

**H.R. 1211, FOREIGN RELATIONS AUTHORIZATION
ACT FOR FISCAL YEAR 2000-2001**

MARKUP
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

MARCH 23, 1999

Serial No. 106-12

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

56-471 CC

WASHINGTON : 1999

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-058494-9

H461-77

COMMITTEE ON INTERNATIONAL RELATIONS

BENJAMIN A. GILMAN, New York, *Chairman*

WILLIAM F. GOODLING, Pennsylvania	SAM GEJDENSON, Connecticut
JAMES A. LEACH, Iowa	TOM LANTOS, California
HENRY J. HYDE, Illinois	HOWARD L. BERMAN, California
DOUG BEREUTER, Nebraska	GARY L. ACKERMAN, New York
CHRISTOPHER H. SMITH, New Jersey	ENI F.H. FALEOMAVEAGA, American Samoa
DAN BURTON, Indiana	MATTHEW G. MARTINEZ, California
ELTON GALLEGLY, California	DONALD M. PAYNE, New Jersey
ILEANA ROS-LEHTINEN, Florida	ROBERT MENENDEZ, New Jersey
CASS BALLENGER, North Carolina	SHERROD BROWN, Ohio
DANA ROHRBACHER, California	CYNTHIA A. MCKINNEY, Georgia
DONALD A. MANZULLO, Illinois	ALCEE L. HASTINGS, Florida
EDWARD R. ROYCE, California	PAT DANNER, Missouri
PETER T. KING, New York	EARL F. HILLIARD, Alabama
STEVE CHABOT, Ohio	BRAD SHERMAN, California
MARSHALL "MARK" SANFORD, South Carolina	ROBERT WEXLER, Florida
MATT SALMON, Arizona	STEVEN R. ROTHMAN, New Jersey
AMO HOUGHTON, New York	JIM DAVIS, Florida
TOM CAMPBELL, California	EARL POMEROY, North Dakota
JOHN M. MCHUGH, New York	WILLIAM D. DELAHUNT, Massachusetts
KEVIN BRADY, Texas	GREGORY W. MEEKS, New York
RICHARD BURR, North Carolina	BARBARA LEE, California
PAUL E. GILLMOR, Ohio	JOSEPH CROWLEY, New York
GEORGE P. RADANOVICH, California	JOSEPH M. HOEFFEL, Pennsylvania
JOHN COOKSEY, Louisiana	
THOMAS G. TANCREDO, Colorado	

RICHARD J. GARON, *Chief of Staff*

KATHLEEN BERTELSEN MOAZED, *Democratic Chief of Staff*

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

WILLIAM F. GOODLING, Pennsylvania	CYNTHIA A. MCKINNEY, Georgia
HENRY J. HYDE, Illinois	ENI F.H. FALEOMAVEAGA, American Samoa
DAN BURTON, Indiana	EARL F. HILLIARD, Alabama
CASS BALLENGER, North Carolina	BRAD SHERMAN, California
PETER T. KING, New York	WILLIAM D. DELAHUNT, Massachusetts
MATT SALMON, Arizona	GREGORY W. MEEKS, New York
THOMAS G. TANCREDO, Colorado	

GROVER JOSEPH REES, *Subcommittee Staff Director*

GEORGE COLVIN, *Pearson Fellow for Ranking Member*

DOUGLAS C. ANDERSON, *Counsel*

CATHERINE DUBOIS, *Staff Associate*

CONTENTS

APPENDIX

	Page
H.R. 1211, To authorize appropriations for the Department of State and related agencies for fiscal years 2000 and 2001, and for other purposes	13
Amendment to H.R. 1211, offered by Mr. Smith, a Representative in Congress from New Jersey and Chairman, Subcommittee on International Operations and Human Rights	83
Amendment to H.R. 1211, Amendment on Arms Sales Code of Conduct, offered by Ms. McKinney, a Representative in Congress from New Jersey	89
Amendment to H.R. 1211, offered by Mr. Sherman, a Representative in Congress from California	90
Prepared statements:	
Honorable Christopher H. Smith	92
Honorable Cynthia A. McKinney	95
Additional material submitted for the record:	
DOS Operating Accounts v. Refugees, Percentage Increase/Decrease, FY 1995-2000	98
March 22, 1999 Letter to Congresswoman Cynthia McKinney on Section 274 of H.R. 1211 from Congresswomen Zoe Lofgren, Loretta Sanchez, and Sheila Jackson-Lee	100
March 22, 1999 Letter to Congressman Christopher H. Smith on Section 274 of H.R. 1211 from Congressman Howard Berman, a Representative in Congress from California	102
March 21, 1999 Letter to Congressman Christopher H. Smith on Section 274 of H.R. 1211 from John F. Sommer, Jr., Executive Director, The American Legion	103

H.R. 1211, FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEAR 2000-2001

TUESDAY, MARCH 23, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1:34 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. [presiding] The Subcommittee will come to order.

The Subcommittee on International Operations and Human Rights meets in open session pursuant to notice to consider H.R. 1211. The chief of staff will report the title of the bill.

Mr. Rees.

Mr. REES. "H.R. 1211, a bill to authorize appropriations for the Department of State and related agencies for fiscal years 2000 and 2001, and for other purposes."

Mr. SMITH. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Mr. REES. 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"——

Mr. SMITH. Without objection, the bill is considered as having been read, and is open to amendment at any point.

[H.R. 1211 appears in the appendix.]

Mr. SMITH. At this point, I would like to make an opening statement and then yield to my good friend from Georgia, the Ranking Member, Ms. McKinney, if she has any opening comments as well.

I am very pleased to present to the Subcommittee H.R. 1211 on behalf of myself and my good friend, the distinguished Ranking Member, Cynthia McKinney. The bill's unifying theme is all about the promotion of American values. I am particularly proud that the bill authorizes \$1.8 billion over 2 years in security upgrades for our missions and personnel around the world. The fiscal year 2000 authorization of \$904 million is \$600 million above the Administration's request for the security upgrades, and if this Subcommittee has one responsibility that could be singled out as more than any other responsibility, it is to do whatever we can and whatever is possible to protect the lives of the people who work in our embassies and our missions.

The Subcommittee recently heard testimony from Admiral William Crowe, who chaired the Accountability Review Boards ap-

pointed after the terrorist bombings of our U.S. embassies in Kenya and Tanzania. Among the boards' finding was, "the collective failure of the U.S. Government over the past decade to provide adequate resources to reduce the vulnerability of U.S. diplomatic missions to terrorist attacks in most countries around the world." The boards found that both Congress and the executive branch had neglected their shared responsibility to provide for diplomatic security, and estimated that an emergency plan to repair the damage done by decades of neglect would cost an average of \$1.4 billion per year over the next decade. Congress did provide \$1.4 billion in fiscal year 1999 emergency supplemental appropriations for security upgrades, but the Office of Management and Budget has requested less than \$50 million in security-related capital costs for next year.

Like too many budgets before it, the fiscal year 2000 budget request proposes to do all the heavy lifting in the "out years." The Smith-McKinney bill, in contrast, provides \$650 million for fiscal year 2000, the largest amount the State Department security experts tell us that can reasonably be spent in the time period for construction of safer embassies, so that the crash program can begin now, not 18 months from now.

We have provided another \$650 million for fiscal year 2001. If the security experts should come back and tell us there is both the need and the ability to spend more on security over the next 2 years, this Member will support an amendment to increase the amount that we provide. We can not afford to lose more American lives or the lives of other innocent people to complacency or budget gimmickry.

This bill also promotes American values by promoting human rights and protecting refugees. Although I know the State Department is not fond of earmarks, I for one, am very proud of the modest \$15 million earmark for the chronically under-funded Bureau of Democracy, Human Rights and Labor (DRL). I have pointed out year after year, hearing after hearing, that the most grossly disproportionate allocation of resources in the State Department budget is that the Department spends less than one-quarter of 1 percent of its resources on the Bureau with principal responsibility for human rights. The DRL Bureau is charged with ensuring that the promotion of fundamental human rights is afforded its rightful place in our foreign policy, yet it has only 65 employees, about half the size of the Office of Public Affairs, and about the same size as the Office of Protocol.

I understand that Chairman Gilman of the full International Relations Committee is putting together a comprehensive human rights bill that would require among other things, that the State Department spend 1 percent of its budget on the Bureau with responsibility for promoting human rights. This bill will start the glide path up to that modest 1 percent figure, by providing \$15 million for the Bureau, about twice the amount provided in the Administration's budget, but still only a little more than the \$12 million the Department plans to spend next year on public relations. I believe we need to get our priorities straight, and I do think this bill helps in that regard.

The bill also provides \$750 million in each fiscal year for refugee protection. This is \$90 million more than the Administration's re-

quest of \$660 million, but in real dollar terms, it is about the same amount that we spent 5 years ago. The Administration's request for refugees is \$20 million lower than the amount we spent in fiscal year 1995. In real dollars, the cut is far deeper, at least 15 to 20 percent. During this 5-year period, the refugees' account is the only major State Department account for which the Administration has not requested and gotten at least a modest increase. Yet the needs are at least as great. The Smith-McKinney bill gives refugee protection a modest raise, only about half the raise that the State Department accounts have received over the last 5 years, maybe not enough to cover inflation, but again, it is a good start. There are also special provisions addressing the particular needs of refugees and displaced persons from Sierra Leone, Tibet, Burma, and Vietnam.

The bill further promotes American values by permanently authorizing Radio Free Asia, which would otherwise be required to close its doors on September 30 of this year. It also ensures the survival of Radio Free Europe/Radio Liberty into the next millennium, increasing funding for the National Endowment for Democracy, and authorizes targeted exchange programs for the peoples of sub-Saharan Africa, East Timor, Tibet, Burma, and the nations of the South Pacific. It protects the integrity of our public diplomacy programs by erecting a firewall between these programs and the Department's domestic public relations activities, and by requiring appropriate steps to ensure that U.S. educational and cultural exchange programs include more human rights advocates and fewer foreign espionage agents.

The bill, I believe, deserves wide bipartisan support. None of us is thrilled with every single provision. As with all important legislation, there have already been compromises, and I am sure there will be more as the bill works its way through the legislative process. But it strikes an appropriate balance between the resources and the authorities the executive branch wants and needs, and the legislative guidance that means Members of Congress are taking their responsibility seriously.

I will work with my colleagues and with the Administration for further improvements, but I think we should start by agreeing that speedy passage is essential. We cannot afford to wait for the next terrorist bombing to begin the construction of safe U.S. embassies, or for the next refugee crisis to think about reclaiming the ground we have lost in refugee protection and the resettlement budget, or until voices of freedom and democracy are silenced before we reauthorize Radio Free Asia or preserve Radio Free Europe/Radio Liberty. I pledge my diligent efforts in this regard, and I do ask the help of the Subcommittee.

I would like to yield to my friend, Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I would like to commend you and your staff for the extraordinary work that you have done in putting this bill together. I particularly commend you and the colleagues that you have in the majority for their expressed desire to produce a State Department authorization bill that Congress can pass and the President can sign. In cosponsoring this bill, I wished to show my agreement with this intention, and my determination to work with you and with others with the same goal. I

believe we do need this bill, and I intend to work hard to ensure that we have it.

The decision on my part to cosponsor this bill was not an easy one because this bill is not the bill it could have been, or should have been. In particular, a number of the provisions in the Chairman's mark run strongly against the majority's professed desire for a clean bipartisan bill. My greatest disappointment in this drafting process is the insistence of the majority on some of these provisions.

Of the less than satisfactory sections of the bill, the most disturbing is the set of restrictions on U.S. assistance for the U.N. Fund for Population Activities or UNFPA. We should make no mistake: these restrictions are intended to keep us from providing any funding at all for this organization. If this effort succeeds, millions of women will continue to be deprived of services they ought to be able to receive. These women include the women of Uganda, who have a chance through UNFPA's efforts to have female genital mutilation abolished in their country. They include many other women as well, in the 150 countries in which UNFPA operates, where our funding cutoff in 1999 has actually helped lead to scores of thousands of unintended pregnancies, and more thousands of restricting abortions. We should try to help these women, not cut them off.

I understand the concern behind this provision with UNFPA's activities in China, which are specifically mentioned. I realize that this concern is motivated by good faith, and real concern about forced abortions, a concern that I share. But I believe it is based on an outdated understanding of UNFPA's activities and views about China. I have been assured that UNFPA does not and will not condone coercive activities in China, that its efforts there do not support coercive activities or compromise international standards of human rights, and that those efforts were designed after 7 years of negotiation with the Chinese authorities to demonstrate the advantages of voluntary population efforts. I believe that UNFPA is a positive force in China, and whatever we think about this point, I am sure it has activities in many other places in the world that deserve our support. We should work to find a way to make that happen. I will be actively involved at the appropriate time to achieve that. Mr. Chairman, I think you have received a warning.

I regret as well some of the numbers in the bill. Although the mark increases the Asia Foundation from \$8 million in this fiscal year to \$10 million in fiscal year 2000, I would have preferred the Administration's request for \$15 million. The Foundation does worthwhile work on strengthening our engagement with Asia, and we should be more helpful to it than we are in this mark.

Despite these points and others about which I have reservations, I believe that this bill as a whole will do more good than harm. It will achieve goals I strongly support. As I, along with Chairman Smith, and 10 other bipartisan colleagues made clear to the Administration in a letter last month, I support the goals intended to be achieved by the provisions on Vietnamese refugees. I am pleased to be joined in this support by such organizations as the American Legion and Refugees International. I believe we do need to ensure that this program is properly run, and that refugees have their

cases fairly and completely considered. At the same time, we are engaged in an extraordinary amount of management by legislation in these provisions. I would want us to work harder with the Administration to see if there is a way that we can put these practices into place without having to use legislation to do so. I was impressed by the dedication to refugee matters displayed by Assistant Secretary Taft at our hearing. I am confident we can work with her on this matter.

In this bill, as it will come out of our session today, we will include criteria accepted on both sides of the aisle for an International Code of Conduct concerning arms transfers. The "Code of Conduct" is something we can be very proud of, and something that is long overdue. I am glad, again, to have my chairman's support for it, and I look forward to working closely with him to make it law.

I also appreciate Mr. Smith's efforts on behalf of personnel overseas, especially the very substantial funding for embassy security and construction proposed in the Chairman's mark. The Administration's proposal on security, as I said in our hearing on the issue, was not real. It was the flim-flam plan. We have done a lot better.

I like, as well, the willingness in the Chairman's mark to adopt or even increase the Administration's proposed allotments in most areas, including the East-West Center, and minority recruitment, among many others. Through these figures, we are challenging strongly the marks given by the Budget Committee last week for the foreign affairs function. Secretary of State Albright yesterday described the budget marks as outrageous and unacceptable. I disagree with the Secretary's language on this issue. She was *much* too moderate and *far* too kind. The Budget Committee has disgracefully refused to do their duty of providing what we need in foreign affairs. In this bill, with these numbers, we are doing ours.

Although I wish, as I have said, to avoid legislating on such matters when we don't have to, I believe that several of the provisions on refugees are also helpful. In particular, by proposing to authorize \$2 million for funding for victims of mutilation in Sierra Leone, this bill puts on the policy map a group of people we should not ignore. I strongly believe we need to pay more attention to African people and Africa's problems. This provision moves in that direction.

As to Africa, I am also glad to see a proposed authorization of \$500,000 for fiscal year 2000 and fiscal year 2001, for exchange programs with Africa. I will fight hard for this authorization, and I take strong personal interest in how the State Department carries out this program. For our benefit, we need to strengthen our ties with Africa, and allow more Africans to benefit by experiencing what we have to offer. This program is a big step in that direction.

As these examples suggest, there is a lot in this bill that I like. There are some things in this bill that I think we badly need now, not later. When I took these good things in one hand and weighed them against the problems in the other, I saw that the good things weighed heavier. That is why I am cosponsoring this bill, and that is why I intend to work with our chairman to get it through.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Ms. McKinney, for your kind comments.

I would like to offer my amendment, unless any other Members have opening comments they would like to make?

Mr. SHERMAN. Mr. Chairman, if I can just make an opening statement. Our State Department is an apostle for democracy around the world. Democracy works best when the Parliament, or in our case, the Congress, actually has a chance to affect policy. Our democracy works best when the authorizing bill is actually passed into law before, or at the very worst, along with the appropriating bill. I hope that all of the House of Representatives would fight to make sure that before funds are appropriated, they are authorized.

