Control and Disarmament Agency” and inserting “and the Department of Commerce”; and

(B) in subsection (c), by striking “the Arms Control and Disarmament Agency,”;

(5) in section 406 (42 U.S.C. 2160a), by inserting “, or any annexes thereto,” after “Statement”; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking “the Arms Control and Disarmament Agency,”; and

(B) in subsection (e), by striking “and the Director”.

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department Basic Authorities Act of

1956 (22 U.S.C. 2695(a)) is amended by striking “the Agency for International Development, and the Arms Control and Disarmament Agency” and inserting “and the Agency for International Development”.

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking “the United States Arms Control and Disarmament Agency,”.

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking “, or the Director of the Arms Control and Disarmament Agency”.

## **TITLE III—UNITED STATES INFORMATION AGENCY**

### **CHAPTER 1—GENERAL PROVISIONS**

#### **SEC. 301. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the earlier of—

- (1) October 1, 1999; or
- (2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

### **CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

#### **SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.**

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

#### **SEC. 312. TRANSFER OF FUNCTIONS.**

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

#### **SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.**

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.”.



**SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.**

(a) **ABOLITION OF OFFICE.**—The Office of Inspector General of the United States Information Agency is abolished.

(b) **AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.**—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “the Office of Personnel Management, the United States Information Agency” and inserting “or the Office of Personnel Management”; and

(2) in paragraph (2), by striking “the United States Information Agency,”.

(c) **EXECUTIVE SCHEDULE.**—Section 5315 of title 5, United States Code, is amended by striking the following:

“Inspector General, United States Information Agency.”.

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

(1) by striking “Inspector General of the United States Information Agency” each place it appears and inserting “Inspector General of the Department of State and the Foreign Service”; and

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

(e) **TRANSFER OF FUNCTIONS.**—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

**CHAPTER 3—INTERNATIONAL BROADCASTING**

**SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.**

Congress finds that—

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

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

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

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

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

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

“(a) **CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.**—

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

“(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

“(3) INSPECTOR GENERAL AUTHORITIES.—

“(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

“(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.”

**SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.**

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b)(2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b)(2) and (3), 6203(c), and 6203(e)) are amended by striking “Director of the United States Information Agency” each place it appears and inserting “Secretary of State”.

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking “acting Director of the agency” and inserting “Acting Secretary of State”.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting “, including editorials, broadcast by the Voice of America, which present the views of the United States Government” after “policies”;

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

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

“(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;”;

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking “direct and”; and

(B) by striking “and the Television Broadcasting to Cuba Act” and inserting “, the Television Broadcasting

to Cuba Act, and Worldnet Television, except as provided in section 306(b)”;

(2) in paragraph (4), by inserting “, after consultation with the Secretary of State,” after “annually,”;

(3) in paragraph (9)—

(A) by striking “, through the Director of the United States Information Agency,”; and

(B) by adding at the end the following new sentence: “Each annual report shall place special emphasis on the assessment described in paragraph (2).”;

(4) in paragraph (12)—

(A) by striking “1994 and 1995” and inserting “1998 and 1999”; and

(B) by striking “to the Board for International Broadcasting for such purposes for fiscal year 1993” and inserting “to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997”; and

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

“(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

“(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

“(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the ‘Economy Act’), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

“(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

“(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.”.

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).”

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking “(1)” before “The Director”; and

(2) by striking “the Director of the United States Information Agency for the consideration of the Director as a part of the Agency’s budget submission to”.

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

“(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.”

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking “FOREIGN POLICY GUIDANCE” and inserting “ROLE OF THE SECRETARY OF STATE”;

(2) by inserting “(a) FOREIGN POLICY GUIDANCE.—” immediately before “To”;

(3) by striking “State, acting through the Director of the United States Information Agency,” and inserting “State”;

(4) by inserting before the period at the end the following: “, as the Secretary may deem appropriate”; and

(5) by adding at the end the following:

“(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.”

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking “within the United States Information Agency” and inserting “under the Board”;

(2) in subsection (b)(1), by striking “Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board” and inserting “President, by and with the advice and consent of the Senate”;

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

“(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating

committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.”.

- (l) REPEALS.—The following provisions of law are repealed:
- (1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207(k) and (l)).
  - (2) Section 310 (22 U.S.C. 6209).

**SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.**

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

- (1) by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;
- (2) by striking “Agency” each place it appears and inserting “Board”;
- (3) by striking “the Director of the United States Information Agency” each place it appears and inserting “the Broadcasting Board of Governors”;
- (4) in section 4 (22 U.S.C. 1465b), by striking “the Voice of America” and inserting “the International Broadcasting Bureau”;
- (5) in section 5 (22 U.S.C. 1465c)—
  - (A) by striking “Board” each place it appears and inserting “Advisory Board”; and
  - (B) in subsection (a), by striking the first sentence and inserting “There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the ‘Advisory Board’).”; and
- (6) by striking any other reference to “Director” not amended by paragraph (3) each place it appears and inserting “Board”.

**SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.**

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

- (1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;
- (2) in section 243(c) (22 U.S.C. 1465bb(c))—
  - (A) in the subsection heading, by striking “USIA”; and
  - (B) by striking “USIA Television” and inserting “the Television”;
- (3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking “Agency” each place it appears and inserting “Board”;
- (4) in section 244 (22 U.S.C. 1465cc)—
  - (A) in the section heading, by striking “OF THE UNITED STATES INFORMATION AGENCY”;
  - (B) in subsection (a)—
    - (i) in the first sentence, by striking “The Director of the United States Information Agency shall establish” and inserting “There is”; and
    - (ii) in the second sentence—

(I) by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”; and

(II) by striking “the Director of the Voice of America” and inserting “the International Broadcasting Bureau”;

(C) in subsection (b)—

(i) by striking “Agency facilities” and inserting “Board facilities”; and

(ii) by striking “Information Agency” and inserting “International”; and

(D) in the heading of subsection (c), by striking “USIA”;

and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking “Board” and inserting “Advisory Board”.

**SEC. 326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.**

(a) **TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.**—

(1) **IN GENERAL.**—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) **ADDITIONAL TRANSFERS.**—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) **TRANSFER OF PERSONNEL.**—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) **TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.**—USIA personnel

responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title VI of this division.

(d) **INCIDENTAL TRANSFERS.**—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

**SEC. 327. SAVINGS PROVISIONS.**

(a) **CONTINUING LEGAL FORCE AND EFFECT.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title; and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PENDING PROCEEDINGS.**—

(1) **IN GENERAL.**—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) **ORDERS, APPEALS, AND PAYMENTS.**—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) **NONABATEMENT OF PROCEEDINGS.**—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) **CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.**—

(1) **SUBSTITUTION OF PARTIES.**—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) **LIABILITY OF THE BOARD.**—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) **ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.**—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) **REFERENCES.**—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

**SEC. 328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.**

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.



(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

#### CHAPTER 4—CONFORMING AMENDMENTS

##### SEC. 331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146(a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

##### SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking “Director of the United States Information Agency.”;

(2) in section 5315—

(A) by striking “Deputy Director of the United States Information Agency.”; and

(B) by striking “Director of the International Broadcasting Bureau, the United States Information Agency.” and inserting “Director of the International Broadcasting Bureau.”; and

(3) in section 5316—

(A) by striking “Deputy Director, Policy and Plans, United States Information Agency.”; and

(B) by striking “Associate Director (Policy and Plans), United States Information Agency.”.