I want to associate myself with Ms. McKinney's comments with regard to UNFPA. I hope that whether it be here or in Full Committee or on the House floor, that that one imperfection in a bill that is otherwise an excellent bill is changed. But I would point out that I hope that regardless of whether it is through UNFPA or through other entities funded by the United States, the United States needs to be a very strong partner in the effort to provide family planning assistance, and of course to deal with the terrible mutilation that Ms. McKinney brought again to our attention.

Later on, I will be putting forward an amendment which I will distribute very soon, that will deal with the issue of how long it takes to grant visas. We are strong advocates for human rights. Those of us who were here when the Secretary of State testified, heard her say that she believed that it was only a 1-month period during which a husband and wife would be separated by the actions of the U.S. Government, where one of them is a U.S. citizen, and the other is kept from coming into the United States until paperwork can be completed. Later on, we found out that the average is 11 months, and I think all our offices are all familiar with situations where families have been separated, husband from wife, minor children away from either the mother or the father, for periods of 1 year or 2 years, simply because one spouse is an American citizen and the other is not.

If Milosevic were moving into any part of Yugoslavia, and forcing husbands and wives to live separate for 2 years, that would be a reason the Administration would tell us that bombing was appropriate. Clearly, given our very strong belief in human rights and our violent reaction when human rights are trampled upon, the idea that the U.S. State Department would be responsible, along with the Department of Justice and INS, for separating husband and wife for periods of up to 2 years, is something that this amendment will be designed to deal with.

It also deals with the situation where someone wants to come to the United States for a visit and is willing to post a bond, which I think proves that they will exit according to the terms of the visa. I think that that should be given due regard.

I thank the Chairman for the time.

Mr. SMITH. Thank you, Mr. Sherman.

We do have some votes coming up very shortly on the floor. Does the Administration have something to say? Certainly your written comments will be made a part of the record, but if you wanted to comment at this point?

The Chair offers an amendment en bloc. The Staff Director and Chief Counsel will report the amendment.

Mr. REES. "Amendment to H.R. 1211, offered by Mr. Smith of New Jersey. Page 42, after line 14,"—

Mr. SMITH. Without objection, the amendment is considered as having been read.

[The amendment of Mr. Smith appears in the appendix.]

Mr. SMITH. These are basically technical amendments. One has to do with machine readable visas. This provision was in early drafts of the bill which were circulated among both the majority and minority staff, but inadvertently omitted in the final version.

In the provision, we have carried this same provision in previous authorization bills. It puts a cap on expenditures on MRV fees, not on the collections. If receipts are greater than the cap and the Department wants to spend, they simply have to notify the appropriate congressional committee through reprogramming.

The other provision allows the Foreign Service personnel to send their children to school in the United States using the same allowance they would get if they sent their children to a school in the country where they are posted, provided that the total cost to the taxpayers is no more than the local allowance.

Are there any comments on the amendment? If not, then the amendment is put to the Members of the Committee.

All those in favor will say aye.

All those opposed, say no.

The ayes have it. The amendment is agreed to.

Are there other Members who would like to be recognized for an amendment?

Ms. MCKINNEY. Mr. Chairman, I have an amendment.

Mr. SMITH. The Chair recognizes the gentlelady from Georgia.

Ms. MCKINNEY. Mr. Chairman, I have an amendment to the section on the arms trade code of conduct. Basically what this amendment does is conform our legislation to the Security Assistance Act International Code that was passed out of our Committee earlier. I would ask that it be accepted.

Mr. SMITH. OK. The Chief Counsel will report the amendment.

Mr. REES. "To amend section 207(c) by inserting after section 207(c)(2) at line 11"—

Mr. SMITH. Without objection, the amendment is considered as read.

[The amendment of Ms. McKinney appears in the appendix.]

Mr. SMITH. Would anyone else like to be heard on the amendment?

All those in favor of the amendment say aye.

All those opposed, say no.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. Sherman, do you have your amendment?

Mr. SHERMAN. Mr. Chairman, I have an amendment at the desk.

Mr. SMITH. The Chief Counsel will report the amendment by Mr. Sherman, the gentleman from California.

Mr. SHERMAN. Yes. I realize we had turned in two short amendments and then a combined longer amendment. It's the longer amendment that should be at the desk.

Mr. REES. "Page 42, after line 14, insert the following: Section 253. Posting of bond as"——

Mr. SMITH. Without objection, the amendment will be considered as read.

[The amendment of Mr. Sherman appears in the appendix.]

Mr. SMITH. The gentleman from California is recognized in favor of his amendment.

Mr. SHERMAN. In this amendment, I would ask that it be read with the words "very strong" preceding the word "evidence" on line 9.

Mr. SMITH. Say that again.

Mr. SHERMAN. So that it reads as "very strong evidence."

As I foreshadowed, this amendment is designed to focus on issuance of visas to both make it easier for those who can clearly establish that they will leave the United States by posting a bond, to come to the United States usually to visit not only our tourist attractions, which are an important economic factor in my region of the country, but also to visit relatives. The major part of this amendment establishes a 30-day target for reuniting families by allowing immediate family to enter the country, and a somewhat longer target for other non-immigrant visas. It establishes a task force by which State, in conjunction with other Federal agencies, can reduce the overall processing time.

I should point out that the target amount of time is the amount of time the State Department would take after the INS determines that it is appropriate to issue the visa. This does not in any way short-circuit the amount of time that the INS would take, although it is the hope and expectation that through this task force, the INS would finally do the job in what we would consider a reasonable amount of time.

I think anyone who has dealt with the visa and immigration and naturalization process, has come away believing that this is perhaps the least efficient part of the Federal Government. I would say there is of course strong competition for that title. It is perhaps because this is the one agency that deals with non-Americans, and usually deals with those whose governments in the past have been relatively oppressive, or at least non-responsive. I don't think any group of American citizens would tolerate the kinds of delays and family separations that are imposed on non-U.S. citizens as a result of delays in this process. I think that while there may be more interesting issues in foreign policy, the actual nuts and bolts of issuing visas does rise to the level of a human rights concern. So I would hope to have support for the amendment.

Mr. SMITH. I want to thank Mr. Sherman for his amendment. The Chair supports it. You have raised this issue very well in previous hearings that we have held. Are there any other Members that would like to be heard on the Sherman amendment? My understanding is the Administration would like to be heard on it.

Mr. CAULFIELD. Mr. Chairman, my name is John Caulfield. I am a Foreign Service Officer. I am the Director of Policy and Public Affairs for the Bureau of Consular Affairs. I am also the former Chief of the Consular Section at Ciudad Juarez, Mexico, which is our largest immigrant visa processing section in the world. With your

permission, I would like to make comments regarding both of Mr. Sherman's amendments.

The first, permitting the creation of a bond or depositing of a bond to guarantee that a visitor who is ineligible because he is unable to demonstrate sufficient commitments or ties abroad to guarantee that he will return, would now be able to deposit a \$25,000 bond. Mr. Chairman, my experience for most applicants who are denied a visa, this \$25,000 is a very serious amount of money, and it would be very difficult to deposit that. Where I was in northern Mexico, an agricultural worker who had no property and few prospects in Mexico, wanted to visit his brother in Fresno, and would have difficulty getting \$25,000 together.

On the other hand, someone who intended to work illegally in the United States and was prepared to pay a smuggling organization up to \$50,000, and to go through severe hardship to get to the United States, would find this amount to be a bargain. So we would not support this legislation, sir.

Mr. SHERMAN. Would it be appropriate for me to respond point by point or at the end?

Mr. SMITH. I think at the end. Let the gentleman make his comments, and then respond.

Mr. CAULFIELD. I would also like to comment on the proposed legislation which would establish time limits for the processing of immigrant visas, in the first case for immediate relatives of U.S. citizens, that the Department of State would process that within 30 days, and in the case of those who are preference immigrants sponsored by other citizens or by permanent residents, in 60 days. I am very sympathetic to the problem that Mr. Sherman points out. But I would like to point out that the major reason that processing delays have increased is due to a new requirement of the Immigration Act of 1996, effective in late 1997, which is a new affidavit of support and a higher standard for immigrants to demonstrate that they will not become a public charge in the United States.

The result of this section is that many applicants are being denied both because they simply cannot qualify on the basis of public charge, and also because the documentary requirements are very complex. As a result, we are having to process many more cases in order to get the same number of immigrants qualified to immigrate to the United States under the law.

If I may just show this chart. The red line shows the increase in refusals as a result of the public charge provisions. The blue lines are the visas that are actually issued. The yellow lines are those who are finally determined to be ineligible under public charge. As you can see, the refusals are increasing dramatically. We have to see many more cases in order to issue the same number of visas.

So we feel that we have discussed with the staff a proposal that will allow us to create a new service to assist sponsors in completing the affidavit of support in return for a modest fee. We believe that will clear up the processing delays and return to the time-frames we have always had.

Finally, the legislation does not address the problem that the INS service centers are reporting, that it is taking them upwards of 1 year to approve the petition. Until we receive the petition, we

are unable to take action on the immigration visa case. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Sherman.

Mr. SHERMAN. Yes. Obviously there are delays at INS. Unfortunately, or fortunately we are not the House Judiciary Committee, although I do see the distinguished chairman thereof has joined us. I would hope very much that the Judiciary Committee would try to shorten the amount of time that the INS takes.

The Secretary of State testified before our Committee that she believed on average that 30 days was the amount of time that it took. I don't think it is unreasonable to expect the State Department to set as a goal that which the Secretary of State was led to believe was in fact the reality. I can see that the INS's role in all this might take longer. Is it the INS or the State Department that evaluates whether someone is likely to become a public charge?

Mr. CAULFIELD. In the case of an applicant applying abroad, it would be the State Department, sir.

Mr. SHERMAN. And you are saying that it takes a long time for the applicant to deliver all the documents or it takes a long time for the State Department to read them?

Mr. CAULFIELD. As many as 80 percent of the cases at some posts are being denied because the documentation is incomplete, because of the complexities and the educational level of the applicant. So they have to come back two or three times before they get it right. This is causing processing delays in a number of posts.

Mr. SHERMAN. The issues that have come to my office where people have asked for help have been situations where they are told it is going to be 3, 4, or 5 months before anyone is willing to look at the documentation. Clearly the goal here is 30 days after the receipt of all necessary documents. Can you think of any reason why it should not be your goal after you get complete and thorough information to allow a husband to join a wife or a wife to join a husband?

Mr. CAULFIELD. Well, we are very sympathetic to that. It shouldn't be that long, you are correct. But again, what I would emphasize is that the problem is that when we had a system that resulted in the issuance of 90 percent of the applicants on the day of the appointment, and because of a new requirement of the law, we are turning down up to 50 percent, and that those 50 percent need to come back two or three times, it causes very serious processing problems. We think we have a solution to that, Mr. Sherman, that we have discussed with your staff. We think that that will work, if we create a special system to assist people to complete the affidavit of support so that when the applicant applies at our post, they know that that affidavit of support has been reviewed and is in good shape.

Mr. SHERMAN. All I would say is if you won't read it for 3, 4, or 5 months after it is submitted, it is difficult to see how helping—I want to support your solution. If you feel that you need a legislative provision in order to effectuate it, I would be happy to offer that or to commend it to the Chairman for him to offer, and that may help you achieve the goals that are stated here. But to say we shouldn't have a goal of completing the State Department work 30 days after all the necessary documents are submitted, simply be-

cause there are times when it takes the applicant one or more tries in order to submit the information, strikes me as saying we don't want to solve this problem because we also have that problem.

The problem of applicants having a difficult time completing the documentation is something that I commend you for focusing on. I want to encourage you. But that is certainly no reason for taking more than 30 days in the case of a husband and wife to review and act upon documents once you have all the documents you need.

Other than saying that you also want to implement this assistance program, is there any other reason why you disagree with a policy of a 30- and a 60-day goal?

Mr. CAULFIELD. I have only had a chance to look at this just a short time ago. We would ask the Department of Legal Advice to review it. But I would be concerned if in that minority of cases where there is any indication of fraud, that we would require an investigation that we not be under a deadline to complete the case within a particular amount of time.

Mr. SHERMAN. This is a goal to achieve an average. My hope would be that after all documents are completed, in 99 cases you are done in 20 days. Therefore, you would certainly meet the goal if in that one case where you thought there was fraud or criminality, you were to spend 300 days. This is not an amendment that says if on the 31st day you have not acted, then in spite of evidence of criminality, you are going to be forced to grant a visa. I think when your legal counsel reviews it, they will see that it is a reasonably drafted amendment.

Mr. SMITH. Let me just point out to the Subcommittee and Mr. Caulfield, and as I think you know reading the language, the bond is high, but it will not be a burden on the Department. It does not guarantee that there will be the issuance of the visa. It only represents very strong evidence. I have raised this issue during the hearings process myself. We have had a number of cases where relatives were denied the application because the decision was made they were not likely to return. This provides an additional assurance. In one case, the man had come three times from the Ukraine. On the fourth, he was told, "No, you can't come over and visit your brother." So there are concerns that we all have from our own casework.

I would say to you and to the Department, we will work with you if there are some nuances in the language, and I'm sure Mr. Sherman will help as well. We will gladly try to iron out those problems as we go to Full Committee and onto the floor, and then into conference.

I would also point out that the timelines are not mandatory either. They are just timelines. They are a suggestion. They are something to aim for, but they are not obligatory.

If there are no further comments on this provision, I would like to ask all those in favor of the Sherman amendment, the gentleman from California, say aye.

All those opposed, say no.

The ayes have it. The amendment is agreed to.

If there are no further amendments to the bill, I would like to recognize the gentleman from Illinois for a motion.

Mr. HYDE. Mr. Chairman, I move the Subcommittee report the bill as amended favorably to the Full Committee.

Mr. SMITH. The question occurs on the gentleman from Illinois' motion. All those in favor say aye to report it favorably.

All opposed, no.

The ayes have it. The motion carries.

That concludes our business. I want to thank the Members of the Subcommittee for coming out to the markup, and look forward to the Full Committee markup of the bill. Thank you.

[Whereupon, at 2:09 p.m., the Subcommittee was adjourned.]

APPENDIX

106TH CONGRESS
1ST SESSION

H. R. 1211

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and Ms. McKinney of Georgia) introduced the following bill; which was referred to the Committee on International Relations.

A BILL

To authorize appropriations for the Department of State and related agencies for fiscal years 2000 and 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Foreign Relations Au-
5 thorization Act, Fiscal Years 2000 and 2001".

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

CHAPTER 1—DEPARTMENT OF STATE

- Sec. 101. Administration of foreign affairs.
- Sec. 102. International organizations
- Sec. 103. International commissions.
- Sec. 104. Migration and refugee assistance
- Sec. 105. Public diplomacy programs.
- Sec. 106. Voluntary contributions to international organizations
- Sec. 107. Grants to the Asia Foundation

CHAPTER 2—BROADCASTING BOARD OF GOVERNORS

- Sec. 121. International broadcasting

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

- Sec. 201. Authority to lease aircraft to respond to a terrorist attack abroad
- Sec. 202. Report on Cuban drug trafficking
- Sec. 203. Report on compliance with the Hague Convention on International Child Abduction
- Sec. 204. Elimination of obsolete reports.
- Sec. 205. Continuation of reporting requirements
- Sec. 206. Repeal of outdated provision on passport fees
- Sec. 207. International arms sales code of conduct.
- Sec. 208. Human rights and democracy fellowships
- Sec. 209. Joint funds under agreements for cooperation in environmental, scientific, cultural, and related areas

CHAPTER 2—CONSULAR AND RELATED ACTIVITIES

- Sec. 251. Deaths and estates of United States citizens abroad.
- Sec. 252. Duties of consular officers

CHAPTER 3—REFUGEES

- Sec. 271. United States policy regarding the involuntary return of refugees.
- Sec. 272. Human rights reports.
- Sec. 273. Guidelines for refugee-processing posts.
- Sec. 274. Vietnamese refugees

TITLE III—ORGANIZATION OF THE DEPARTMENT OF STATE, PERSONNEL OF THE DEPARTMENT OF STATE, FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

- Sec. 301. Establishment of Bureau for International Information Programs and Bureau for Educational and Cultural Exchange Programs.
- Sec. 302. Correction of designation of Inspector General of the Department of State

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE

- Sec. 321. Establishment of Foreign Service Star.
- Sec. 322. United States citizens hired abroad.

}

- Sec. 323. Border equalization adjustment.
- Sec. 324. Treatment of grievance records.
- Sec. 325. Report concerning financial disadvantages for administrative and technical personnel.
- Sec. 326. Extension of overseas hiring authority.
- Sec. 327. Medical emergency assistance.
- Sec. 328. Families of deceased foreign service personnel.

TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

- Sec. 401. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
- Sec. 402. Conduct of certain educational and cultural exchange programs.
- Sec. 403. Notification to Congress of grants and contracts.
- Sec. 404. National security measures.
- Sec. 405. Designation of North/South Center as the Dante B. Fascell North-South Center.
- Sec. 406. Advisory Commission on Public Diplomacy.
- Sec. 407. International expositions.

TITLE V—INTERNATIONAL BROADCASTING

- Sec. 501. Permanent authorization for Radio Free Asia.
- Sec. 502. Preservation of RFE/RL (Radio Free Europe/Radio Liberty).
- Sec. 503. Immunity from civil liability for Broadcasting Board of Governors.

TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

- Sec. 601. Interparliamentary groups.
- Sec. 602. Authority to assist States and local governments.

1 SEC. 3. DEFINITIONS.

2 In this Act:

3 ~~(1) "Appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the~~

4 ~~Senate, the Committee on Foreign Relations and the Committee on Appropriations of the~~

5 (1) 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.

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

3 **TITLE I—AUTHORIZATIONS OF**
4 **APPROPRIATIONS**

5 **CHAPTER 1—DEPARTMENT OF STATE**

6 **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

7 The following amounts are authorized to be appro-
8 priated for the Department of State under “Administra-
9 tion of Foreign Affairs” to carry out the authorities, func-
10 tions, duties, and responsibilities in the conduct of the for-
11 eign affairs of the United States and for other purposes
12 authorized by law, including the diplomatic security pro-
13 gram:

14 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

15 (A) AUTHORIZATION OF APPROPRIA-
16 TIONS.—For “Diplomatic and Consular Pro-
17 grams”, of the Department of State
18 ~~\$2,524,772,000~~ ^{2,524,772,000} for the fiscal year 2000 and
19 ~~\$2,524,772,000~~ ^{2,524,772,000} for the fiscal year 2001.

20 (B) LIMITATIONS.—

21 (i) WORLDWIDE SECURITY UP-
22 GRADES.—Of the amounts authorized to be
23 appropriated by subparagraph (A),
24 \$254,000,000 for fiscal year 2000 and
25 \$254,000,000 for the fiscal year 2001 are

1 authorized to be appropriated only for
2 worldwide security upgrades.

3 (ii) BUREAU OF DEMOCRACY, HUMAN
4 RIGHTS, AND LABOR.—Of the amounts au-
5 thorized to be appropriated by subpara-
6 graph (A), \$15,000,000 for fiscal year
7 2000 and \$15,000,000 for the fiscal year
8 2001 are authorized to be appropriated
9 only for salaries and expenses of the Bu-
10 reau of Democracy, Human Rights, and
11 Labor.

12 (iii) RECRUITMENT OF MINORITY
13 GROUPS.—Of the amounts authorized to be
14 appropriated by subparagraph (A),
15 \$1,000,000 for fiscal year 2000 and
16 \$1,000,000 for the fiscal year 2001 are au-
17 thorized to be appropriated only for the re-
18 cruitment of members of minority groups
19 for careers in the Foreign Service and
20 international affairs.

21 (2) CAPITAL INVESTMENT FUND.—For “Cap-
22 ital Investment Fund” of the Department of State,
23 \$90,000,000 for the fiscal year 2000 and
24 \$90,000,000 for the fiscal year 2001.

1 (3) SECURITY AND MAINTENANCE OF UNITED
2 STATES MISSIONS.—

3 (A) AUTHORIZATION OF APPROPRIATIONS.—For "Security and Maintenance of
4 United States Missions", \$1,084,066,000 for
5 the fiscal year 2000 and \$1,084,066,000 for the
6 fiscal year 2001.
7

8 (B) SECURITY UPGRADES FOR UNITED
9 STATES MISSIONS.—Of the amounts authorized
10 to be appropriated by subparagraph (A),
11 \$650,000,000 for fiscal year 2000 and
12 \$650,000,000 for the fiscal year 2001 are au-
13 thorized to be appropriated only for security up-
14 grades to United States missions abroad, in-
15 cluding construction and relocation costs.

16 (4) REPRESENTATION ALLOWANCES.—For
17 "Representation Allowances", \$4,450,000 for the
18 fiscal year 2000 and \$4,450,000 for the fiscal year
19 2001.

20 (5) EMERGENCIES IN THE DIPLOMATIC AND
21 CONSULAR SERVICE.—For "Emergencies in the Dip-
22 lomatic and Consular Service", \$17,000,000 for the
23 fiscal year 2000 and \$17,000,000 for the fiscal year
24 2001.

1 (6) OFFICE OF THE INSPECTOR GENERAL.—

2 For "Office of the Inspector General", \$30,054,000
3 for the fiscal year 2000 and \$30,054,000 for the fis-
4 cal year 2001.

5 (7) PAYMENT TO THE AMERICAN INSTITUTE IN

6 TAIWAN.—For "Payment to the American Institute
7 in Taiwan", \$15,760,000 for the fiscal year 2000
8 and \$15,760,000 for the fiscal year 2001.

9 (8) PROTECTION OF FOREIGN MISSIONS AND
10 OFFICIALS.—

11 (A) For "Protection of Foreign Missions
12 and Officials", \$9,490,000 for the fiscal year
13 2000 and \$9,490,000 for the fiscal year 2001.

14 (B) Each amount appropriated pursuant
15 to this paragraph is authorized to remain avail-
16 able through September 30 of the fiscal year
17 following the fiscal year for which the amount
18 appropriated was made.

19 (9) REPATRIATION LOANS.—For "Repatriation
20 Loans", \$1,200,000 for the fiscal year 2000 and
21 \$1,200,000 for the fiscal year 2001, for administra-
22 tive expenses.

23 **SEC. 102. INTERNATIONAL ORGANIZATIONS.**

24 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
25 ORGANIZATIONS.—There are authorized to be appro-

1 priated for "Contributions to International Organiza-
2 tions", \$963,308,000 for the fiscal year 2000 and
3 \$963,308,000 for the fiscal year 2001 for the Department
4 of State to carry out the authorities, functions, duties, and
5 responsibilities in the conduct of the foreign affairs of the
6 United States with respect to international organizations
7 and to carry out other authorities in law consistent with
8 such purposes.

9 (b) **ASSESSED CONTRIBUTIONS FOR INTERNATIONAL**
10 **PEACEKEEPING ACTIVITIES.**—There are authorized to be
11 appropriated for "Contributions for International Peace-
12 keeping Activities", \$235,000,000 for the fiscal year 2000
13 and \$235,000,000 for the fiscal year 2001 for the Depart-
14 ment of State to carry out the authorities, functions, du-
15 ties, and responsibilities in the conduct of the foreign af-
16 fairs of the United States with respect to international
17 peacekeeping activities and to carry out other authorities
18 in law consistent with such purposes.

19 **SEC. 103. INTERNATIONAL COMMISSIONS.**

20 The following amounts are authorized to be appro-
21 priated under "International Commissions" for the De-
22 partment of State to carry out the authorities, functions,
23 duties, and responsibilities in the conduct of the foreign
24 affairs of the United States and for other purposes author-
25 ized by law:

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

5 (A) for “Salaries and Expenses”
6 \$20,413,000 for the fiscal year 2000 and
7 \$20,413,000 for the fiscal year 2001; and

8 (B) for “Construction” \$8,435,000 for the
9 fiscal year 2000 and \$8,435,000 for the fiscal
10 year 2001.

11 (2) INTERNATIONAL BOUNDARY COMMISSION,
12 UNITED STATES AND CANADA.—For “International
13 Boundary Commission, United States and Canada”,
14 \$859,000 for the fiscal year 2000 and \$859,000 for
15 the fiscal year 2001.

16 (3) INTERNATIONAL JOINT COMMISSION.—For
17 “International Joint Commission”, \$3,819,000 for
18 the fiscal year 2000 and \$3,819,000 for the fiscal
19 year 2001.

20 (4) INTERNATIONAL FISHERIES COMMIS-
21 SIONS.—For “International Fisheries Commissions”,
22 \$16,702,000 for the fiscal year 2000 and
23 \$16,702,000 for the fiscal year 2001.

24 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

25 (a) **MIGRATION AND REFUGEE ASSISTANCE.—**

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated for "Migra-
3 tion and Refugee Assistance" for authorized activi-
4 ties, \$750,000,000 for the fiscal year 2000 and
5 \$750,000,000 for the fiscal year 2001.

6 (2) LIMITATIONS.—

7 (A) TIBETAN REFUGEES IN INDIA AND
8 NEPAL.—Of the amounts authorized to be ap-
9 propriated in paragraph (1), not more than
10 \$2,000,000 for the fiscal year 2000 and
11 \$2,000,000 for the fiscal year 2001 are author-
12 ized to be available only for humanitarian as-
13 sistance, including food, medicine, clothing, and
14 medical and vocational training, to Tibetan ref-
15 ugees in India and Nepal who have fled Chi-
16 nese-occupied Tibet.

17 (B) REFUGEES RESETTLING IN ISRAEL.—

18 Of the amounts authorized to be appropriated
19 in paragraph (1), \$60,000,000 for the fiscal
20 year 2000 and \$60,000,000 for the fiscal year
21 2001 are authorized to be available only for as-
22 sistance for refugees resettling in Israel from
23 other countries.

24 (C) HUMANITARIAN ASSISTANCE FOR DIS-
25 PLACED BURMESE.—Of the amounts authorized

1 to be appropriated in paragraph (1),
2 \$2,000,000 for the fiscal year 2000 and
3 \$2,000,000 for the fiscal year 2001 for humani-
4 tarian assistance are authorized to be available
5 only for assistance (including food, medicine,
6 clothing, and medical and vocational training)
7 to persons displaced as a result of civil conflict
8 in Burma, including persons still within Burma.

9 (D) ASSISTANCE FOR DISPLACED SIERRA
10 LEONEANS.—Of the amounts authorized to be
11 appropriated in paragraph (1), \$2,000,000 for
12 the fiscal year 2000 and \$2,000,000 for the fis-
13 cal year 2001 for humanitarian assistance are
14 authorized to be available only for assistance
15 (including food, medicine, clothing, and medical
16 and vocational training) and resettlement of
17 persons who have been severely mutilated as a
18 result of civil conflict in Sierra Leone, including
19 persons still within Sierra Leone.

20 (b) AVAILABILITY OF FUNDS.—Funds appro-
21 priated pursuant to this section are authorized to remain
22 available until expended.

23 **SEC. 105. PUBLIC DIPLOMACY PROGRAMS.**

24 The following amounts are authorized to be appro-
25 priated for the Department of State to carry out inter-

1 national information activities and educational and cul-
2 tural exchange programs under the United States Infor-
3 mation and Educational Exchange Act of 1948, the Mu-
4 tual Educational and Cultural Exchange Act of 1961, Re-
5 organization Plan Number 2 of 1977, the Dante B. Fas-
6 cell North-South Center Act of 1991, and the National
7 Endowment for Democracy Act, and to carry out other
8 authorities in law consistent with such purposes:

9 (1) INTERNATIONAL INFORMATION PRO-
10 GRAMS.—For "International Information Pro-
11 grams", \$313,000,000 for the fiscal year 2000 and
12 \$313,000,000 for the fiscal year 2001.

13 (2) EDUCATIONAL AND CULTURAL EXCHANGE
14 PROGRAMS.—

15 (A) FULBRIGHT ACADEMIC EXCHANGE
16 PROGRAMS.—There are authorized to be appro-
17 priated for the "Fulbright Academic Exchange
18 Programs" (other than programs described in
19 subparagraph (B)), \$112,000,000 for the fiscal
20 year 2000 and \$112,000,000 for the fiscal year
21 2001.

22 (B) OTHER EDUCATIONAL AND CULTURAL
23 EXCHANGE PROGRAMS.—

24 (i) IN GENERAL.—There are author-
25 ized to be appropriated for other edu-

1 educational and cultural exchange programs
2 authorized by law, including the Claude
3 and Mildred Pepper Scholarship Program
4 of the Washington Workshops Foundation,
5 \$98,329,000 for the fiscal year 2000 and
6 \$98,329,000 for the fiscal year 2001.

7 (ii) SOUTH PACIFIC EXCHANGES.—Of
8 the amounts authorized to be appropriated
9 under clause (i), \$750,000 for the fiscal
10 year 2000 and \$750,000 for the fiscal year
11 2001 are authorized to be available for
12 “South Pacific Exchanges”.

13 (iii) EAST TIMORESE SCHOLAR-
14 SHIPS.—Of the amounts authorized to be
15 appropriated under clause (i), \$500,000
16 for the fiscal year 2000 and \$500,000 for
17 the fiscal year 2001 are authorized to be
18 available for “East Timorese Scholar-
19 ships”.

20 (iv) TIBETAN EXCHANGES.—Of the
21 amounts authorized to be appropriated
22 under clause (i), \$500,000 for the fiscal
23 year 2000 and \$500,000 for the fiscal year
24 2001 are authorized to be available for
25 “Ngawang Choephel Exchange Programs”

1 (formerly known as educational and cul-
2 tural exchanges with Tibet) under section
3 103(a) of the Human Rights, Refugee, and
4 Other Foreign Relations Provisions Act of
5 1996 (Public Law 104-319).

6 (v) AFRICAN EXCHANGES.—Of the
7 amounts authorized to be appropriated
8 under clause (i), \$ 500,000 for the fiscal
9 year 2000 and \$500,000 for the fiscal year
10 2001 are authorized to be available only
11 for "Educational and Cultural Exchanges
12 with Sub-Saharan Africa".

13 (3) CENTER FOR CULTURAL AND TECHNICAL
14 INTERCHANGE BETWEEN EAST AND WEST.—For the
15 "Center for Cultural and Technical Interchange be-
16 tween East and West", \$17,500,000 for the fiscal
17 year 2000 and \$17,500,000 for the fiscal year 2001.

18 (4) NATIONAL ENDOWMENT FOR DEMOC-
19 RACY.—

20 (A) AUTHORIZATION OF APPROPRIA-
21 TIONS.—For the "National Endowment for De-
22 mocracy", \$34,000,000 for the fiscal year 2000
23 and \$34,000,000 for the fiscal year 2001.

24 (B) LIMITATION.—Of the amounts author-
25 ized to be appropriated by subparagraph (A),

1 \$2,000,000 for each of the fiscal years 2000
2 and 2001 are authorized to be appropriated
3 only for a fellowship program, to be known as
4 the "Reagan-Fascell Democracy Fellows", for
5 democracy activists and scholars from around
6 the world at the International Forum for
7 Democratic Studies in Washington, D.C., to
8 study, write, and exchange views with other ac-
9 tivist and scholars and with Americans.

10 (5) DANTE B. FASCELL NORTH-SOUTH CEN-
11 TER.—For "Dante B. Fascell North-South Center"
12 \$2,500,000 for the fiscal year 2000 and \$2,500,000
13 for the fiscal year 2001.

14 **SEC. 106. VOLUNTARY CONTRIBUTIONS TO INTER-**
15 **NATIONAL ORGANIZATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated for "Voluntary Con-
18 tributions to International Organizations", \$293,000,000
19 for the fiscal year 2000 and \$293,000,000 for the fiscal
20 year 2001.

21 (b) LIMITATIONS ON AUTHORIZATIONS OF APPRO-
22 PRIATIONS.—

23 (1) WORLD FOOD PROGRAM.—Of the amounts
24 authorized to be appropriated under subsection (a),
25 \$5,000,000 for the fiscal year 2000 and \$5,000,000

1 for the fiscal year 2001 are authorized to be appro-
2 priated only for a United States contribution to the
3 World Food Program.

4 (2) UNITED NATIONS VOLUNTARY FUND FOR
5 VICTIMS OF TORTURE.—Of the amount authorized
6 to be appropriated under subsection (a), \$5,000,000
7 for the fiscal year 2000 and \$5,000,000 for the fis-
8 cal year 2001 are authorized to be appropriated only
9 for a United States contribution to the United Na-
10 tions Voluntary Fund for Victims of Torture.

11 (3) INTERNATIONAL PROGRAM ON THE ELIMI-
12 NATION OF CHILD LABOR.—Of the amounts author-
13 ized to be appropriated under subsection (a),
14 \$5,000,000 for the fiscal year 2000 and \$5,000,000
15 for the fiscal year 2001 are authorized to be appro-
16 priated only for a United States contribution to the
17 International Labor Organization for the activities
18 of the International Program on the Elimination of
19 Child Labor.