##### SEC. 333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section

208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this division to the same extent that such programs were covered by these provisions prior to such transfer.

(c) **LIMITATION ON USE OF FUNDS.**—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) **REPORTING REQUIREMENTS.**—The report submitted pursuant to section 601(f) of this division shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this division shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) **CONGRESSIONAL PRESENTATION DOCUMENT.**—The Department of State’s Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

**SEC. 334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) **ABOLITION.**—The United States Advisory Commission on Public Diplomacy is abolished.

(b) **REPEALS.**—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

**SEC. 335. CONFORMING AMENDMENTS.**

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking “Director of the United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;

(B) by striking “United States Information Agency” each place it appears and inserting “Broadcasting Board of Governors”;

(C) in subsection (b)—

(i) by striking “Agency’s” and all that follows through “‘USIA-TV’” and inserting “television broadcasts of the United States International Television Service”; and

(ii) in paragraphs (1), (2), and (3), by striking “USIA-TV” each place it appears and inserting “The United States International Television Service”; and

(D) in subsections (d) and (e), by striking “USIA-TV” each place it appears and inserting “the United States International Television Service”;

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”;

(B) by striking “Agency” and inserting “Board”; and

(C) by striking “Director” and inserting “Board”.

(3) in section 705 (22 U.S.C. 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking “(b) In addition, the United States Information Agency” and inserting “The Department of State”; and

(ii) by striking “program grants” and inserting “grants for overseas public diplomacy programs”;

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking “Agency” and inserting “overseas public diplomacy”; and

(B) by inserting “other” after “together with”; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking “United States Information Agency post” each place it appears and inserting “overseas public diplomacy post”;

(B) in subsection (a), by striking “United States Information Agency” the first place it appears and inserting “Department of State”;

(C) in subsection (b), by striking “Director of the United States Information Agency” and inserting “Secretary of State”; and

(D) in the section heading, by striking “USIA” and inserting “OVERSEAS PUBLIC DIPLOMACY”.

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking “United States Information Agency” each place it appears and inserting “Department of State”;

(2) in subsection (a), by inserting “for carrying out its overseas public diplomacy functions” after “grants”;

(3) in subsection (b)—

(A) by striking “a grant” the first time it appears and inserting “an overseas public diplomacy grant”; and

(B) in paragraph (1), by inserting “such” before “a grant” the first place it appears;

(4) in subsection (c)(1), by inserting “overseas public diplomacy” before “grants”;

(5) in subsection (c)(3), by inserting “such” before “grant”; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking “United States Information Agency” and inserting “Department of State”; and

(2) in subsection (b)—

(A) by striking “appropriations account of the United States Information Agency” and inserting “appropriate appropriations account of the Department of State”; and

(B) by striking “and the United States Information Agency”.

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking “, after consultation with the Director of the United States Information Agency,”.

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking “of the Director of the United States Information Agency and with” and inserting “and”.

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking “9 members” and inserting “7 members”;

(2) in paragraph (4), by striking “Six” and inserting “Five”;

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking “subsection (b)(7)” and inserting “subsection (b)(6)”.

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking “15 members” and inserting “14 members”;

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking “paragraph (1)(J)” each place it appears and inserting “paragraph (1)(I)”; and

(3) in subsection (d)(3) and subsection (e), by striking “the Administrator and the Director of the United States Information Agency” each place it appears and inserting “and the Administrator”.

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking “19 members” and inserting “17 members”;

(B) by striking paragraph (7);

(C) by striking “10” in paragraph (10) and inserting “9”; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking “(9)” and inserting “(8)”.

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking “the United States Information Agency,”.

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”;

(2) in section 210 (22 U.S.C. 3930), by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”;

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking “the United States Information Agency,” and inserting “Broadcasting Board of Governors,”.

(l) The Department of State Basic Authorities Act of 1956, as amended by this Act, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”;

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking “Director of the United States Information Agency” and inserting “Broadcasting Board of Governors”; and

(B) by striking “with respect to their respective agencies” and inserting “with respect to the Board and the Agency”;

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act—

(A) by striking “Director of the United States Information Agency, the chairman of the Board for International Broadcasting,” and inserting “Broadcasting Board of Governors,”; and

(B) by striking “with respect to their respective agencies” and inserting “with respect to the Board and the Agency”; and

(4) in section 32 (22 U.S.C. 2704), as amended by this Act, by striking “the Director of the United States Information Agency” and inserting “the Broadcasting Board of Governors”.

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking “, the United States Information Agency,”.

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking “the United States Information Agency,”.

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking “Director of the United States Information Agency,”; and

(2) in subsection (b), by striking “the Director of the United States Information Agency” and inserting “the Under Secretary of State for Public Diplomacy”.

(p) Section 40118(d) of title 49, United States Code, is amended by striking “, the Director of the United States Information Agency,”.

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before “Department of Commerce” and inserting “and”; and

(2) by striking “, and the United States Information Agency”.

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking “Director of the United States Information Agency” each place it appears and inserting “Director of the International Broadcasting Bureau”.

**SEC. 336. REPEALS.**

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C. 1475b), 808 (22 U.S.C. 1475c), 811 (22 U.S.C. 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

## **TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**

### **CHAPTER 1—GENERAL PROVISIONS**

**SEC. 401. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

### **CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS**

**SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.**

(a) **IN GENERAL.**—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

**SEC. 412. TRANSFER OF FUNCTIONS AND AUTHORITIES.**

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

**SEC. 413. STATUS OF AID.**

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

**CHAPTER 3—CONFORMING AMENDMENTS**

**SEC. 421. REFERENCES.**

Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

**SEC. 422. CONFORMING AMENDMENTS.**

(a) **TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.**—The following shall cease to be effective:

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

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

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

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) **OTHER STATUTORY AMENDMENTS AND REPEAL.**—

(1) **TITLE 5.**—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”.

(2) **INSPECTOR GENERAL ACT OF 1978.**—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking “Development” through “(1) shall” and inserting “Development shall”;

(ii) by striking “; and” at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) **STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.**—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this Act, by striking “Director of the United States International Development Cooperation Agency” and



inserting “Administrator of the Agency for International Development”;

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act, by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”; and

(C) in section 32 (22 U.S.C. 2704), by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”.

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Director of the United States International Development Cooperation Agency” and inserting “Administrator of the Agency for International Development”;

(B) in section 210 (22 U.S.C. 3930), by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”;

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking “United States International Development Cooperation Agency” and inserting “Agency for International Development”.

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

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

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

(A) by striking “Director of the United States International Development Cooperation Agency” each place it appears and inserting “Administrator of the Agency for International Development”; and

(B) in the fourth sentence, by striking “Director” and inserting “Administrator”.

## **TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT**

### **CHAPTER 1—GENERAL PROVISIONS**

#### **SEC. 501. EFFECTIVE DATE.**

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

## **CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS**

### **SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) **IN GENERAL.**—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) **FUNCTIONS TO BE TRANSFERRED.**—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

- (1) The Press office.
- (2) Certain administrative functions.