20 (4) ORGANIZATION OF AMERICAN STATES.—Of
21 the amounts authorized to be appropriated under
22 subsection (a), \$240,000 for the fiscal year 2000
23 and \$240,000 for the fiscal year 2001 are author-
24 ized to be appropriated only for a United States con-
25 tribution to the Organization of American States for

1 the Office of the Special Rapporteur for Freedom of
2 Expression in the Western Hemisphere to conduct
3 investigations, including field visits, to establish a
4 network of nongovernmental organizations, and to
5 hold hemispheric conferences, of which \$6,000 for
6 each fiscal year is authorized to be appropriated only
7 for the investigation and dissemination of informa-
8 tion on violations of freedom of expression by the
9 Government of Cuba.

10 (c) RESTRICTIONS ON UNITED STATES VOLUNTARY
11 CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT
12 PROGRAM.—

13 (1) LIMITATION.—Of the amounts made avail-
14 able under subsection (a) for fiscal years 2000 and
15 2001 for United States voluntary contributions to
16 the United Nations Development Program an
17 amount equal to the amount the United Nations De-
18 velopment Program will spend in Burma during each
19 fiscal year shall be withheld unless during such fiscal
20 year the President submits to the appropriate con-
21 gressional committees the certification described in
22 paragraph (2).

23 (2) CERTIFICATION.—The certification referred
24 to in paragraph (1) is a certification by the Presi-
25 dent that all programs and activities of the United

1 Nations Development Program (including United
2 Nations Development Program—Administered
3 Funds) in Burma—

4 (A) are focused on eliminating human suf-
5 fering and addressing the needs of the poor;

6 (B) are undertaken only through inter-
7 national or private voluntary organizations that
8 have been deemed independent of the State
9 Peace and Development Council (SPDC) (for-
10 merly known as the State Law and Order Res-
11 toration Council (SLORC), after consultation
12 with the leadership of the National League for
13 Democracy and the leadership of the National
14 Coalition Government of the Union of Burma;

15 (C) provide no financial, political, or mili-
16 tary benefit to the SPDC; and

17 (D) are carried out only after consultation
18 with the leadership of the National League for
19 Democracy and the leadership of the National
20 Coalition Government of the Union of Burma.

21 (d) CONTRIBUTIONS TO UNITED NATIONS POPU-
22 LATION FUND.—

23 (1) LIMITATION.—Of the amounts made avail-
24 able under subsection (a) for fiscal years 2000 and
25 2001 for United States voluntary contributions no

1 funds may be made available to the United Nations
2 Population Fund (UNFPA) unless for each such fis-
3 cal year the President submits to the appropriate
4 congressional committees the certification described
5 in paragraph (2).

6 (2) CERTIFICATION.—The certification referred
7 to in paragraph (1) is a certification by the Presi-
8 dent that—

9 (A) the UNFPA has terminated all activi-
10 ties in the People's Republic of China, and the
11 United States has received assurances that
12 UNFPA will conduct no such activities during
13 the fiscal year for which the funds are to be
14 made available; or

15 (B) during the 12 months preceding such
16 certification there have been no abortions as the
17 result of coercion associated with the family
18 planning policies of the national government or
19 other governmental entities within the People's
20 Republic of China.

21 (C) DEFINITION.—As used in this sub-
22 section, the term "coercion" includes physical
23 duress or abuse, destruction or confiscation of
24 property, loss of means of livelihood, and severe
25 psychological pressure.

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

4 **SEC. 107. GRANTS TO THE ASIA FOUNDATION.**

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

7 "SEC. 404. There are authorized to be appropriated
8 to the Secretary of State ^{10,000,000} ~~\$8,000,000~~ for each of the fiscal
9 years 2000 and 2001 for grants to The Asia Foundation
10 pursuant to this title."

11 **CHAPTER 2—BROADCASTING BOARD OF**
12 **GOVERNORS**

13 **SEC. 121. INTERNATIONAL BROADCASTING.**

14 The following amounts are authorized to be appro-
15 priated for the Broadcasting Board of Governors to carry
16 out certain international broadcasting activities under the
17 United States International Broadcasting Act of 1994, the
18 Radio Broadcasting to Cuba Act, and the Television
19 Broadcasting to Cuba Act, and for other purposes author-
20 ized by law:

21 (1) INTERNATIONAL BROADCASTING OPER-
22 ATIONS.—

23 (A) AUTHORIZATION OF APPROPRIA-
24 TIONS.—For "International Broadcasting Oper-

1 ations", \$385,900,000 for the fiscal year 2000
2 and \$385,900,000 for the fiscal year 2001.

3 (B) ALLOCATION.—Of the amounts au-
4 thorized to be appropriated under subparagraph
5 (A), the Broadcasting Board of Governors shall
6 seek to ensure that the amounts made available
7 for broadcasting to nations whose people do not
8 fully enjoy freedom of expression do not decline
9 in proportion to the amounts made available for
10 broadcasting to other nations.

11 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
12 For "Broadcasting Capital Improvements",
13 \$20,868,000 for the fiscal year 2000 and
14 \$20,868,000 for the fiscal year 2001.

15 (3) RADIO FREE ASIA.—For "Radio Free
16 Asia", \$^{30,000,000}~~22,370,000~~ for the fiscal year 2000 and
17 \$^{30,000,000}~~22,370,000~~ for the fiscal year 2001.

18 (4) BROADCASTING TO CUBA.—

19 (A) AUTHORIZATION OF APPROPRIA-
20 TIONS.—For "Broadcasting to Cuba",
21 \$22,743,000 for the fiscal year 2000 and
22 \$22,743,000 for the fiscal year 2001.

23 (B) LIMITATION.—Of the amounts author-
24 ized to be appropriated under subparagraph
25 (A), \$712,000 for the fiscal year 2000 is au-

1 thorized to be appropriated only for the Office
2 of Cuba Broadcasting to develop and implement
3 new technology and enhance current methods to
4 strengthen and improve the transmission capa-
5 bilities of Radio Marti and TV Marti.

6 **TITLE II—DEPARTMENT OF**
7 **STATE AUTHORITIES AND AC-**
8 **TIVITIES**

9 **CHAPTER 1—AUTHORITIES AND**
10 **ACTIVITIES**

11 **SEC. 201. AUTHORITY TO LEASE AIRCRAFT TO RESPOND TO**
12 **A TERRORIST ATTACK ABROAD.**

13 In the event of an emergency which involves a terror-
14 ist attack abroad, the Secretary of State and the Director
15 of the Federal Bureau of Investigation of the Department
16 of Justice are authorized to lease commercial aircraft to
17 transport equipment and personnel in response to such at-
18 tack if there have been reasonable efforts to obtain appro-
19 priate Department of Defense aircraft and such aircraft
20 are unavailable. The leasing authority under this section
21 shall include authority to provide indemnification insur-
22 ance or guarantees, if necessary and appropriate.

23 **SEC. 202. REPORT ON CUBAN DRUG TRAFFICKING.**

24 Not later than 90 days after the date of the enact-
25 ment of this Act and every 180 days thereafter, the Presi-

1 dent shall submit to the appropriate congressional com-
2 mittees an unclassified report on the extent of inter-
3 national narcotic trafficking from or through Cuba. The
4 report shall include information concerning the extent to
5 which the Cuban government or any official, employee, or
6 entity of the Government of Cuba has engaged in, facili-
7 tated, or condoned such trafficking, and the extent to
8 which the appropriate agencies of the United States Gov-
9 ernment have investigated and prosecuted such activities
10 of the Cuban government or any official, employee, or en-
11 tity of the Government of Cuba.

12 **SEC. 203. REPORT ON COMPLIANCE WITH THE HAGUE CON-**
13 **VENTION ON INTERNATIONAL CHILD ABDUC-**
14 **TION.**

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

17 (1) There are thousands of United States citi-
18 zens who are denied their parental rights because
19 their children have been abducted or are wrongfully
20 retained in another country.

21 (2) The Hague Convention on the Civil Aspects
22 of International Child Abduction is intended pri-
23 marily to ensure that custody laws and orders of one
24 party are respected by the other parties.

1 (3) Many parties to the Convention do not fully
2 apply its provisions.

3 (4) United States Courts in deciding custody
4 cases are often unaware of the laws and practices of
5 other countries, the Convention notwithstanding,
6 that can have deleterious effects upon the rights of
7 one parent, and of the child, if the other parent re-
8 moves the child to another country.

9 (b) ANNUAL REPORT TO CONGRESS.—Beginning 6
10 months after the date of the enactment of this Act and
11 every 12 months thereafter, the Secretary of State shall
12 submit to the appropriate congressional committees a re-
13 port on compliance with the provisions of the Hague Con-
14 vention on the Civil Aspects of International Child Abduc-
15 tion by the parties to such Convention. Each such report
16 shall include the following information:

17 (1) The number of applications for the return
18 of children submitted by United States citizens to
19 the Central Authority for the United States, or of
20 which the Central Authority is aware, that remain
21 unresolved more than 6 months after the date of fil-
22 ing.

23 (2) A list of the countries to which children in
24 unresolved applications described in paragraph (1)
25 are alleged to have been abducted, or in which they

1 are being retained in violation of United States civil
2 or criminal law or United States court orders.

3 (3) A list of the countries that have failed to
4 comply with any of their obligations under such Con-
5 vention with respect to applications for the return of
6 or access to children submitted by United States
7 citizens.

8 (4) Detailed information on each unresolved
9 case described in paragraph (1) and on actions
10 taken by the Department of State to resolve each
11 such case.

12 (5) A list of the countries that have legal sys-
13 tems without any method of prompt and effective
14 enforcement of civil court orders, such contempt of
15 court or Convention return orders.

16 (6) A list of the countries that pay some or all
17 of the legal fees of their citizens in Convention and/
18 or regular child custody proceedings in their own
19 courts, the United States, or anywhere else in the
20 world.

21 (7) A list of countries with criminal laws that
22 protect parents who abduct or wrongfully retain
23 their children and punish parents who attempt to ex-
24 ercise their sole or joint custody rights.

1 (8) A list of countries with legal systems that
2 do not apply a doctrine of comity that would permit
3 them to comply with the object and purpose of the
4 Convention stated in Article 1: to ensure that cus-
5 tody laws and orders of one party are respected by
6 the other parties.

7 (9) A list of the countries that pay child sup-
8 port to their citizens who allegedly abduct or wrong-
9 fully retain children and then demand reimburse-
10 ment from the parents whose custody or access
11 rights have been violated.

12 **SEC. 204. ELIMINATION OF OBSOLETE REPORTS.**

13 (a) **POST LANGUAGE COMPETENCE.**—Section
14 304(c) of the Foreign Service Act of 1980 (22 U.S.C.
15 3944(c)) is repealed.

16 (b) **USE OF FOREIGN SERVICE PERSONNEL BY FED-**
17 **ERAL AGENCIES.**—Section 601(c)(4) of the Foreign Serv-
18 ice Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

19 (c) **SUSTAINABLE ECONOMIC GROWTH.**—Section 574
20 of the Foreign Operations, Export Financing, and Related
21 Programs Appropriations Act, 1996 (Public Law 104-
22 107) is repealed.

23 (d) **REDUNDANT REPORTS ON CERTAIN WEAPONS.**—

1 (1) Section 308 of the Chemical and Biological
2 Weapons and Warfare Elimination Act of 1991
3 (Public Law 102-182) is repealed.

4 (2) Section 585 of the Foreign Operations, Ex-
5 port Financing, and Related Programs Appropria-
6 tions Act, 1997 (Public Law 104-208), is repealed.

7 **SEC. 205. CONTINUATION OF REPORTING REQUIREMENTS.**

8 (a) **REPORTS ON CLAIMS BY UNITED STATES FIRMS**
9 **AGAINST THE GOVERNMENT OF SAUDI ARABIA.**—Section
10 2801(b) of the Foreign Affairs Reform and Restructuring
11 Act of 1998 (as enacted by division D of the Omnibus
12 Consolidated and Emergency Supplemental Appropria-
13 tions Act, 1999; Public Law 105-277) is amended—

14 (1) by striking “the earlier of—”;

15 (2) by striking paragraph (1); and

16 (3) by striking the designation for paragraph
17 (2) and adjusting the tabulation.

18 (b) **REPORTS ON DETERMINATIONS UNDER TITLE IV**
19 **OF THE LIBERTAD ACT.**

20 Section 2802(a) of the Foreign Affairs Reform and
21 Restructuring Act of 1998 (as enacted by division D of
22 the Omnibus Consolidated and Emergency Supplemental
23 Appropriations Act, 1999; Public Law 105-277) is amend-
24 ed by striking “during the period ending September 30,
25 1999,” and inserting a comma.

1 (c) **RELATIONS WITH VIETNAM.**—Section 2805 of
2 the Foreign Affairs Reform and Restructuring Act of
3 1998 (as enacted by division D of the Omnibus Consoli-
4 dated and Emergency Supplemental Appropriations Act,
5 1999; Public Law 105-277) is amended by striking “dur-
6 ing the period ending September 30, 1999,”.

7 (d) **REPORTS ON BALLISTIC MISSILE COOPERATION**
8 **WITH RUSSIA.**—Section 2705(c) of the Foreign Affairs
9 Reform and Restructuring Act of 1998 (as enacted by di-
10 vision D of the Omnibus Consolidated and Emergency
11 Supplemental Appropriations Act, 1999; Public Law 105-
12 277) is amended by striking “and January 1, 2000,” and
13 inserting “, January 1, 2000, January 1, 2001, and Janu-
14 ary 1, 2002,”.

15 **SEC. 206. REPEAL OF OUTDATED PROVISION ON PASSPORT**
16 **FEEES.**

17 Section 4 of the Passport Act of June 4, 1920 (22
18 U.S.C. 216, 41 Stat. 751) is repealed.

19 **SEC. 207. INTERNATIONAL ARMS SALES CODE OF CON-**
20 **DUCT.**

21 (a) **NEGOTIATIONS.**—The President shall attempt to
22 achieve the foreign policy goal of an international arms
23 sales code of conduct with all Wassenaar Arrangement
24 countries. The President shall take the necessary steps to
25 begin negotiations with all Wassenaar Arrangement coun-

1 tries within 120 days after the date of the enactment of
2 this Act. The purpose of such negotiations shall be to con-
3 clude an agreement on restricting or prohibiting arms
4 transfers to countries that do not meet the criteria under
5 subsection (b).

6 (b) CRITERIA.—The criteria referred to in subsection
7 (a) are as follows:

8 (1) PROMOTING DEMOCRACY.—Such
9 government—

10 (A) was chosen by and permits free and
11 fair elections;

12 (B) promotes civilian control of the mili-
13 tary and security forces and has civilian institu-
14 tions controlling the policy, operation, and
15 spending of all law enforcement and security in-
16 stitutions, as well as the armed forces;

17 (C) promotes the rule of law, equality be-
18 fore the law, and respect for individual and mi-
19 nority rights, including freedom to speak, pub-
20 lish, associate, and organize; and

21 (D) promotes the strengthening of politi-
22 cal, legislative, and civil institutions of democ-
23 racy, as well as autonomous institutions to
24 monitor the conduct of public officials and to
25 combat corruption.

1 (2) RESPECTS HUMAN RIGHTS.—Such
2 government—

3 (A) does not engage in gross violations of
4 internationally recognized human rights,
5 including—

6 (i) extrajudicial or arbitrary execu-
7 tions;

8 (ii) disappearances;

9 (iii) torture or severe mistreatment;

10 (iv) prolonged arbitrary imprisonment;

11 (v) systematic official discrimination
12 on the basis of race, ethnicity, religion,
13 gender, national origin, or political affili-
14 ation; and

15 (vi) grave breaches of international
16 laws of war or equivalent violations of the
17 laws of war in internal conflicts;

18 (B) vigorously investigates, disciplines, and
19 prosecutes those responsible for gross violations
20 of internationally recognized human rights;

21 (C) permits access on a regular basis to
22 political prisoners by international humani-
23 tarian organizations such as the International
24 Committee of the Red Cross;

1 (D) promotes the independence of the judi-
 2 ciary and other official bodies that oversee the
 3 protection of human rights;

4 (E) does not impede the free functioning of
 5 domestic and international human rights orga-
 6 nizations; and

7 (F) provides access on a regular basis to
 8 humanitarian organizations in situations of con-
 9 flict or famine.

10 (3) NOT ENGAGED IN CERTAIN ACTS OF ARMED
 11 AGGRESSION.—Such government is not currently en-
 12 gaged in acts of armed aggression in violation of
 13 international law.

14 (4) FULL PARTICIPATION IN UNITED NATIONS
 15 REGISTER OF CONVENTIONAL ARMS.—Such govern-
 16 ment is fully participating in the United Nations
 17 Register of Conventional Arms.

18 (c) REPORTS.--

19 (1) CONGRESSIONAL REPORT.—Prior to the be-
 20 ginning of each fiscal year, the Subcommittee on
 21 International Operations and Human Rights of the
 22 Committee on International Relations of the House
 23 of Representatives ^{should} ~~shall~~ compile and submit a report
 24 to the Speaker and Minority Leader of the House
 25 and the chairperson and ranking member of the

1 International Relations Committee of the House of
2 Representatives listing the countries that do not
3 meet the criteria of subsection (b).

4 (2) REPORT OF THE PRESIDENT.—Not later
5 than 6 months after the commencement of negotia-
6 tions under subsection (a), and not later than the
7 end of every 6-month period thereafter until an
8 agreement described in subsection (a) is concluded,
9 the President shall report to the appropriate con-
10 gressional committees on the progress of such nego-
11 tiations.

12 (d) DEFINITION.—For purposes of this section, the
13 term “Wassenaar Arrangement countries” means those
14 participating in the Wassenaar Arrangement on Export
15 Controls for Conventional Arms and Dual Use Goods and
16 Technologies, done at Vienna on July 11-12, 1996.

17 **SEC. 208. HUMAN RIGHTS AND DEMOCRACY FELLOWSHIPS.**

18 (a) ESTABLISHMENT.—There is established in the
19 Department of State a program which shall be known as
20 the “Human Rights and Democracy Fellowship Pro-
21 gram”. The program shall be administered by the Sec-
22 retary with the assistance of the Assistant Secretary for
23 Democracy, Human Rights, and Labor. The program shall
24 provide for the employment of not less than 6 and not
25 more than 12 fellows in the Bureau of Democracy, Human

1 Rights, and Labor. Fellowships shall be for an initial 1
2 year period which may be extended for a total of not more
3 than 3 years. Fellowships shall be available to individuals
4 who have expertise in human rights policy, human rights
5 law, or related subjects and who are not permanent em-
6 ployees of the United States Government.

7 (b) AUTHORIZATION OF APPROPRIATION.—There are
8 authorized to be appropriated for the Human Rights and
9 Democracy Fellowship Program under subsection (a)
10 \$1,000,000 for fiscal year 2000 and \$1,000,000 for fiscal
11 year 2001.

12 **SEC. 209. JOINT FUNDS UNDER AGREEMENTS FOR CO-**
13 **OPERATION IN ENVIRONMENTAL, SCI-**
14 **ENTIFIC, CULTURAL AND RELATED AREAS.**

15 Amounts made available to the Department of State
16 for participation in joint funds under agreements for co-
17 operation in environmental, scientific, cultural and related
18 areas prior to fiscal year 1996 which, pursuant to express
19 terms of such international agreements, were deposited in
20 interest-bearing accounts prior to disbursement may earn
21 interest, and interest accrued to such accounts may be
22 used and retained without return to the Treasury of the
23 United States and without further appropriation by Con-
24 gress. The Department of State shall take action to ensure
25 the complete and timely disbursement of appropriations

1 and associated interest within joint funds covered by this
2 section and final disposition of such agreements.

3 **CHAPTER 2—CONSULAR AND RELATED**
4 **ACTIVITIES**

5 **SEC. 251. DEATHS AND ESTATES OF UNITED STATES CITI-**
6 **ZENS ABROAD.**

7 (a) **REPEAL.**—Section 1709 of the Revised Statutes
8 (22 U.S.C. 4195) is repealed.

9 (b) **AMENDMENT TO STATE DEPARTMENT BASIC AU-**
10 **THORITIES ACT.**—The State Department Basic Authori-
11 ties Act of 1956 is amended by inserting after section 43
12 the following new sections:

13 **“SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF**
14 **DEATH.**

15 “Pursuant to such regulations as the Secretary of
16 State may prescribe—

17 “(1) When a United States citizen or national
18 dies abroad, a consular officer shall endeavor to no-
19 tify, or assist the Secretary of State in notifying, the
20 next of kin or legal guardian as soon as possible;
21 provided, that in the case of death of Peace Corps
22 Volunteers, members of the Armed Forces, their de-
23 pendents, or Department of Defense civilian employ-
24 ees, the consular officer shall assist the Peace Corps

1 or the appropriate military authorities in making
2 such notifications.

3 “(2) The consular officer may, for any United
4 States citizen who dies abroad, (A) in the case of a
5 finding by appropriate local authorities, issue a re-
6 port of death or of presumptive death, or (B) in the
7 absence of a finding by appropriate local authorities,
8 issue a report of presumptive death.

9 **“SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.**

10 “(a) CONSERVATION OF ESTATES ABROAD.—

11 “(1) AUTHORITY TO ACT AS CONSERVATOR.—

12 Pursuant to such regulations as the Secretary of
13 State may prescribe, when a United States citizen or
14 national dies abroad, a consular officer shall act as
15 the provisional conservator of the decedent's estate
16 and, subject to paragraphs (3) and (4), shall—

17 “(A) take possession of the personal effects
18 within his jurisdiction;

19 “(B) inventory and appraise the personal
20 effects, sign the inventory, and annex thereto a
21 certificate as to the accuracy of the inventory
22 and appraised value of each article;

23 “(C) when appropriate, collect the debts
24 due to the decedent in the officer's jurisdiction

1 and pay from the estate the obligations owed
2 there by the decedent;

3 “(D) sell or dispose of, as appropriate, all
4 perishable items of property;

5 “(E) sell, after reasonable public notice
6 and notice to such next of kin as can be
7 ascertained with reasonable diligence, such ad-
8 ditional items of property as necessary to pro-
9 vide funds sufficient to pay the decedent’s debts
10 and property taxes in the country of death, fu-
11 neral expenses, and other expenses incident to
12 the disposition of the estate;

13 “(F) at the end of one year from the date
14 of death (or after such additional period as may
15 be required for final settlement of the estate),
16 if no claimant shall have appeared, sell or dis-
17 pose of the residue of the personal estate, ex-
18 cept as provided in subparagraph (G) below, in
19 the same manner as United States Government-
20 owned foreign excess property;

21 “(G) transmit to the United States, to the
22 Secretary of State, the proceeds of any sales
23 along with any financial instruments (including
24 bonds, shares of stock, and notes of indebted-
25 ness), jewelry, heirlooms, and other articles of

1 obvious sentimental value, to be held in trust
2 for the legal claimant; and

3 "(II) in the event that the decedent's es-
4 tate includes an interest in real property located
5 within the jurisdiction of the officer and such
6 interest does not devolve by the applicable laws
7 of intestate succession or otherwise, provide for
8 title to the property to be conveyed to the Gov-
9 ernment of the United States unless the Sec-
10 retary declines to accept such conveyance.

11 "(2) AUTHORITY TO ACT AS ADMINISTRATOR.—

12 The Secretary of State may expressly authorize the
13 officer to act as administrator of the estate in excep-
14 tional circumstances, pursuant to such regulations
15 as the Secretary may prescribe. The officer shall not
16 otherwise act in such capacity.

17 "(3) EXCEPTIONS.—

18 "(A) The function provided for in this sec-
19 tion shall not be performed to the extent that
20 the decedent has left or there is otherwise ap-
21 pointed, in the country where the death oc-
22 curred or where the decedent was domiciled, a
23 legal representative, partner in trade, or trustee
24 appointed to take care of his personal estate. If
25 the decedent's legal representative shall appear

1 at any time prior to transmission of the estate
2 to the Secretary and demand the proceeds and
3 effects being held by the officer, the officer
4 shall deliver them to the representative after
5 having collected any prescribed fee for the serv-
6 ices rendered pursuant to this section.

7 "(B) Nothing in this section shall affect
8 the authority of military commanders under
9 title 10 of the United States Code with respect
10 to persons or property under military command
11 or jurisdiction or the authority of the Peace
12 Corps with respect to Peace Corps Volunteers
13 or their property.

14 "(4) CONDITIONS.— The functions provided for
15 in this section shall be performed only when author-
16 ized by treaty provisions or permitted by the laws or
17 authorities of the country wherein the death occurs,
18 or the decedent is domiciled, or if such functions are
19 permitted by established usage.

20 "(b) DISPOSITION OF ESTATES BY THE SECRETARY
21 OF STATE.—

22 "(1) PERSONAL EFFECTS.—

23 "(A) After receipt of personal estates pur-
24 suant to subsection (a), the Secretary, pursuant
25 to such regulations as the Secretary may pre-

1 scribe for the conservation of such estates, may
2 seek payment of all outstanding debts to the es-
3 tate as they become due, may receive any bal-
4 ances due on such estates, may endorse all
5 checks, bills of exchange, promissory notes, and
6 other instruments of indebtedness payable to
7 the estate for the benefit thereof, and may take
8 such other action as is reasonably necessary for
9 the conservation of the estate.

10 “(B) If by the end of the fifth full fiscal
11 year after receipt of the personal estate pursu-
12 ant to subsection (a), no legal claimant for such
13 estate has appeared, title to the estate shall
14 pass to the Secretary who shall dispose of the
15 estate in the same manner as surplus United
16 States Government-owned property or by such
17 means as may be appropriate in light of the na-
18 ture and value of the property involved. The ex-
19 penses of sales shall be paid from the estate,
20 and any lawful claim received thereafter shall
21 be payable to the extent of the value of the net
22 proceeds of the estate as a refund from the ap-
23 propriate Treasury account.

1 “(C) The net cash estate after disposition
2 as provided in subparagraph (B) shall be remit-
3 ted to the Treasury as miscellaneous receipts.

4 “(2) REAL PROPERTY.—Pursuant to such regula-
5 tions as the Secretary may prescribe—

6 “(A) in the event that real property is con-
7 veyed to the Government of the United States
8 pursuant to subsection (a)(1)(H) and is not
9 needed by the Department of State, such prop-
10 erty shall be considered foreign excess property
11 under title IV of the Federal Property and Ad-
12 ministrative Services Act of 1949 (40 U.S.C.
13 511 et seq.); and

14 “(B) in the event that the Department
15 needs such property, the Secretary shall treat
16 such property as if it were an unconditional gift
17 accepted on behalf of the Department of State
18 pursuant to section 25 of this Act and section
19 9(a)(3) of the Foreign Service Buildings Act of
20 1926, as amended.

21 “(c) LOSSES IN CONNECTION WITH THE CONSERVA-
22 TION OF ESTATES.—

23 “(1) AUTHORITY.—Pursuant to such regula-
24 tions as the Secretary of State may prescribe, the
25 Secretary is authorized to compensate the estate of

1 any United States citizen, who has died overseas, for
2 property, the conservation of which has been under-
3 taken under either section 43 or subsection (a) of
4 this section, and that has been lost, stolen, or de-
5 stroyed while in the custody of officers or employees
6 of the Department of State. Any such compensation
7 shall be in lieu of personal liability of officers or em-
8 ployees of the Department of State. Officers and
9 employees of the Department of State may be liable
10 in appropriate cases to the Department of State to
11 the extent of any compensation provided pursuant to
12 this subsection.

13 “(2) LIABILITY.—The liability of officers or
14 employees of the Department of State to the Depart-
15 ment for payments made pursuant to paragraph (a)
16 of this section shall be determined pursuant to the
17 Department’s procedures for determining account-
18 ability for United States Government property.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect 6 months after enactment of
21 this Act or upon the effective date of any regulations pro-
22 mulgated hereunder, whichever is sooner.

23 **SEC. 252. DUTIES OF CONSULAR OFFICERS.**

24 Section 43 of the State Department Basic Authorities
25 Act of 1956, as amended (22 U.S.C. 2715) is amended—

1 (1) by inserting "(a) AUTHORITY.—" before
2 "In";

3 (2) by striking "disposition of personal effects."
4 in the last sentence and inserting "disposition of
5 personal effects pursuant to section 43B of this
6 Act."; and

7 (3) by adding the following new subsection at
8 the end:

9 "(b) DEFINITIONS.—For purposes of this section and
10 sections 43A and 43B of this Act, the term 'consular offi-
11 cer' includes any United States citizen employee of the De-
12 partment of State who is designated by the Secretary of
13 State to perform consular services pursuant to such regu-
14 lations as the Secretary may prescribe."

15 **CHAPTER 3—REFUGEES**

16 **SEC. 271. UNITED STATES POLICY REGARDING THE INVOL-** 17 **UNTARY RETURN OF REFUGEES.**

18 (a) IN GENERAL.—None of the funds made avail-
19 able by this Act or by section 2(c) of the Migration and
20 Refugee Assistance Act of 1962 (22 U.S.C. 2601(c))
21 shall be available to effect the involuntary return by the
22 United States of any person to a country in which the
23 person has a well-founded fear of persecution on account
24 of race, religion, nationality, membership in a particular
25 social group, or political opinion, except on grounds rec-

1 ognized as precluding protection as a refugee under the
2 United Nations Convention Relating to the Status of Ref-
3 ugees of July 28, 1951, and the Protocol Relating to the
4 Status of Refugees of January 31, 1967, subject to the
5 reservations contained in the United States Senate Reso-
6 lution of Ratification.

7 (b) MIGRATION AND REFUGEE ASSISTANCE.—

8 None of the funds made available by this Act or by sec-
9 tion 2(c) of the Migration and Refugee Assistance Act of
10 1962 (22 U.S.C. 2601(c)) shall be available to effect the
11 involuntary return of any person to any country unless
12 the Secretary of State first notifies the appropriate con-
13 gressional committees, except that in the case of an
14 emergency involving a threat to human life the Secretary
15 of State shall notify the appropriate congressional com-
16 mittees as soon as practicable.

17 (c) INVOLUNTARY RETURN DEFINED.—As used
18 in this section, the term "to effect the involuntary re-
19 turn" means to require, by means of physical force or cir-
20 cumstances amounting to a threat thereof, a person to
21 return to a country against the person's will, regardless
22 of whether the person is physically present in the United
23 States and regardless of whether the United States acts
24 directly or through an agent.

1 **SEC. 272. HUMAN RIGHTS REPORTS.**

2 Section 502B(b) of the Foreign Assistance Act of
3 1961 (22 U.S.C. 2304(b)) is amended by inserting after
4 the fourth sentence the following: "Each report under this
5 section shall describe the extent to which each country has
6 extended protection to refugees, including the provision of
7 first asylum and resettlement."

8 **SEC. 273. GUIDELINES FOR REFUGEE-PROCESSING POSTS.**

9 (a) **GUIDELINES FOR ADDRESSING HOSTILE BI-**
10 **ASES.**—Section 602(c) of the International Religious
11 Freedom Act of 1998 (Public Law 105-292; 112 Stat.
12 2812) is amended by inserting "and of the Department
13 of State" after "Service".

14 (b) **GUIDELINES FOR OVERSEAS REFUGEE-PROCESS-**
15 **ING.**—Section 602(c) of such Act if further amended by
16 adding at the end the following new paragraph:

17 "(3) Not later than 120 days after the date of
18 the enactment of the Foreign Relations Authoriza-
19 tion Act, Fiscal Years 2000 and 2001, the Secretary
20 of State (after consultation with the Attorney Gen-
21 eral) shall issue regulations to ensure that persons
22 with potential biases against any refugee applicant,
23 including persons employed by, or otherwise subject
24 to influence by, governments known to be involved in
25 persecution on account of religion, race, nationality,
26 membership in a particular social group, or political

1 opinion, shall not in any way be used in processing
2 determinations of refugee status, including interpre-
3 tation of conversations or examination of documents
4 presented by such applicants.”.