## **CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE**

### **SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.**

In this chapter, the term “United States assistance” means development and other economic assistance, including assistance made available under the following provisions of law:

- (1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).
- (2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).
- (3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).
- (4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).
- (5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

### **SEC. 522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.**

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

### **SEC. 523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.**

(a) **AUTHORITY OF THE SECRETARY OF STATE.**—

(1) **IN GENERAL.**—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) **EXPORT PROMOTION ACTIVITIES.**—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

## TITLE VI—TRANSITION

### CHAPTER 1—REORGANIZATION PLAN

#### SEC. 601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under

this division, and the termination of the affairs of each agency abolished under this division;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this division; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

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

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this division, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such

functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization;

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization; and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) **EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.**—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) **SUPERSEDES EXISTING LAW.**—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) **PUBLICATION.**—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

## **CHAPTER 2—REORGANIZATION AUTHORITY**

### **SEC. 611. REORGANIZATION AUTHORITY.**

(a) **IN GENERAL.**—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) **REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.**—The reorganization plan transmitted under section 601 may not have the effect of—

- (1) creating a new executive department;
- (2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;
- (3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;
- (4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or
- (5) increasing the term of an office beyond that provided by law for the office.

### **SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—Except as otherwise provided in this division, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this division shall be transferred to the Secretary for appropriate allocation.

(b) **LIMITATION ON USE OF TRANSFERRED FUNDS.**—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) **FUNDS TO FACILITATE TRANSITION.**—

(1) **CONGRESSIONAL NOTIFICATION.**—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) **TRANSFER AUTHORITY.**—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

**SEC. 613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.**

(a) **TRANSFER OF PERSONNEL FROM ACDA AND USIA.**—Except as otherwise provided in title III—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA; and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) **TRANSFER OF PERSONNEL FROM AID.**—Except as otherwise provided in title III, not later than the date of transfer of any function of AID to the Department of State under this division, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) **ASSIGNMENT AUTHORITY.**—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any

individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

**SEC. 614. INCIDENTAL TRANSFERS.**

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

**SEC. 615. SAVINGS PROVISIONS.**

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

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

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions



and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 327(d)—

(1) the provisions of this division shall not affect suits commenced prior to the effective dates of the respective titles of this division; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this division, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

**SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.**

Notwithstanding any provision of this division, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this division, may transfer the whole or part of such functions prior to the effective dates established in this division, including the transfer of personnel and funds associated with such functions.

**SEC. 617. FINAL REPORT.**

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting

of the finances and operations of the agencies abolished under this division.

## **DIVISION B—FOREIGN RELATIONS AUTHORIZATION**

### **TITLE X—GENERAL PROVISIONS**

#### **SEC. 1001. SHORT TITLE.**

This division may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1998 and 1999”.

#### **SEC. 1002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**

In this division, the term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

### **TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE**

#### **SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—For “Diplomatic and Consular Programs”, of the Department of State \$1,746,977,000 for the fiscal year 1998 and \$1,691,282,000 for the fiscal year 1999.

(2) **SALARIES AND EXPENSES.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For “Salaries and Expenses”, of the Department of State \$363,513,000 for the fiscal year 1998 and \$367,148,000 for the fiscal year 1999.

(B) **LIMITATIONS.**—Of the amounts authorized to be appropriated by subparagraph (A), \$2,000,000 for fiscal year 1998 and \$2,000,000 for the fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) **CAPITAL INVESTMENT FUND.**—For “Capital Investment Fund”, of the Department of State \$86,000,000 for the fiscal year 1998 and \$118,340,000 for the fiscal year 1999.

(4) **SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.**—For “Security and Maintenance of Buildings Abroad”, \$397,943,000 for the fiscal year 1998 and \$590,800,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$4,300,000 for the fiscal year 1998 and \$4,300,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$5,500,000 for the fiscal 1998 and \$5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$28,300,000 for the fiscal year 1998 and \$28,717,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$14,490,000 for the fiscal year 1998 and \$15,000,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For “Protection of Foreign Missions and Officials”, \$7,900,000 for the fiscal year 1998 and \$8,100,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For “Repatriation Loans”, \$1,200,000 for the fiscal year 1998 and \$1,200,000 for the fiscal year 1999, for administrative expenses.

#### SEC. 1102. INTERNATIONAL COMMISSIONS.

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

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses” \$17,490,000 for the fiscal year 1998 and \$19,179,000 for the fiscal year 1999; and

(B) for “Construction” \$6,463,000 for the fiscal year 1998 and \$7,125,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$761,000 for the fiscal year 1998 and \$835,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$3,189,000 for the fiscal year 1998 and \$3,432,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$14,549,000 for the fiscal year 1998 and \$14,549,000 for the fiscal year 1999.

#### SEC. 1103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

“SEC. 404. There are authorized to be appropriated to the Secretary of State \$10,000,000 for each of the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this title.”.

**SEC. 1104. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for “Voluntary Contributions to International Organizations”, \$294,500,000 for the fiscal year 1998 and \$294,500,000 for the fiscal year 1999.

(b) **LIMITATIONS.**—

(1) **WORLD FOOD PROGRAM.**—Of the amounts authorized to be appropriated under subsection (a), \$4,000,000 for the fiscal year 1998 and \$2,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) **UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.**—Of the amount authorized to be appropriated under subsection (a), \$3,000,000 for the fiscal year 1998 and \$3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) **INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.**—Of the amounts authorized to be appropriated under subsection (a), \$5,000,000 for the fiscal year 1998 and \$5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(c) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

**SEC. 1105. VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.**

There are authorized to be appropriated for “Peacekeeping Operations”, \$77,500,000 for the fiscal year 1998 and \$68,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

**SEC. 1106. LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.**

(a) **LIMITATION.**—Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the President submits to the appropriate congressional committees the certification described in subsection (b).

(b) **CERTIFICATION.**—The certification referred to in subsection (a) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(1) are focused on eliminating human suffering and addressing the needs of the poor;

(2) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(3) provide no financial, political, or military benefit to the SLORC; and

(4) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

**SEC. 1107. UNITED NATIONS POPULATION FUND.**

The amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than \$25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

## **TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

### **CHAPTER 1—AUTHORITIES AND ACTIVITIES**

**SEC. 1201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: “Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.”

**SEC. 1202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.**

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

**“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.**

**“(a) ESTABLISHMENT.—**

**“(1) IN GENERAL.—**There is established a program for the payment of rewards to carry out the purposes of this section.

**“(2) PURPOSE.—**The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

**“(3) IMPLEMENTATION.—**The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

**“(b) REWARDS AUTHORIZED.—**In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

**“(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;**

**“(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;**

“(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

“(B) the killing or kidnapping of—

“(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(ii) a member of the immediate family of any such individual on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

“(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

“(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

“(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(e) LIMITATIONS AND CERTIFICATION.—

“(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$2,000,000.

“(2) APPROVAL.—A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

“(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

“(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

“(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

“(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

“(g) REPORTS.—

“(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

“(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

“(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

“(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

“(j) DEFINITIONS.—As used in this section:

“(1) ACT OF INTERNATIONAL TERRORISM.—The term ‘act of international terrorism’ includes—

“(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

“(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(3) MEMBER OF THE IMMEDIATE FAMILY.—The term ‘member of the immediate family’, with respect to an individual, includes—

“(A) a spouse, parent, brother, sister, or child of the individual;

“(B) a person with respect to whom the individual stands in loco parentis; and

“(C) any person not covered by subparagraph (A) or (B) who is living in the individual’s household and is related to the individual by blood or marriage.

“(4) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1).

“(5) UNITED STATES NARCOTICS LAWS.—The term ‘United States narcotics laws’ means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a citizen or national of the United States; and

“(B) an alien lawfully present in the United States.”.

**SEC. 1203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.**

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking “\$700,000 of the” and inserting “all”;

(2) at the end of paragraph (1), by striking “and”;

(3) in paragraph (2)—

(A) by striking “functions” and inserting “functions, including compliance and enforcement activities,”; and

(B) by striking the period at the end and inserting “; and”;

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



“(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.”.

**SEC. 1204. FEES FOR COMMERCIAL SERVICES.**

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: “Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.”.

**SEC. 1205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.**

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

“(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

“(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

“(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

“(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution’s primary mission of training employees of the Department and of other agencies in the field of foreign relations.

“(5) In this subsection, the term ‘United States person’ means—

“(A) any individual who is a citizen or national of the United States; or

“(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

“(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

“(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

“(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

“(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution’s primary mission of training employees of the Department and of other agencies in the field of foreign relations.”.

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(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

**“SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.**

“The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.”.

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

**SEC. 1206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.**

“The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.”.

**SEC. 1207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.**

“The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.”.

**SEC. 1208. OFFICE OF THE INSPECTOR GENERAL.**

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

“(4) The Inspector General shall develop and provide to employees—

“(A) information detailing their rights to counsel; and

“(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.”.

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

“(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

**SEC. 1209. CAPITAL INVESTMENT FUND.**

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting “and enhancement” after “procurement”;

(2) in subsection (c), by striking “are authorized to” and inserting “shall”;

(3) in subsection (d), by striking “for expenditure to procure capital equipment and information technology” and inserting “for purposes of subsection (a)”; and

(4) by amending subsection (e) to read as follows:

“(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).”.

**SEC. 1210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.**

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

“(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;”;

(2) by inserting “and” at the end of paragraph (5);

(3) by striking “; and” at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

**SEC. 1211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.**

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking “(a) The” and all that follows through the period and inserting the following:

“(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

“(A) included within the terms of the Yugoslav Claims Agreement of 1948;

“(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

“(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.”; and

(3) by redesignating the second sentence as paragraph (2).

**SEC. 1212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.**

(a) **RECOVERY OF CERTAIN EXPENSES.**—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled “INTERNATIONAL FISHERIES COMMISSION” by inserting “(including such expenses as salaries and other personnel expenses)” after “extraordinary expenses”.

(b) **PROCUREMENT OF SERVICES.**—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting “personal and” before “other support services”.

**SEC. 1213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.**

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

“(e) **GRANT AUTHORITY.**—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.”.

**SEC. 1214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.**

(a) **COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.**—

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

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

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

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

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

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

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

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

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

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

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

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

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

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

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

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

**SEC. 1215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.**

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

“SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.”

**SEC. 1216. HUMAN RIGHTS REPORTS.**

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

- (1) by striking “January 31” and inserting “February 25”;
- (2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

“(3) the status of child labor practices in each country, including—

“(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

“(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;”

**SEC. 1217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 56. CRIMES COMMITTED BY DIPLOMATS.**

“(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

“(1) REPORT TO CONGRESS.—180 days after the date of enactment, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report concerning diplomatic immunity entitled “Report on Cases Involving Diplomatic Immunity”.

“(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

“(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

“(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

“(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

“(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

“(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

“(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

“(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term ‘serious criminal offense’ means—

“(A) any felony under Federal, State, or local law;

“(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;



“(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

“(D)(i) driving under the influence of alcohol or drugs;

“(ii) reckless driving; or

“(iii) driving while intoxicated.

“(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

“(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

“(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

“(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.”.

**SEC. 1218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.**

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition, to the maximum extent practicable, in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

**SEC. 1219. REDUCTION OF REPORTING.**

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations

Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99-529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled “An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes” (Public Law 96-236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209(c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking “Not later than April 1, 1993 and every six months thereafter,” and inserting “Not later than April 1 of each year,”.

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking “of voter participation” and inserting “of uniformed services voter participation, a general assessment of overseas nonmilitary participation,”.

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

### **SEC. 1221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.**

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103-317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

### **SEC. 1222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READ- ABLE VISAS.**

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) in paragraph (2), by striking “providing consular services” and inserting “the Department of State’s border security program, including the costs of the installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence”;

(2) by striking the first sentence of paragraph (3) and inserting “For each of the fiscal years 1998 and 1999, any amount collected under paragraph (1) that exceeds \$140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.”; and (3) by striking paragraphs (4) and (5).

**SEC. 1223. CONSULAR OFFICERS.**

(a) **PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.**—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: “For purposes of this paragraph, the term ‘consular officer’ includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.”

(b) **PROVISIONS APPLICABLE TO CONSULAR OFFICERS.**—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting “and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe” after “such officers”.

(c) **PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.**—

(1) **DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.**—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: “At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.”

(2) **DEFINITION OF CONSULAR OFFICERS.**—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: “For purposes of this section and sections 3493 through 3496 of this title, the term ‘consular officers’ includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).”

(d) **PERSONS AUTHORIZED TO ADMINISTER OATHS.**—Section 115 of title 35, United States Code, is amended by adding at the end the following: “For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).”

(e) **DEFINITION OF CONSULAR OFFICER.**—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting “or employee” after “officer” the second place it appears; and

(2) inserting before the period at the end of the sentence “or, when used in title III, for the purpose of adjudicating nationality”.

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(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

“(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

“(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

“(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

“(2) As used in this subsection, the term ‘consular function’ includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.”.

**SEC. 1224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.**

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

**SEC. 1225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.**

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

- (1) by inserting “and” at the end of paragraph (1);
- (2) by striking paragraph (2); and
- (3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

**SEC. 1226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.**

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

**SEC. 1227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.**

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

“(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

“(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i);

“(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i); or

“(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary’s sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person’s place of residence.

“(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

“(I) to a government official of the United States who is acting within the scope of his or her official duties;

“(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary’s sole and unreviewable discretion; or

“(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

**SEC. 1228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.**

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the

Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian armed forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person who would otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens

denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than September 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term “period covered by the report” means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

## CHAPTER 3—REFUGEES AND MIGRATION

### Subchapter A—Authorization of Appropriations

#### SEC. 1231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, \$650,000,000 for the fiscal year 1998 and \$704,500,000 for the fiscal year 1999.

(2) **LIMITATIONS.**—

(A) **LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.**—Of the amounts authorized to be appropriated in paragraph (1), not more than \$2,000,000 for the fiscal year 1998 and \$2,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) **REFUGEES RESETTLING IN ISRAEL.**—Of the amounts authorized to be appropriated in paragraph (1), \$80,000,000 for the fiscal year 1998 and \$80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) **HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.**—Of the amounts authorized to be appropriated in paragraph (1), \$1,500,000 for the fiscal year 1998 and \$1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to this section are authorized to remain available until expended.