5 **SEC. 274. VIETNAMESE REFUGEES.**

6 No funds authorized to be appropriated by this Act
7 may be made available to support a larger number of per-
8 sonnel assigned to United States diplomatic or consular
9 posts in the Socialist Republic of Vietnam than the num-
10 ber assigned to such posts on March 22, 1999, unless not
11 less than 60 days prior to any obligation or expenditure
12 of such funds the President submits a certification to the
13 appropriate congressional committees that—

14 (1) all United States refugee programs in Viet-
15 nam, as well as programs to provide visas for
16 Amerasians and for immediate relatives of refugees
17 and asylees, are supervised by a Refugee Counselor
18 or Refugee Coordinator who has a proven record of
19 sensitivity to the problems of refugees and other vic-
20 tims of human rights violations and who reports di-
21 rectly to the Ambassador or the Consul General at
22 the United States Consulate in Saigon and receives
23 policy guidance from the Assistant Secretary of
24 State for the bureau with principal responsibility for
25 refugees;

1 (2) a program has been established in which all
2 former United States Government employees who
3 were adjudicated through a Vietnamese government
4 interpreter and whose applications for refugee status
5 were denied will be re-interviewed by Immigration
6 and Naturalization Service (INS) Asylum Officers
7 reporting directly to INS headquarters in Washing-
8 ton, D.C., and receiving specialized training and
9 written guidance from the INS Asylum Division and
10 Office of General Counsel;

11 (3) members of the Montagnard ethnic minority
12 groups who fought alongside United States forces
13 prior to 1975, and who later served three years or
14 more in prisons or re-education camps, will not be
15 disqualified from eligibility for resettlement in the
16 United States as refugees on the sole ground that
17 they continued to fight the Communists after 1975
18 and therefore did not begin their prison or re-edu-
19 cation sentences until several years later;

20 (4) allied combat veterans whose three-year re-
21 education or prison sentences began before April 30,
22 1975, because they were serving in parts of the
23 country that fell to the Communists before Saigon,
24 and who are otherwise eligible for resettlement as
25 refugees in the United States, are not disqualified

1 on the sole ground of the date their re-education or
2 prison sentences began;

3 (5) persons who were eligible for the Orderly
4 Departure Program (ODP), but who missed the ap-
5 plication deadline announced and imposed in 1994
6 because they were still in detention, in internal exile
7 in a remote and inaccessible location, unable to af-
8 ford bribes demanded by corrupt local officials for
9 documentation and permission to attend refugee
10 interviews, or for other reasons beyond their control,
11 will be considered for interviews on a case-by-case
12 basis, and that such case-by-case consideration is
13 subject to clear written guidance and administrative
14 review to ensure that persons who missed the dead-
15 line for reasons beyond their control will not be de-
16 nied consideration on the merits;

17 (6) widows of allied combat veterans who died
18 in re-education camps, including those who did not
19 apply before the 1994 deadline solely because they
20 lacked documentary evidence from the Communist
21 authorities to prove the death and/or marriage, and
22 who are otherwise eligible for ODP will have their
23 cases considered on the merits;

24 (7) unmarried sons and daughters of persons
25 eligible for United States programs, including per-

1 sons described in section 2244 of the Foreign Af-
2 fairs Reform and Restructuring Act of 1998 (en-
3 acted as Division G of the Omnibus Consolidated
4 Emergency Supplemental Appropriations Act for
5 Fiscal Year 1999, Public Law 105-277) will not be
6 disqualified from accompanying or following to join
7 their parents on the sole ground that they have not
8 been continuously listed on the household registra-
9 tion issued to their parents by the government of the
10 Socialist Republic of Vietnam;

11 (8) returnees from refugee camps outside Viet-
12 nam who met the criteria for the Resettlement Op-
13 portunities for Vietnamese Returnees (ROVR) pro-
14 gram, in that they either signed up for repatriation
15 or were actually repatriated between October 1,
16 1995, and June 30, 1996, but did not fill out a
17 ROVR application before their repatriation, will be
18 given the opportunity to fill out an application in
19 Vietnam and will have their cases considered on the
20 merits;

21 (9) returnees whose special circumstances de-
22 nied them any meaningful opportunity to apply for
23 ROVR in the camps, such as those who were not of-
24 fered applications because they were in hospitals or
25 were being held in detention centers within certain

1 camps, or who were erroneously told by camp ad-
2 ministrators or Vietnamese government officials that
3 they were ineligible for the program, will be given an
4 opportunity to apply in Vietnam and will have their
5 cases considered on the merits, even if their repatri-
6 ation took place after June 30, 1996;

7 (10) a program has been established to identify,
8 interview, and resettle persons who have experienced
9 recent persecution or credible threats of persecution
10 because of political, religious, or human rights activi-
11 ties in Vietnam, subject to clear written standards to
12 ensure that such persons will have access to the pro-
13 gram whether or not they are included in a ROVR
14 or ODP interview category and whether or not their
15 cases are referred by an international organization;

16 (11) written guidance with respect to applica-
17 tions for reconsideration has been issued by the Im-
18 migration and Naturalization Service Office of Gen-
19 eral Counsel to ensure that applicants whose cases
20 were denied on grounds described in paragraphs (2)
21 through (10), because they were unwilling or unable
22 to describe mistreatment by the Vietnamese govern-
23 ment in the presence of a Vietnamese government
24 interpreter, or for other reasons contrary to the in-
25 terest of justice, will be re-interviewed; and

1 (12) all applicants described in paragraphs (2)
2 through (11) will have the assistance of a Joint Vol-
3 untary Agency (JVA) in preparing their cases.

4 **TITLE III—ORGANIZATION OF**
5 **THE DEPARTMENT OF STATE;**
6 **PERSONNEL OF THE DEPART-**
7 **MENT OF STATE; FOREIGN**
8 **SERVICE**

9 **CHAPTER 1—ORGANIZATION OF THE**
10 **DEPARTMENT OF STATE**

11 **SEC. 301. ESTABLISHMENT OF BUREAU FOR INTER-**
12 **NATIONAL INFORMATION PROGRAMS AND**
13 **BUREAU FOR EDUCATIONAL AND CULTURAL**
14 **EXCHANGE PROGRAMS.**

15 Section 1 of the State Department Basic Authorities
16 Act of 1956 (22 U.S.C. 2651a) is amended by adding at
17 the end the following new subsection:

18 “(i) ESTABLISHMENT OF CERTAIN BUREAUS, OF-
19 FICES, AND OTHER ORGANIZATIONAL ENTITIES WITHIN
20 THE DEPARTMENT OF STATE.—

21 “(1) BUREAU FOR INTERNATIONAL INFORMA-
22 TION PROGRAMS.—There is established within the
23 Department of State the Bureau for International
24 Information Programs which shall assist the Sec-
25 retary of State in carrying out international infor-

1 mation activities formerly carried out by the United
2 States Information Agency.

3 “(2) BUREAU FOR EDUCATIONAL AND CUL-
4 TURAL EXCHANGE PROGRAMS.—There is established
5 within the Department of State a Bureau for Edu-
6 cational and Cultural Exchange Programs which
7 shall assist the Secretary of State in carrying out
8 educational and cultural exchange programs.”.

9 **SEC. 302. CORRECTION OF DESIGNATION OF INSPECTOR**
10 **GENERAL OF THE DEPARTMENT OF STATE.**

11 (a) AMENDMENTS TO FOREIGN SERVICE ACT OF
12 1980.—The Foreign Service Act of 1980 is amended—

13 (1) in section 105(a)(2)(B) by striking “State
14 and the Foreign Service)” and inserting “State”);

15 (2) in section 209(a)(1)—

16 (A) by striking “State and the Foreign
17 Service,” and inserting “State,”; and

18 (B) by striking the second sentence;

19 (3) in section 603(a) by striking “State and the
20 Foreign Service,” and inserting “State,”; and

21 (4) in section 1002(12)(E) by striking “and the
22 Foreign Service”.

23 (b) AMENDMENTS TO THE FOREIGN AFFAIRS RE-
24 FORM AND RESTRUCTURING ACT OF 1998.—The Foreign
25 Affairs Reform and Restructuring Act of 1998 (as enacted

1 in Division G of the Omnibus Consolidated Appropriations
2 Act, 1999 Public Law 105—277) is amended—

3 (1) in section 2208(c) by striking “and the For-
4 eign Service”; and

5 (2) in section 1314(c) by striking “and the For-
6 eign Service”.

7 (c) AMENDMENTS TO PUBLIC LAW 103—236.—Effec-
8 tive October 2, 1999, subsections (i) and (j) of section 308
9 of the United States International Broadcasting Act of
10 1994 (22 U.S.C. 6207 (i) and (j)) are amended by striking
11 “Inspector General of the Department of State and the
12 Foreign Service” each place it appears and inserting “In-
13 spector General of the Department of State”.

14 (d) AMENDMENTS TO UNITED STATES INTER-
15 NATIONAL BROADCASTING ACT OF 1994.—Section
16 304(a)(3)(A) of the United States International Broad-
17 casting Act of 1994 (22 U.S.C. 6203(a)(3)(A)) is amend-
18 ed by striking “and the Foreign Service”.

19 **CHAPTER 2—PERSONNEL OF THE**
20 **DEPARTMENT OF STATE**

21 **SEC. 321. ESTABLISHMENT OF FOREIGN SERVICE STAR.**

22 The State Department Basic Authorities Act of 1956
23 is amended by inserting after section 36 the following new
24 section:

1 **"SEC. 36A. THE FOREIGN SERVICE STAR.**

2 “(a) **AUTHORITY.**—The President may award a deco-
3 ration called the ‘Foreign Service Star’ to an individual—

4 “(1) who is killed or injured after August 1,
5 1998,

6 “(2) whose death or injury occurs while the in-
7 dividual is a member of the Foreign Service or a ci-
8 vilian employee of the Government of the United
9 States—

10 “(3) whose death or injury occurs while the
11 individual—

12 “(A) is employed at, or assigned perma-
13 nently or temporarily to, an official mission
14 overseas, or

15 “(B) was traveling abroad on official busi-
16 ness, and

17 “(4) whose death or injury occurs while per-
18 forming official duties, while on the premises of a
19 United States mission abroad, or due to such indi-
20 vidual's status as an employee of the United States
21 Government, and results from any form of assault
22 including terrorist or military action, civil unrest, or
23 criminal activities directed at facilities of the Gov-
24 ernment of the United States.

25 “(b) **SELECTION.**—The Secretary shall submit rec-
26 ommendations for the Foreign Service Star to the Presi-

1 dent. The Secretary shall establish criteria and procedures
2 for nominations for the Foreign Service Star pursuant to
3 such regulations as the Secretary may prescribe for
4 awards under this section.

5 “(c) FUNDING.—Any expenses incident to an award
6 under this section may be paid out of the applicable cur-
7 rent account of the agency with which the individual was
8 or is employed.

9 “(d) POSTHUMOUS AWARD.—A Foreign Service Star
10 award to an individual who is deceased shall be presented
11 to the individual's next of kin or representative, as des-
12 ignated by the President.”.

13 **SEC. 322. UNITED STATES CITIZENS HIRED ABROAD.**

14 Section 408(a)(1) of the Foreign Service Act of 1980
15 (22 U.S.C. 3968(a)(1)) is amended in the last sentence
16 by striking “(A)” and all that follows through “(B)”.

17 **SEC. 323. BORDER EQUALIZATION ADJUSTMENT.**

18 Chapter 4 of title I of the Foreign Service Act of
19 1980 (22 U.S.C. 3901 et seq.) is amended by adding the
20 following new section at the end:

21 **“SEC. 414. BORDER EQUALIZATION ADJUSTMENT.**

22 “(a) IN GENERAL.—An employee who regularly com-
23 mutes from his or her place of residence in the continental
24 United States to an official duty station in Canada or
25 Mexico shall receive a border equalization adjustment

1 equal to the amount of comparability payments under sec-
2 tion 5304 of title 5, United States Code, that he or she
3 would receive if assigned to an official duty station within
4 the United States locality pay area closest to the employ-
5 ee's official duty station.

6 “(b) DEFINITION OF EMPLOYEE.—For purposes of
7 this section, the term ‘employee’ shall mean a person
8 who—

9 “(1) is an ‘employee’ as defined under section
10 2105 of title 5, United States Code; and

11 “(2) is employed by the United States Depart-
12 ment of State, the United States Agency for Inter-
13 national Development, or the International Joint
14 Commission, except that the term shall not include
15 members of the Foreign Service as defined by sec-
16 tion 103 of the Foreign Service Act of 1980 (Public
17 Law 96-465), section 3903 of title 22 of the United
18 States Code.

19 “(c) TREATMENT AS BASIC PAY.—An equalization
20 adjustment payable under this section shall be considered
21 basic pay for the same purposes as are comparability pay-
22 ments under section 5304 of title 5, United States Code,
23 and its implementing regulations.

1 “(d) REGULATIONS.—The agencies referenced in
2 subsection (b)(2) are authorized to promulgate regulations
3 to carry out the purposes of this section.”.

4 **SEC. 324. TREATMENT OF GRIEVANCE RECORDS.**

5 Section 1103(d)(1) of the Foreign Service Act of
6 1980 (22 U.S.C. 4133(d)(1)) is amended by adding the
7 following new sentence at the end: “Nothing in this sub-
8 section shall prevent a grievant from placing a rebuttal
9 to accompany a record of disciplinary action in such griev-
10 ant’s personnel records nor prevent the Department from
11 including a response to such rebuttal, including document-
12 ing those cases in which the Board has reviewed and
13 upheld the discipline.”.

14 **SEC. 325. REPORT CONCERNING FINANCIAL DISADVAN-**
15 **TAGES FOR ADMINISTRATIVE AND TECH-**
16 **NICAL PERSONNEL.**

17 (a) FINDINGS.—The Congress finds that administra-
18 tive and technical personnel posted to United States mis-
19 sions abroad who do not have diplomatic status suffer fi-
20 nancial disadvantages from their lack of such status.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Secretary of State shall
23 submit a report to the appropriate congressional commit-
24 tees concerning the extent to which administrative and
25 technical personnel posted to United States missions

1 abroad who do not have diplomatic status suffer financial
2 disadvantages from their lack of such status, including
3 proposals to alleviate such disadvantages.

4 **SEC. 326. EXTENSION OF OVERSEAS HIRING AUTHORITY.**

5 Section 202(a) of the Foreign Service Act of 1980
6 (22 U.S.C. 3922(a)) is amended by inserting at the end
7 the following new paragraph:

8 “(4) When and to the extent the Secretary of
9 State deems it in the best interests of the United
10 States Government, the Secretary of State may au-
11 thorize the head of any agency or other Government
12 establishment (including any establishment in the
13 legislative or judicial branch), to appoint pursuant to
14 section 303 individuals hired abroad as members of
15 the Service and to utilize the Foreign Service per-
16 sonnel system under such regulations as the Sec-
17 retary of State may prescribe, provided that appoint-
18 ments of United States citizens under this sub-
19 section shall be limited to appointments authorized
20 by section 311(a).”.

21 **SEC. 327. MEDICAL EMERGENCY ASSISTANCE.**

22 Section 5927 of title 5, United States Code, is
23 amended—

24 (1) by inserting “(a)” before “Up”; and

1 (2) by inserting the following new subsection at
2 the end:

3 “(b)(1) Up to 3 months pay may be paid in advance
4 to—

5 “(A) a United States citizen employee of an
6 agency, other than United States citizens hired at
7 post under section 311(a) of the Foreign Service Act
8 of 1980 (22 U.S.C. 3951(a)),—

9 “(i) who is assigned or is located outside of
10 the United States pursuant to Government au-
11 thorization, and

12 “(ii) who must, or who has a family mem-
13 ber who must, undergo medical treatment out-
14 side of the United States of the nature specified
15 in regulations to be promulgated by the Sec-
16 retary of State; and

17 “(B) each foreign national employee appointed
18 under section 303 of the Foreign Service Act of
19 1980 (22 U.S.C. 3943) or nonfamily member United
20 States citizen hired at post under section 311(a) of
21 the Foreign Service Act of 1980 (22 U.S.C.
22 3951(a))—

23 “(i) who is located pursuant to United
24 States Government authorization outside of the
25 country of employment, and

1 Other Foreign Relations Provisions Act of 1996 (Public
2 Law 104-319; 22 U.S.C. 2151 note) is amended by strik-
3 ing "for the fiscal year 1999" and inserting "for each of
4 the fiscal years 2000 and 2001".

5 **SEC. 402. CONDUCT OF CERTAIN EDUCATIONAL AND CUL-**
6 **TURAL EXCHANGE PROGRAMS.**

7 Section 102 of the Human Rights, Refugee, and
8 Other Foreign Relations Provisions Act of 1996 (22
9 U.S.C. 2452 note) is amended—

10 (1) by striking "take appropriate steps to";

11 (2) by inserting "(a) INVOLVEMENT OF HUMAN
12 RIGHTS AND DEMOCRACY LEADERS.—" immediately
13 before "In"; and

14 (3) by adding at the end the following sub-
15 sections:

16 "(b) LIMITATION.—No program described in sub-
17 section (a) shall be conducted through a contractor or
18 grantee that is affiliated or closely associated with any
19 government that denies democracy or violates the right to
20 freedom of expression or other internationally recognized
21 human rights or with any entity that engages in activities
22 on behalf of such a government.

23 "(c) DEFINITION.—For purposes of this section, the
24 term 'activities on behalf of a government' means any ac-
25 tivity with the purpose or effect of encouraging the grant-

1 ing to such government of any concession, benefit, or ad-
2 vantage (including political, economic, or military relations
3 with the United States) or discouraging the imposition of
4 any disability on such government.”.

5 **SEC. 403. NOTIFICATION TO CONGRESS OF GRANTS AND**
6 **CONTRACTS.**

7 Section 705(b) of the United States Information and
8 Educational Exchange Act of 1948 (22 U.S.C. 1477c(b))
9 is amended to read as follows:

10 “(b) For fiscal year 2000 and each subsequent fiscal
11 year, the Secretary of State may not award any grant or
12 contract to carry out the purposes of this Act until 45
13 days after written notice has been provided to the Commit-
14 tee on International Relations of the House of Representa-
15 tives and the Committee on Foreign Relations of the Sen-
16 ate of the intent to award such grant or contract. In deter-
17 mining whether to award a grant or contract the Secretary
18 shall consider any objections or modifications raised in the
19 course of consultations with such committees.”.

20 **SEC. 404. NATIONAL SECURITY MEASURES.**

21 The United States Information and Educational Ex-
22 change Act of 1948 is amended by adding after section
23 1011 the following new section:

24 **“NATIONAL SECURITY MEASURES**

25 **“SEC. 1012. The Secretary of State shall take all ap-**
26 **propriate steps to ensure that no foreign espionage agent**

1 is a participant in any program of educational and cultural
2 exchange under this Act.”.

3 **SEC. 405. DESIGNATION OF NORTH/SOUTH CENTER AS THE**
4 **DANTE B. FASCELL NORTH-SOUTH CENTER.**

5 (a) **DESIGNATION.**—Section 208 of the Foreign Rela-
6 tions Authorization Act, Fiscal Years 1992 and 1993 (22
7 U.S.C. 2075) is amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) **SHORT TITLE.**—This section may be cited as the
11 “Dante B. Fascell North-South Center Act of 1991”;

12 (2) in subsection (c)—

13 (A) by amending the section heading to
14 read as follows: “**DANTE B. FASCELL NORTH-**
15 **SOUTH CENTER.**—”; and

16 (B) by striking “known as the North/
17 South Center,” and inserting which shall be
18 known and designated as the Dante B. Fascell
19 North-South Center,”; and

20 (3) in subsection (d) by striking “North/South
21 Center” and inserting “Dante B. Fascell North-
22 South Center”.

23 (b) **REFERENCES.**—

24 (1) **CENTER.**—Any reference in any other pro-
25 vision of law to the educational institution in Florida

1 known as the North/South Center shall be deemed
2 to be a reference to the "Dante B. Fascell North-
3 South Center".

4 (2) **SHORT TITLE.**—Any reference in any other
5 provision of law to the North/South Center Act of
6 1991 shall be deemed to be a reference to the
7 "Dante B. Fascell North/South Center Act of
8 1991".

9 **SEC. 406. ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

10 Section 1334 of the Foreign Affairs Reform and Re-
11 structuring Act of 1998 (enacted as Division G of the Om-
12 nibus Consolidated Emergency Supplemental Appropria-
13 tions Act for Fiscal Year 1999; Public Law 105-277) is
14 repealed.

15 **SEC. 407. INTERNATIONAL EXPOSITIONS.**

16 (a) **LIMITATION.**—Except as provided in subsection
17 (b), notwithstanding any other provision of law, the De-
18 partment of State may not obligate or expend any funds
19 for a United States Government funded pavilion or other
20 major exhibit at any international exposition or world's
21 fair registered by the Bureau of International Expositions
22 in excess of amounts expressly authorized and appro-
23 priated for such purpose.

24 (b) **EXCEPTIONS.**—

1 (1) The Department of State is authorized to
2 utilize its personnel and resources to carry out its
3 responsibilities—

4 (A) under section 102(a)(3) of the Mutual
5 Educational and Cultural Exchange Act of
6 1961 (22 U.S.C. 2542(a)(3), to provide for
7 United States participation in international
8 fairs and expositions abroad;

9 (B) under section 105(f) of such Act with
10 respect to encouraging foreign governments,
11 international organizations, and private individ-
12 uals, firms, associations, agencies and other
13 groups to participate in international fairs and
14 expositions and to make contributions to be uti-
15 lized for United States participation in inter-
16 national fairs and expositions; and

17 (C) to encourage private support to the
18 United States Commissioner General for par-
19 ticipation in international fairs and expositions.

20 (2) Nothing in this subsection shall be con-
21 strued as authorizing the use of funds appropriated
22 to the Department of State to make payments for—

23 (A) contracts, grants, or other agreements
24 with any other party to carry out the activities
25 described in this subsection; or

1 (B) any legal judgment or the costs of liti-
2 gation brought against the Department of State
3 arising from activities described in this sub-
4 section.

5 (c) REPEAL.—Section 230 of the Foreign Relations
6 Authorization Act, Fiscal Years 1994 and 1995 (22
7 U.S.C. 2452 note) is repealed.

8 **TITLE V—INTERNATIONAL**
9 **BROADCASTING**

10 **SEC. 501. PERMANENT AUTHORIZATION FOR RADIO FREE**
11 **ASIA.**

12 (a) REPEAL OF SUNSET PROVISION.—Section 309 of
13 the United States International Broadcasting Act of 1994
14 (22 U.S.C. 6208) is amended—

15 (1) by striking subsection (g); and

16 (2) in subsection (d)(2) by striking “Govern-
17 ment,” and all that follows through the period and
18 inserting “Government.”.

19 (b) REPEAL OF FUNDING LIMITATIONS.—Sec-
20 tion 309 of the United States International Broad-
21 casting Act of 1994 is further amended —

22 (1) in subsection (d) by striking paragraphs (4)
23 and (5) and by redesignating paragraph (6) as para-
24 graph (4); and

25 (2) in subsection (c)—

1 tion Act of 1997 shall apply to the members of the Broad-
2 casting Board of Governors when acting in their capacities
3 as members of the boards of directors of RFE/RL, Incor-
4 porated and Radio Free Asia."

5 **TITLE VI—INTERNATIONAL OR-**
6 **GANIZATIONS AND COMMIS-**
7 **SIONS**

8 **SEC. 601. INTERPARLIAMENTARY GROUPS.**

9 (a) **AMERICAN DELEGATIONS TO CONFERENCES.—**
10 Notwithstanding any other provision of law, whenever ei-
11 ther the House of Representatives or the Senate does not
12 appoint its allotment of members as part the American
13 delegation or group to a conference or assembly (of the
14 British-American Interparliamentary Group, the Con-
15 ference on Security and Cooperation in Europe (CSCE),
16 the Mexico-United States Interparliamentary Group, the
17 North Atlantic Assembly, or any similar interparliamen-
18 tary group of which the United States is a member or
19 participates and so notifies the other body of Congress,
20 the other body may make appointments to complete the
21 membership of the American delegation. Any appointment
22 pursuant to this section shall be for the period of such
23 conference or assembly and the body of Congress making
24 such an appointment shall be responsible for the expenses
25 of any member so appointed. Any such appointment shall

1 be made in same manner in which other appointments to
2 the delegation by such body of Congress are made.

3 (b) **TRANSATLANTIC LEGISLATIVE DIALOGUE.**—Sec-
4 tion 109(c) of the Department of State Authorization Act,
5 Fiscal Years 1984 and 1985 (22 U.S.C. 276 note) is
6 amended by striking "United States-European Commu-
7 nity Interparliamentary Group" and inserting "Trans-
8 atlantic Legislative Dialogue".

9 **SEC. 602. AUTHORITY TO ASSIST STATES AND LOCAL GOV-
10 ERNMENTS.**

11 (a) **AUTHORITY.**—The Commissioner of the U.S. Sec-
12 tion of the International Boundary and Water Commission
13 may provide technical tests, evaluations, information, sur-
14 veys, or others similar services to State or local govern-
15 ments upon the request of such State or local government
16 on a reimbursable basis.

17 (b) **REIMBURSEMENTS.**—Reimbursements shall be
18 paid in advance of the goods or services ordered and shall
19 be for the estimated or actual cost as determined by the
20 U.S. Section of the International Boundary and Water
21 Commission. Proper adjustment of amounts paid in ad-
22 vance shall be made as agreed to by the U.S. Section of
23 the International Boundary and Water Commission on the
24 basis of the actual cost of goods or services provided. Re-
25 imbursements received by the U.S. Section of the Inter-

- 1 national Boundary and Water Commission for providing
- 2 services under this section shall be credited to the appro-
- 3 priation from which the cost of providing the services will
- 4 be charged.

AMENDMENT TO H.R. 1211
OFFERED BY MR. SMITH OF NEW JERSEY

Page 42, after line 14, insert the following new section:

1 SEC. 253. MACHINE READABLE VISAS.

2 Section 140(a) of the Foreign Relations Authoriza-
3 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
4 note) is amended—

5 (1) in paragraph (3) by amending the first sen-
6 tence to read as follows: "For each of the fiscal
7 years 2000, 2001, and 2002, any amount collected
8 under paragraph (1) that exceeds \$316,715,000 for
9 fiscal year 2000, \$338,885,000 for fiscal year 2001,
10 and \$362,607,000 for fiscal year 2002 may be made
11 available only if a notification is submitted to Con-
12 gress in accordance with the procedures applicable to
13 reprogramming notifications under section 34 of the
14 State Department Basic Authorities Act of 1956.";
15 and

16 (2) by striking paragraph (5).

Page 57, strike line 21 and all that follows through
line 9 on page 60 and insert the following:

1 **SEC. 5927. MEDICAL EMERGENCY ASSISTANCE.**

2 Section 5927 of title 5, United States Code, is
3 amended to read as follows:

4 **“§ 5927. Advances of pay**

5 “(a) Up to three months’ pay may be paid in
6 advance—

7 “(1) to an employee upon the assignment of the
8 employee to a post in a foreign area;

9 “(2) to an employee, other than an employee
10 appointed under section 303 of the Foreign Service
11 Act of 1980 (and employed under section 311 of
12 such Act), who—

13 “(A) is a citizen of the United States;

14 “(B) is officially stationed or located out-
15 side the United States pursuant to Government
16 authorization; and

17 “(C) requires (or has a family member who
18 requires) medical treatment outside the United
19 States, in circumstances specified by the Presi-
20 dent in regulations; and

21 “(3) to a foreign national employee appointed
22 under section 303 of the Foreign Service Act of
23 1980, or a nonfamily member United States citizen
24 appointed under such section 303 (and employed
25 under section 311 of such Act) for service at such
26 nonfamily member’s post of residence, who—

1 “(2) A transfer allowance under this subsection may
2 not be granted with respect to the spouse or a dependent
3 of the employee unless, at the time of death, such spouse
4 or dependent was residing—

5 “(A) at the employee’s post of assignment; or

6 “(B) at a place, outside the United States, for
7 which a separate maintenance allowance was being
8 furnished under section 5924(3).

9 “(3) The President may prescribe any regulations
10 necessary to carry out this subsection.”.

11 **SEC. 329. PARENTAL CHOICE IN EDUCATION**

12 Section 5924(4) of title 5, United States Code, is
13 amended—

14 (1) in subparagraph (A) by striking “between
15 that post and the nearest locality where adequate
16 schools are available,” and inserting “between that
17 post and the school chosen by the employee, not to
18 exceed the total cost to the Government of the de-
19 pendent attending an adequate school in the nearest
20 locality where an adequate school is available,”; and

21 (2) by adding after subparagraph (B) the fol-
22 lowing new subparagraph:

23 “(C) In those cases in which an adequate
24 school is available at the post of the employee,
25 if the employee chooses to educate the depend-

1 ent at a school away from post, the education
2 allowance which includes board and room, and
3 periodic travel between the post and the school
4 chosen, shall not exceed the total cost to the
5 Government of the dependent attending an ade-
6 quate school at the post of the employee.”.

Page 22, strike line 23 and all that follows through
line 11 and insert the following:

7 **SEC. 202. REPORT ON CUBAN DRUG TRAFFICKING.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act and every 180 days thereafter, the Presi-
10 dent shall submit to the appropriate congressional com-
11 mittees an unclassified report (with a classified annex) on
12 the extent of international drug trafficking from, through,
13 or over Cuba. Each report shall include the following:

14 (1) Information concerning the extent to which
15 the Cuban Government or any official, employee, or
16 entity of the Government of Cuba has engaged in,
17 facilitated, or condoned such trafficking.

18 (2) The extent to which the appropriate agen-
19 cies of the United States Government have inves-
20 tigated and prosecuted such activities of the Cuban
21 Government or any official, employee, or entity of
22 the Government of Cuba.

1 (3) A determination of whether the Government
2 of Cuba should be included in the list of nations con-
3 sidered to be major drug trafficking countries.

 Page 69, strike lines 3 through 8 and insert the fol-
 lowing:

4 (b) TRANSATLANTIC LEGISLATIVE DIALOGUE.—Sec-
5 tion 109(c) of the Department of State Authorization Act,
6 Fiscal Years 1984 and 1985 (22 U.S.C. 276 note) is
7 amended by striking “United States-European Commu-
8 nity Interparliamentary Group” and inserting “Trans-
9 atlantic Legislative Dialogue (United States-European
10 Union Interparliamentary Group)”.

AMENDMENT ON ARMS SALES CODE OF CONDUCT

Proposed,

To amend section 207(c) by inserting after section 207(c)(2) at line 11 a new section 207(c)(3) to read as follows:

"(3) Report of the Secretary of State.—In the report required in sections 116(d) and 502B of the Foreign Assistance Act of 1961, the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1) through (4) of subsection (b)."

AMENDMENT TO H.R. 1211
OFFERED BY MR. SHERMAN OF CALIFORNIA

Page 42, after line 14, insert the following:

1 **SEC. 253. POSTING OF BOND AS EVIDENCE THAT NON-**
2 **IMMIGRANT ALIEN WILL DEPART.**

3 If a consular officer of the Department of State has
4 received notice that an alien voluntarily has posted a suit-
5 able and proper bond in the sum of \$25,000, in making
6 determinations with respect to the admission to the United
7 States of the alien as a nonimmigrant, the consular offi-
8 cer, except as otherwise provided by law, shall accept such
9 bond as evidence that the alien has no intention of aban-
10 doning the alien's foreign country residence or failing
11 timely to depart from the United States.

12 **SEC. 254. PROCESSING OF VISA APPLICATIONS.**

13 (a) **POLICY.**—It shall be the policy of the Department
14 of State to process visa applications of immediate relatives
15 and fiances of United States citizens within 30 days of
16 the receipt of all necessary documents from the applicant
17 and the Immigration and Naturalization Service. In the
18 case of a visa application where the sponsor of such appli-
19 cant is a relative other than an immediate relative, it
20 should be the policy of the Department of State to process
21 such an application within 60 days of the receipt of all

2

1 necessary documents from the applicant and the Immigra-
2 tion and Naturalization Service.

3 (b) REPORTS.—Not later than 6 months after the
4 date of the enactment of this Act and every subsequent
5 6 months thereafter, the Secretary of State shall submit
6 to the appropriate congressional committees, a report on
7 the extent to which the Department of State is meeting
8 the policy standards under subsection (a). Each report
9 should include average time for processing each category
10 of visa application, a list of the embassies and consular
11 posts which do not meet the policy standards under sub-
12 section (a), the amount of funds collected for processing
13 of visa applications, the costs of processing such visa ap-
14 plications, and the steps being taken by the Department
15 of State to achieve such policy standards.

16 (c) TASK FORCE.—The Secretary of State, in con-
17 sultation with other Federal agencies, shall establish a
18 joint task force with the goal of reducing the overall proc-
19 essing time for visa applications.