### **Subchapter B—Authorities**

#### **SEC. 1241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.**

(a) **IN GENERAL.**—None of the funds made available by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) **MIGRATION AND REFUGEE ASSISTANCE.**—None of the funds made available by section 1231 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) **INVOLUNTARY RETURN DEFINED.**—As used in this section, the term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will,



regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

**SEC. 1242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.**

(a) **POLICY.**—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) **EXCLUSION OF CERTAIN ALIENS.**—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) **REVIEW AND CONSTRUCTION.**—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) **AUTHORITY TO DETAIN.**—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) **DEFINITIONS.**—

(1) **CONVENTION DEFINED.**—In this section, the term “Convention” means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) **SAME TERMS AS IN THE CONVENTION.**—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

**SEC. 1243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.**

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

(1) in subsection (a)—

(A) by striking “Foreign Affairs” and inserting “International Relations and the Committee on Appropriations”; and

(B) by inserting “and the Committee on Appropriations” after “Foreign Relations”; and

(2) by adding at the end the following new subsection:

“(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.”.

**SEC. 1244. ELIGIBILITY FOR REFUGEE STATUS.**

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

(1) in subsection (a)—

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

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

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

“(b) ALIENS COVERED.—

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

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

“(B) is 21 years of age or older; and

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

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

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

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

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

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

“(I) for resettlement as a refugee; or

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

**SEC. 1245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.**

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled “Update on Monitoring of Cuban Migrant Returnees” with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

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

**CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE**

**SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.**

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

“(f) COORDINATOR FOR COUNTERTERRORISM.—

“(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the ‘Coordinator’) who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) DUTIES.—

“(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

“(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

“(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

**SEC. 1302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSARING.**

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

**SEC. 1303. PERSONNEL MANAGEMENT.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

“(g) **QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.**—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.”.

**SEC. 1304. DIPLOMATIC SECURITY.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

“(h) **QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.**—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of: (1) management; and (2) Federal law enforcement, intelligence, or security.”.

**SEC. 1305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.**

(a) **UNDER SECRETARIES.**—

(1) **IN GENERAL.**—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking “5” and inserting “6”.

(2) **CONFORMING AMENDMENT TO TITLE 5.**—Section 5314 of title 5, United States Code, is amended by striking “Under Secretaries of State (5)” and inserting “Under Secretaries of State (6)”.

(b) **ASSISTANT SECRETARIES.**—

(1) **IN GENERAL.**—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking “20” and inserting “24”.

(2) **CONFORMING AMENDMENT TO TITLE 5.**—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of State (20)” and inserting “Assistant Secretaries of State (24)”.

(c) **DEPUTY ASSISTANT SECRETARIES.**—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

**SEC. 1306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.**

(a) **UNDER SECRETARIES OF STATE.**—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(4) **NOMINATION OF UNDER SECRETARIES.**—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that

is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.”.

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.”.

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

### **SEC. 1311. FOREIGN SERVICE REFORM.**

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking “Members” and inserting “Subject to subsection (e), members”; and

(2) by adding at the end the following new subsection:

“(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.”.

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the “years of lowest ranking”) if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member’s file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

### **SEC. 1312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.**

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting “or any other applicable provision of chapter 84 of title 5, United States Code,” after “section 811”;

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(2) in subsection (a), by inserting “or section 855, as appropriate” after “section 806”; and

(3) in subsection (b)(2)—

(A) by striking “(2)” and inserting “(2)(A) for those participants in the Foreign Service Retirement and Disability System,”; and

(B) by inserting before the period at the end “; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851”; and

(4) in subsection (b) in the matter following paragraph (2), by inserting “(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)” after “age 60”.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting “611,” after “608,”;

(B) by inserting “or for participants in the Foreign Service Pension System,” after “for participants in the Foreign Service Retirement and Disability System”; and

(C) by striking “Service shall” and inserting “Service, shall”; and

(2) in paragraph (3), by striking “or 610” and inserting “610, or 611”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

**SEC. 1313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.**

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking “A member” and inserting “Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member”.

**SEC. 1314. CAREER COUNSELING.**

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: “Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

**SEC. 1315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.**

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

“(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term ‘management official’ does not include—

“(A) any chief of mission;

“(B) any principal officer or deputy principal officer;

“(C) any administrative or personnel officer abroad; or

“(D) any individual described in section 1002(12)(B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.”.

**SEC. 1316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.**

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) For purposes of this section, the term ‘criminal investigator’ includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

“(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

“(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

“(2) In applying subsection (h) with respect to a special agent under this subsection—

“(A) any reference in such subsection to ‘basic pay’ shall be considered to include amounts designated as ‘salary’;

“(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

“(C) paragraph (2)(B) of such subsection shall be applied by substituting for ‘Office of Personnel Management’ the following: ‘Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)’.”.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking “Public Law 99–399” and inserting “Public Law 99–399, subject to subsection (k)”.

(2) Section 5542(e) of such title is amended by striking “title 18, United States Code,” and inserting “title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

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(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

**SEC. 1317. NONOVERTIME DIFFERENTIAL PAY.**

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”; and

(2) at the end of section 5546(a), by adding the following new sentence: “For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.”.

**SEC. 1318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.**

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers and percentages of minorities promoted at each grade of the Foreign Service officer corps.



## TITLE XIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

### CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

#### SEC. 1401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For “Salaries and Expenses”, \$431,000,000 for the fiscal year 1998 and \$457,146,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For the “Technology Fund” for the United States Information Agency, \$5,050,000 for the fiscal year 1998 and \$5,050,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—  
(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the “Fulbright Academic Exchange Programs” (other than programs described in subparagraph (B)), \$99,236,000 for the fiscal year 1998 and \$99,236,000 for the fiscal year 1999.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), \$5,000,000 for the fiscal year 1998 and \$5,000,000 for the fiscal year 1999 are authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, \$100,764,000 for the fiscal year 1998 and \$100,764,000 for the fiscal year 1999.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 1998 and \$500,000 for the fiscal year 1999 are authorized to be available for “South Pacific Exchanges”.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 1998 and \$500,000

for the fiscal year 1999 are authorized to be available for “East Timorese Scholarships”.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 1998 and \$500,000 for the fiscal year 1999 are authorized to be available for “Educational and Cultural Exchanges with Tibet” under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “International Broadcasting Activities”, \$344,655,000 for the fiscal year 1998, and \$341,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For “Radio Construction”, \$40,000,000 for the fiscal year 1998, and \$25,308,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For “Radio Free Asia”, \$22,000,000 for the fiscal year 1998 and \$22,000,000 for the fiscal year 1999, and an additional \$8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$22,095,000 for the fiscal year 1998 and \$22,704,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange between East and West”, not more than \$12,000,000 for the fiscal year 1998 and not more than \$10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the “National Endowment for Democracy”, \$30,000,000 for the fiscal year 1998 and \$30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For “Center for Cultural and Technical Interchange between North and South” not more than \$1,500,000 for the fiscal year 1998 and not more than \$1,500,000 for the fiscal year 1999.

## CHAPTER 2—AUTHORITIES AND ACTIVITIES

### SEC. 1411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

**SEC. 1412. USE OF SELECTED PROGRAM FEES.**

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

“USE OF ENGLISH-TEACHING PROGRAM FEES

“SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations Acts.

“(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

- “(1) English-teaching and library services;
- “(2) educational advising and counseling;
- “(3) Exchange Visitor Program Services;
- “(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau;
- “(5) cooperating international organizations;
- “(6) Agency-produced publications; and
- “(7) an amount not to exceed \$100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.”.

**SEC. 1413. MUSKIE FELLOWSHIP PROGRAM.**

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting “journalism and communications, education administration, public policy, library and information science,” after “business administration,” each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

- (1) in subsections (a), (b), and (c)(5), by striking “Soviet Union” each place it appears and inserting “independent states of the former Soviet Union”;
- (2) in subsection (c)(11), by striking “Soviet republics” and inserting “independent states of the former Soviet Union”; and
- (3) in the section heading, by inserting “INDEPENDENT STATES OF THE FORMER” after “FROM THE”.

**SEC. 1414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.**

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

“(g) WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to

carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

"(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

"(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

"(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

"(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

"(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

"(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

“(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

“(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

“(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

“(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

“(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

“(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

“(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

“(8) The Working Group shall meet at least on a quarterly basis.

“(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

“(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member’s department or agency.

“(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.”.

**SEC. 1415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking “for fiscal year 1997” and inserting “for the fiscal year 1999”; and

(2) by inserting after “who are outside Tibet” the following: “(if practicable, including individuals active in the preservation of Tibet’s unique culture, religion, and language)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

**SEC. 1416. UNITED STATES-JAPAN COMMISSION.**

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking “needed, except” and all that follows through “United States” and inserting “needed”.

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: “Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.”

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the “United States-Japan Commission”. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

“UNITED STATES-JAPAN COMMISSION”.

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking “Japan-United States Friendship Commission” each place such term appears and inserting “United States-Japan Commission”.

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the “United States-Japan Trust Fund”. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking “Japan-United States Friendship Trust Fund” and inserting “United States-Japan Trust Fund”.

**SEC. 1417. SURROGATE BROADCASTING STUDY.**

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study

of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

**SEC. 1418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.**

(a) **RADIO FREE IRAN.**—Not more than \$2,000,000 of the funds made available under section 1401(a)(4) of this Act for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as “Radio Free Iran”.

(b) **REPORT TO CONGRESS.**—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service described in subsection (a).

(c) **AVAILABILITY OF FUNDS.**—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

**SEC. 1419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.**

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

**SEC. 1420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.**

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

**SEC. 1421. VOICE OF AMERICA BROADCASTS.**

(a) **IN GENERAL.**—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) **STATE DEFINED.**—In this section, the term “State” means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

**TITLE XV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS**

**SEC. 1501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.**

There are authorized to be appropriated for “International Conferences and Contingencies”, \$3,500,000 for the fiscal year 1998

and \$1,223,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

**SEC. 1502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.**

(a) **PROHIBITION.**—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

- (1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of the enactment of this Act; or
- (2) any statute enacted by Congress on or after the date of the enactment of this Act.

(b) **JURISDICTION DESCRIBED.**—The jurisdiction described in this section is jurisdiction over—

- (1) persons found, property located, or acts or omissions committed, within the territory of the United States; or
- (2) nationals of the United States, wherever found.

(c) **STATUTORY CONSTRUCTION.**—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) **DEFINITION.**—The term “new international criminal tribunal” means any permanent international criminal tribunal established on or after the date of the enactment of this Act and does not include—

- (1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or
- (2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

**SEC. 1503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.**

(a) **INTERPARLIAMENTARY UNION LIMITATION.**—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than \$500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1999, then effective October 1, 1999, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) **ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.**—Section 1 of the Act entitled “An Act to authorize participation by the United States in the Interparliamentary Union”, approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking “fiscal year” and all that follows through “(1) for” and inserting “fiscal year for”;



- (B) by striking “; and”; and
- (C) by striking paragraph (2); and
- (2) by striking the second sentence.

(c) **ELIMINATION OF PERMANENT APPROPRIATION.**—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

- (1) by striking “\$440,000” and inserting “\$350,000”; and
- (2) by striking “paragraph (2) of the first section of Public Law 74–170,”.

(d) **CONDITIONAL TERMINATION OF AUTHORITY.**—Unless Congress receives the certification described in subsection (a) before October 1, 1999, effective on that date the Act entitled “An Act to authorize participation by the United States in the Inter-parliamentary Union”, approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) **TRANSFER OF FUNDS TO THE TREASURY.**—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of the enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

**SEC. 1504. SERVICE IN INTERNATIONAL ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: “On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of the enactment of this Act.

**SEC. 1505. REPORTS REGARDING FOREIGN TRAVEL.**

(a) **PROHIBITION.**—Except as provided in subsection (e), none of the funds authorized to be appropriated by this Act for fiscal year 1999 may be used to pay for the expenses of foreign travel by an officer or employee of an executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) **PRELIMINARY REPORTS.**—A preliminary report referred to in subsection (a) is a report by an officer or employee of an executive

branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

- (1) the name and employing agency of the officer or employee;
- (2) the name of the official who authorized the travel; and
- (3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

- (1) setting forth the actual duration and cost of the travel; and
- (2) updating any other information included in the preliminary report.

(d) REPORT TO CONGRESS.—The Director shall submit a report not later than April 1, 1999, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

- (1) the names and employing agencies of all officers and employees of executive branch agencies who attended the international conference;
- (2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and
- (3) the total cost of travel by officers and employees of executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

- (1) the President or the Vice President; or
- (2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms “executive branch agency” and “executive branch agencies” mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term “international conference” means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

## **TITLE XVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**

### **SEC. 1601. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act, \$41,500,000 for the fiscal year 1998.

### **SEC. 1602. STATUTORY CONSTRUCTION.**

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this Act, is amended by adding at the end the following new subsection:

“(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”.

## **TITLE XVII—EUROPEAN SECURITY ACT OF 1998**

### **SEC. 1701. SHORT TITLE.**

This title may be cited as the “European Security Act of 1998”.

### **SEC. 1702. STATEMENT OF POLICY.**

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

**SEC. 1703. AUTHORITIES RELATING TO NATO ENLARGEMENT.**

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking “1996 and 1997” and inserting “1997, 1998, and 1999”.

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking “, without regard to the restrictions” and all that follows through “section”;

(2) by striking paragraph (2);

(3) in paragraph (6), by striking “appropriated under the ‘Nonproliferation and Disarmament Fund’ account” and inserting “made available for the ‘Nonproliferation and Disarmament Fund’”; and

(4) in paragraph (8)—

(A) by striking “any restrictions in sections 516 and 519” and inserting “section 516(e)”;

(B) by striking “as amended,”; and

(C) by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”; and  
(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

**SEC. 1704. SENSE OF THE CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.**

It is the sense of the Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

**SEC. 1705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.**

(a) **POLICY OF SECTION.**—This section is enacted in order to implement the policy set forth in section 1702(c).

(b) **RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.**—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of the enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) **SENSE OF THE CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.**—

(1) **RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.**—It is the sense of the Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term

“national territory” as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of the Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term “ABM/TMD demarcation agreement” means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term “ABM Treaty” means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

## **TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS**

### **SEC. 1801. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, shall submit a report to the appropriate congressional committees on specific actions taken by the



Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) **TERMINATION.**—Subsection (a) shall cease to have effect on the earlier of—

(1) the date of submission of the third report under that subsection; or

(2) the date that the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

**SEC. 1802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.**

(a) **REPORTS REQUIRED.**—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) **PROTECTION OF IDENTITY OF CONCERNED ENTITIES.**—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

**SEC. 1803. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.**

(a) **IN GENERAL.**—Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit a report to the appropriate congressional committees on the compliance with the provisions of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, by the signatory countries of the Convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

(5) Information on efforts by the Department of State to encourage other countries to become signatories of the Convention.

(b) DEFINITION.—In this section, the term “Central Authority for the United States” has the meaning given the term in Article 6 of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

**SEC. 1804. SENSE OF THE CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.**

It is the sense of the Congress that the United States should use its influence with the Government of Turkey to suggest that the Government of Turkey—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution’s physical security needs, as provided for under Turkish and international law, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate’s Halki Patriarchal School of Theology.

**SEC. 1805. REPORT ON RELATIONS WITH VIETNAM.**

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of the enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

**SEC. 1806. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include the following:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the Department of State will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the Department of State will take to seek to ensure the cessation of human rights violations.

**SEC. 1807. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.**

(a) SENSE OF THE CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1808. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.**

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

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States.

(3) The executive branch of Government has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are

necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China in many respects affords to the People's Republic of China the practical benefit of membership in the World Trade Organization for a substantial portion of its trade in goods despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch of Government has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) Despite having made significant progress in negotiations for its accession to the World Trade Organization, Taiwan has yet to offer acceptable terms of accession in agricultural and certain other market sectors.

(8) It is in the economic interest of United States consumers and exporters for Taiwan to complete those requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

**SEC. 1809. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.**

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(1) by striking “The limitations” and inserting “(1) Subject to paragraph (2), the limitations”; and

(2) by adding at the end the following:

“(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

“(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

“(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

“(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

“(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

“(III) incorporates internationally accepted nuclear safety standards.”.

(b) **OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.**—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) **REPORTING REQUIREMENTS.**—

(1) **REQUEST FOR IAEA REPORTS.**—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) **ANNUAL REPORTS TO THE CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

**SEC. 1810. LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT.**

(a) **IN GENERAL.**—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

“(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

“(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

“(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

“(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

“(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

“(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding

year, including the terms of each transfer of such fuel, assistance, or credits.”.

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

**SEC. 1811. INTERNATIONAL FUND FOR IRELAND.**

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

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

(1) in the first sentence—

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

“(1) IN GENERAL.—The United States”;

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

“(A) may be used”;

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

(D) by adding at the end the following:

“(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice.”; and

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

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

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

(1) in subparagraph (A), by striking “in accordance with the principle of equality” and all that follows and inserting “to individuals and entities whose practices are consistent with principles of economic justice; and”; and

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

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

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

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

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

“(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.”.

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

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

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

(1) in paragraph (1), by striking “and” at the end;  
(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:  
“(3) the term ‘principles of economic justice’ means the following principles:

“(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

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

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

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

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

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

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

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

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

**SEC. 1812. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated by section 1101(4) of this Act for “Security and Maintenance of Buildings Abroad”, \$25,000,000 for the fiscal year 1998 and \$75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) **LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.**—None of the funds authorized to be appropriated by this Act should be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) **LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.**—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.



(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

**SEC. 1813. SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.**

(a) ASSISTANCE FOR JUSTICE IN IRAQ.—There are authorized to be appropriated for fiscal year 1998, \$3,000,000 for assistance to an international commission to establish an international record for the criminal culpability of Saddam Hussein and other Iraqi officials and for an international criminal tribunal established for the purpose of indicting, prosecuting, and punishing Saddam Hussein and other Iraqi officials responsible for crimes against humanity, genocide, and other violations of international law.

(b) ASSISTANCE TO THE DEMOCRATIC OPPOSITION IN IRAQ.—There are authorized to be appropriated for fiscal year 1998, \$15,000,000 to provide support for democratic opposition forces in Iraq, of which—

(1) not more than \$10,000,000 shall be for assistance to the democratic opposition, including leadership organization, training political cadre, maintaining offices, disseminating information, and developing and implementing agreements among opposition elements; and

(2) not more than \$5,000,000 of the funds made available under this subsection shall be available only for grants to RFE/RL, Incorporated, for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iraqi people in the Arabic language, such broadcasts to be designated as “Radio Free Iraq”.

(c) ASSISTANCE FOR HUMANITARIAN RELIEF AND RECONSTRUCTION.—There are authorized to be appropriated for fiscal year 1998, \$20,000,000 for the relief, rehabilitation, and reconstruction of people living in Iraq, and communities located in Iraq, who are not under the control of the Saddam Hussein regime.

(d) AVAILABILITY.—Amounts authorized to be appropriated by this section shall be provided in addition to amounts otherwise made available and shall remain available until expended.

(e) NOTIFICATION.—All assistance provided pursuant to this section shall be notified to Congress in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(f) RELATION TO OTHER LAWS.—Funds made available to carry out the provisions of this section may be made available notwithstanding any other provision of law.

(g) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State and the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing—

(1) the costs, implementation, and plans for the establishment of an international war crimes tribunal described in subsection (a);

(2) the establishment of a political assistance program, and the surrogate broadcasting service, as described in subsection (b); and

(3) the humanitarian assistance program described in subsection (c).

**SEC. 1814. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.**

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

(1) The United States stands as the beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Serbian authorities have sought to continue to hinder the growth of free and independent news media in the Republic of Serbia, in particular the broadcast news media, and have harassed journalists performing their professional duties.

(5) Under Slobodan Milosevic, the political opposition in Serbia has been denied free, fair, and equal opportunity to participate in the democratic process.

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

(1) the United States, the international community, non-governmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(2) the normalization of relations between the “Federal Republic of Yugoslavia” (Serbia and Montenegro) and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law;

(B) promote the respect for human rights throughout the “Federal Republic of Yugoslavia” (Serbia and Montenegro); and

(C) promote and encourage free, fair, and equal conditions for the democratic opposition in Serbia.

**SEC. 1815. FUNDS MADE AVAILABLE UNDER CHAPTER 4 OF PART II OF THE FOREIGN ASSISTANCE ACT OF 1961.**

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

**SEC. 1816. FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.**

(a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

“(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

“(1) PERFORMANCE OF ABORTIONS.—

“(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

“(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

“(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

“(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

“(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.”.

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

“(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE’S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

“(1) UNFPA has terminated all activities in the People’s Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

“(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People’s Republic of China.

As used in this section, the term ‘coercion’ includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.”.

(c) The President may waive the provisions of section 104(h)(1) of the Foreign Assistance Act of 1961, as amended, pertaining

to population assistance to foreign organizations that perform abortions in foreign countries, for any fiscal year: *Provided*, That if the President exercises the waiver provided by this subsection for any fiscal year, not to exceed \$356,000,000 may be made available for population planning activities or other population assistance for such fiscal year: *Provided further*, That the limitation in the previous proviso includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available.

## **DIVISION C—UNITED NATIONS REFORM**

### **TITLE XX—GENERAL PROVISIONS**

#### **SEC. 2001. SHORT TITLE.**

This division may be cited as the “United Nations Reform Act of 1998”.

#### **SEC. 2002. DEFINITIONS.**

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) **DESIGNATED SPECIALIZED AGENCY DEFINED.**—The term “designated specialized agency” means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) **GENERAL ASSEMBLY.**—The term “General Assembly” means the General Assembly of the United Nations.

(4) **SECRETARY GENERAL.**—The term “Secretary General” means the Secretary General of the United Nations.

(5) **SECURITY COUNCIL.**—The term “Security Council” means the Security Council of the United Nations.

(6) **UNITED NATIONS MEMBER.**—The term “United Nations member” means any country that is a member of the United Nations.

(7) **UNITED NATIONS PEACEKEEPING OPERATION.**—The term “United Nations peacekeeping operation” means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

#### **SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.**

The Secretary of State may not delegate the authority in this division to make any certification.

## TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

### SEC. 2101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading “Contributions to International Organizations” \$901,000,000 for the fiscal year 1998 and \$900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—Of the funds made available for fiscal year 1999 under subsection (a), \$80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of \$2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office’s resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

“(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.”; and

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(B) by striking “Inspector General” each place it appears and inserting “Office of Internal Oversight Service”.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference except any conference that the General Assembly, prior to the date of the enactment of this Act, decided to convene.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1999.—Of the funds authorized to be appropriated for fiscal year 1999 for the United Nations by subsection (a), \$50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) REPORT.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading “Contributions to International Organizations” may not exceed \$900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) **REFUND OF EXCESS CONTRIBUTIONS.**—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

**SEC. 2102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities” \$210,000,000 for the fiscal year 1998 and \$220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) **CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.**—

(1) **CODIFICATION.**—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence;

and

(B) by striking subsection (e) and inserting the following:

“(e) **CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.**—

“(1) **CONSULTATIONS.**—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

“(2) **INFORMATION TO BE PROVIDED.**—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

“(A) With respect to ongoing United Nations peacekeeping operations, the following:

“(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

“(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

“(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

“(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

“(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

“(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

“(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

“(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

“(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

“(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

“(3) FORM AND TIMING OF INFORMATION.—

“(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

“(B) TIMING.—

“(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

“(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated



date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

“(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term ‘new United Nations peacekeeping operation’ includes any existing or otherwise ongoing United Nations peacekeeping operation—

“(A) where the authorized force strength is to be expanded;

“(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

“(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

“(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

“(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

“(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

“(ii) EXCEPTION.—This subparagraph does not apply to—

“(I) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance; or

“(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

“(B) QUARTERLY REPORTS.—

“(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

“(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

“(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

“(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term ‘designated congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.”.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994

and 1995 (Public Law 103-236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

“(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.”.

## **TITLE XXII—UNITED NATIONS ACTIVITIES**

### **SEC. 2201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.**

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation’s regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel’s full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition of the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel’s acceptance into their organization.

### **SEC. 2202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

**“SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

“(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

“(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.”.

**SEC. 2203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.**

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

**“SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.**

“(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

“(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

“(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

“(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

“(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

“(i) goods and services provided to the United States Armed Forces;

“(ii) assistance having a value of less than \$3,000,000 per fiscal year per operation;

“(iii) assistance furnished before the date of the enactment of this section;

“(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

“(v) any assistance commitment made before the date of the enactment of the United Nations Reform Act of 1998.

“(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when

the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

“(3) FORM AND AMOUNT.—

“(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

“(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

“(b) TREATMENT OF REIMBURSEMENTS.—

“(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

“(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

“(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

“(1) Sections 6 and 7 of this Act.

“(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

“(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

“(d) WAIVER.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

“(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

“(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

“(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance

with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

“(f) DEFINITION.—In this section, the term ‘assistance’ includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.”.

**SEC. 2204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.**

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

**SEC. 2205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.**

For the fiscal year 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

**SEC. 2206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.**

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting “and the United Nations Industrial Development Organization” after “International Labor Organization”.

**SEC. 2207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.**

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

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary; and

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

## **TITLE XXIII—ARREARS PAYMENTS AND REFORM**

### **CHAPTER 1—ARREARAGES TO THE UNITED NATIONS**

#### **Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds**

**SEC. 2301. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) \$100,000,000 for fiscal year 1998;

(2) \$475,000,000 for fiscal year 1999; and

(3) \$244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

**SEC. 2302. OBLIGATION AND EXPENDITURE OF FUNDS.**

(a) **IN GENERAL.**—Funds made available pursuant to section 2301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) **OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.**—Subject to subsection (e), funds made available pursuant to section 2301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2331.

(c) **ADVANCE CONGRESSIONAL NOTIFICATION.**—Funds made available pursuant to section 2301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) **TRANSMITTAL OF CERTIFICATIONS.**—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) **WAIVER AUTHORITY.**—

(1) **FISCAL YEAR 1999 FUNDS.**—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 2321(b)(1).

(B) The condition described in section 2321(b)(4).

(C) The condition described in section 2321(b)(5).

(2) **FISCAL YEAR 2000 FUNDS.**—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8), or (9) of section 2331(b).

(3) **REQUIREMENTS.**—

(A) **IN GENERAL.**—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) **EFFECT ON SUBSEQUENT CERTIFICATION.**—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 2331.

(4) **ADDITIONAL REQUIREMENT.**—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 2321(b)(1).

**SEC. 2303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.**

(a) **FORGIVENESS OF INDEBTEDNESS.**—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) **LIMITATIONS.**—

(1) **TOTAL AMOUNT.**—The total of amounts forgiven or reduced under subsection (a) may not exceed \$107,000,000.

(2) **RELATION TO UNITED STATES ARREARAGES.**—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) **REQUIREMENTS.**—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) **CONGRESSIONAL NOTIFICATION.**—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) **EFFECTIVE DATE.**—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 2331; or

(2) October 1, 1999.

**Subchapter B—United States Sovereignty**

**SEC. 2311. CERTIFICATION REQUIREMENTS.**

(a) **CONTENTS OF CERTIFICATION.**—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) **SUPREMACY OF THE UNITED STATES CONSTITUTION.**—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) **NO UNITED NATIONS SOVEREIGNTY.**—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) **NO UNITED NATIONS TAXATION.**—



(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of the enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made

known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

### **Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations**

#### **SEC. 2321. CERTIFICATION REQUIREMENTS.**

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of the enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the “contested arrearages account”.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of the United Nations or any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 2102(b) of this Act.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over \$100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of \$70,000.

### **Subchapter D—Budget and Personnel Reform**

#### **SEC. 2331. CERTIFICATION REQUIREMENTS.**

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2311 and 2321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and

effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term “United Nations program approved by the General Assembly” means a program approved by the General Assembly of the United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term “five largest member contributors” means the five United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior

United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

## CHAPTER 2—MISCELLANEOUS PROVISIONS

### SEC. 2341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

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**SEC. 2342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND  
OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH  
THE UNITED STATES HAS WITHDRAWN OR RESCINDED  
FUNDING.**

None of the funds authorized to be appropriated by this division shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*