CHRISTOPHER H. SMITH
6TH DISTRICT, NEW JERSEY

WASHINGTON OFFICE
2270 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3004
(202) 225-3760

CONSTITUENT SERVICE CENTERS
1540 ELVERA ROAD
SUITE A3
HAMILTON, NJ 08619-3878
(609) 545-7878
TTY (609) 545-3860
100 LACEY ROAD
SUITE 36A
WHITING, NJ 08758-1231
(609) 360-1300



Congress of the United States
House of Representatives
Washington, DC 20515-3004

Statement of Representative Christopher H. Smith
Chairman, Subcommittee on International Operations
and Human Rights

March 23, 1999

H.R. 1211 Foreign Relations Authorization Act for FY 2000-2001

I am pleased to convene this markup of H.R. 1211, the Foreign Relations Authorization Act for Fiscal Years 2000 and 2001. I am proud to be the principal sponsor of this bill along with my good friend and distinguished ranking member, Cynthia McKinney.

The bill's unifying theme is that it is about the promotion of American values. I am particularly proud that the bill authorizes \$1.8 billion over two years in security upgrades for our missions and personnel around the world. The FY 2000 authorization of \$904 million is \$600 million above the Administration's request for these security upgrades---but if this subcommittee has one responsibility that can be singled out as even more important than our other responsibilities, it is to do whatever is possible to protect the lives of the people who work in our embassies and other missions.

The subcommittee recently heard testimony from Admiral William Crowe, who chaired the Accountability Review Boards appointed after the terrorist bombings of the U.S. embassies in Kenya and Tanzania. Among the Boards' findings was

"the collective failure of the US government over the past decade to provide adequate resources to reduce the vulnerability of US diplomatic missions to terrorist attacks in most countries around the world."

The Boards found that both Congress and the Executive branch had neglected their shared responsibility to provide for diplomatic security, and estimated that an emergency plan to repair the damage done by decades of neglect would cost an average of \$1.4 billion per year over the next decade. Congress did provide \$1.4 billion in the FY 1999 emergency supplemental appropriations for security upgrades, but the Office of Management and Budget has requested less than \$50 million in security-related capital costs for next year. Like too many budgets before it, the FY 2000 budget request proposes to do all the heavy lifting in the "out years." The Smith-McKinney bill, in contrast, provides \$650 million for FY 2000---the largest amount the State Department security experts tell us can reasonably be spent in that time period on construction of safer Embassies --- so that the crash program can begin now, not 18 months from now. We have provided another \$650

COMMITTEES

INTERNATIONAL RELATIONS
CHAIRMAN - INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS
WESTERN HEMISPHERE AFFAIRS

VETERANS' AFFAIRS
VICE CHAIRMAN
HOSPITALS AND HEALTH CARE

**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**
CO-CHAIRMAN

million for FY 2001. If the security experts should come back and tell us there is both the need and the ability to spend more on security over these two years, this member will support an amendment to increase the amount we provide. We cannot afford to lose more American lives, or the lives of other innocent people, to complacency or budget gimmickry.

This bill also promotes American values by promoting human rights and protecting refugees. Although I know the State Department is not fond of earmarks, I for one am very proud of the modest \$15 million earmark for the chronically underfunded Bureau of Democracy, Human Rights, and Labor. I have pointed out year after year, in hearing after hearing, that the most grossly disproportionate allocation of resources in the State Department budget is that the Department spends less than one-quarter of one per cent of its resources on the bureau with principal responsibility for human rights. The DRL bureau is charged with ensuring that the protection of fundamental human rights is afforded its rightful place in our foreign policy, yet it has only 65 employees --- about half the size of the Office of Public Affairs (113 employees) and about the same size as the Office of Protocol (61 employees). I understand that Chairman Gilman of the full International Relations Committee is putting together a comprehensive human rights bill that would require, among other things, that the State Department spend one per cent of its budget on the bureau with responsibility for promoting human rights. This bill will start the glide path up to that modest one per cent figure by providing \$15 million for the Bureau --- about twice the amount provided in the Administration's budget, but still only a little more than the \$12 million the Department plans to spend next year on public relations. We need to get our priorities straight, and this bill helps.

The bill also provides \$750 million in each fiscal year for refugee protection. This is \$90 million more than the Administration's request of \$660 million --- but in real dollar terms it is about the same as we were spending five years ago. The Administration's request for refugees is \$23 million lower than the amount we spent in FY 1995 --- and in real dollars the cut is far deeper, at least 15% to 20%. During this five-year period the refugee account is the only major State Department account for which the Administration has not requested and gotten at least a modest increase. And yet the needs are at least as great. The Smith-McKinney bill gives refugee protection a modest raise [] only about half the raise that the other State Department accounts have received over the last five years, maybe not even enough to cover inflation --- but it is a good start. There are also special provisions addressing the particular needs of refugees and displaced persons from Sierra Leone, Tibet, Burma, and Viet Nam.

The bill further promotes American values by permanently authorizing Radio Free Asia, which would otherwise be required to close its doors on September 30 of this year. It also ensures the survival of Radio Free Europe/Radio Liberty into the next millennium, increases funding for the National Endowment for Democracy, and authorizes targeted exchange programs for the peoples of sub-Saharan Africa, East Timor, Tibet, Burma, and the nations of the South Pacific. It protects the integrity of our public diplomacy programs by erecting a firewall between these programs and the Department's domestic public relations activities, and by requiring appropriate steps to ensure that U.S. educational and cultural exchange programs include more human rights advocates and fewer foreign espionage agents.

This bill deserves wide bipartisan support. None of us is thrilled with every single provision ---as with all important legislation, there have already been compromises, and there will be more as the bill works its way through the legislative process [] but it strikes an appropriate balance between the resources and authorities the Executive branch wants and needs, and the legislative guidance that means members of Congress are taking their responsibilities seriously. I will work with my colleagues and with the Administration for further improvements, but I think we should start by agreeing that speedy passage is essential. We cannot afford to wait for the next terrorist bombing to begin the construction of safe United States embassies, or for the next refugee crisis to think about reclaiming the ground we have lost in the refugee protection and resettlement budget, or until voices of freedom and democracy are silenced before we reauthorize Radio Free Asia or preserve Radio Free Europe/Radio Liberty. I pledge my diligent efforts, and I ask your help.

CYNTHIA A. MCKINNEY
4TH DISTRICT, GEORGIA

COMMITTEE ON INTERNATIONAL
RELATIONS
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
WESTERN MEMBERS
COMMITTEE ON
NATIONAL SECURITY
MILITARY READINESS



Congress of the United States
House of Representatives
Washington, DC 20515-1011

Statement of Representative Cynthia A. McKinney
Ranking Member, Subcommittee on International Operations
and Human Rights
March 23, 1999

WASHINGTON OFFICE
1) 124 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-1605
FAX (202) 226-0691
DISTRICT OFFICE:
1) 248 SYCAMORE STREET
SUITE 110
DECATUR, GA 30030
(404) 377-6900
FAX (404) 377-6909
INTERNET ADDRESS:
cymck@hr.house.gov

I wish to commend my distinguished colleague, Chairman Chris Smith, and his staff for the extraordinary work they have done in putting this bill together. I particularly commend our chairman and his colleagues in the majority for their expressed desire to produce a State Department authorization bill that Congress can pass and the President can sign. In cosponsoring this bill with him, I wish to show my agreement with this intention and my determination to work with him and others with the same goal. I believe we do need this bill; and I intend to work hard to ensure that we have it.

The decision on my part to cosponsor this bill was not an easy one, because this bill is not the bill it could have been and should have been. In particular, a number of the provisions in the chairman's mark are not only unjustified but also run strongly against the majority's professed desire for a "clean," bipartisan bill acceptable to both Congress and the Administration. My greatest disappointment in this drafting process is the insistence of the majority on these provisions.

Of these sections of the bill, the most disturbing is the set of restrictions on United States assistance for the United Nations Fund for Population Activities, or UNFPA. We should make no mistake. These restrictions are intended to keep us from providing any funding at all for this organization. If this effort succeeds, millions of women will continue to be deprived of services they ought to be able to receive. These women include the women of Uganda, who have a chance through UNFPA's efforts to have female genital mutilation abolished in their country. They include many other women as well in the 150 countries in which UNFPA operates, where our funding cutoff in 1999 has actually helped lead to scores of thousands of unintended pregnancies and more thousands of resulting abortions. We should try to help these women, not cut them off.

I understand the concern behind this provision with UNFPA's activities in China, which are specifically mentioned. I realize that this concern is motivated by good faith and real concern about forced abortions—a concern I share. But I believe it is based on an outdated understanding of UNFPA's activities and views about China. I have been assured that UNFPA does not and will not condone coercive activities in China, that its efforts there do not support coercive activities or compromise international standards of human rights, and that those efforts were

designed--after seven years of negotiation with the Chinese authorities--to demonstrate the advantages of voluntary population efforts. I believe that UNFPA is a positive force in China; and whatever we think about this point, I am sure it has activities in many other places in the world that deserve our support. We should work to find a way to make that happen, and I will be actively involved at the appropriate time to try to achieve that. Mr. Chairman, you have received a warning.

I regret as well some of the numbers in the bill. Although the mark increases the funding for the Asia Foundation from \$8 million in this fiscal year to \$10 million in FY 2000, I would have preferred the Administration's request for \$15 million. The Foundation does worthwhile work on strengthening our engagement with Asia, and we should be more helpful to it than we are in this mark.

Despite these points, and others about which I have reservations, I believe that this bill as a whole will do more good than harm, and it will achieve goals I strongly support.

As I, along with Chairman Smith and ten other bipartisan colleagues, made clear to the Administration in a letter last month, I support the goals intended to be achieved by the provisions on Vietnamese refugees. I am pleased to be joined in this support by such organizations as the American Legion and Refugees International. I believe we do need to ensure that this program is properly run and that refugees have their cases fairly and completely considered. At the same time, we are engaged in an extraordinary amount of management by legislation in these provisions, and I want us to work harder with the Administration to see if we can find a way to put these practices into place without having to use legislation to do so. I was impressed by the dedication to refugee matters displayed by Assistant Secretary Taft at our hearing, and I am confident we can work with her on this matter.

In this bill as it will come out of our session today, we will include criteria accepted on both sides of the aisle for an international code of conduct concerning arms transfers. The "Code of Conduct" is something we can be very proud of and something that is long overdue. I am glad again to have our chairman's support for it, and I look forward to working closely with him to make it law.

I also appreciate Mr. Smith's efforts on behalf of our personnel overseas--especially the very substantial funding for Embassy security and construction proposed in the chairman's mark. The Administration's proposal on security, as I said in our hearing on the issue, was not real; it was the "flim-flam plan." We have done better--a whole lot better.

I like as well the willingness in the chairman's mark to adopt or even increase the Administration's proposed allotments in most areas, including the East-West Center and minority recruitment among many others. Through these figures, we are challenging strongly the marks given by the budget committees last week for the foreign affairs function. Secretary of State Albright yesterday described the budget marks as "outrageous and unacceptable." I

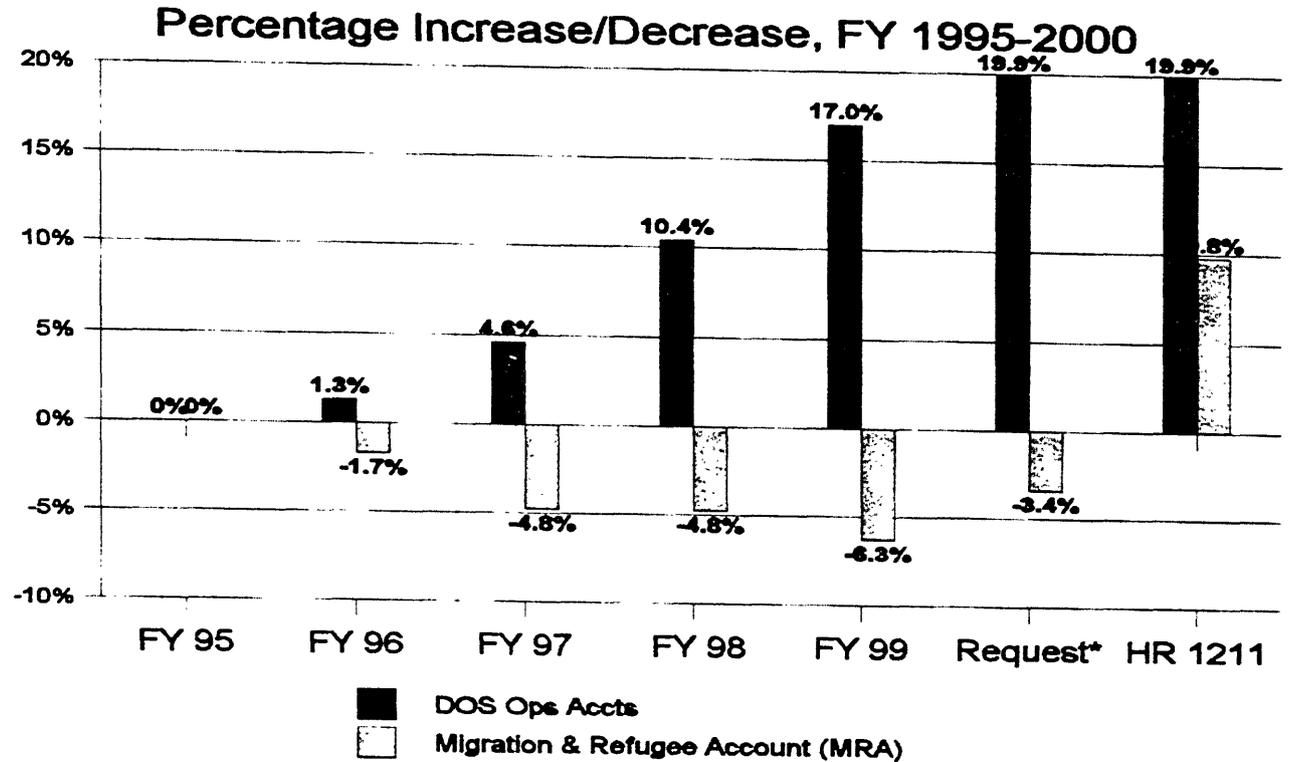
disagree with the Secretary's language on this issue; she was much too moderate and far too kind. The budget committees disgracefully refused to do their duty of providing what we need in foreign affairs. In this bill, with these numbers, we are doing ours.

Although I wish, as I have said, to avoid legislating on such matters when we don't have to, I believe that several of the provisions on refugees also are helpful. In particular, by proposing to authorize \$2 million for funding for victims of mutilation in Sierra Leone, this bill puts on the policy map a group of people we should not ignore. I strongly believe we need to pay more attention to African people and Africa's problems; this provision moves in that direction.

As to Africa, I am also glad to see a proposed authorization of \$500,000 for FY 2000 and \$500,000 for FY 2001 for exchange programs with Africa. I will fight hard for this authorization, and I will take a strong personal interest in how the State Department carries out this program. For our benefit, we need to strengthen our ties with Africa and allow more Africans to benefit by experiencing what we have to offer. This program is a big step in that direction.

As these examples suggest, there's a lot in this bill that I like; there are some things in this bill that I think we badly need—now, not later. When I took these good things in one hand, and weighed them against the problems in the other, I saw that the good things weighed heavier. That is why I am cosponsoring this bill, and that is why I intend to work with our chairman to get it through.

DOS Operating Accounts v. Refugees



* Administration's FY 2000 budget request, *excluding* security upgrades.

**Funding for Principal State Department Operating Accounts
Compared to Refugee Programs
FY 1995-1998
(in millions of dollars)**

Year	Operating Accounts unadjusted	MRA unadjusted
FY 95	[\$ 2,153.9*]	[\$ 683*]
FY 96	2,182.5	671
FY 97	2,252.0	650
FY 98	2,377.9	650.4
FY 99 est.	2,520.2	640
FY 00 req.	2,582.1	660
H.R. 1211	2,582.1	750

**Percentage increase in principal DOS operating accounts, FY 1995-2000:
Administration request: 19.9% increase.***

**Percentage change in Migration & Refugee Assistance funding, FY 1995-2000:
Administration request: 3.4% decrease below 1995 levels
H.R. 1211: 9.8% increase from 1995 levels**

* Reflects \$12 million transfer of administrative expenses from Salary & Expense Account to refugee programs account, effective in FY 96 and subsequent years..

DOS Operating Accounts: Appropriations for D&C, S&E, and Capital Investments, plus fee receipts.

ZOE LOFGREN
NEW DERRY, CALIFORNIA

COMMITTEES

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON COURTS AND
INTELLECTUAL PROPERTY

SUBCOMMITTEE ON NARRATION AND DOCUMENTS

COMMITTEE ON BUSINESS

SUBCOMMITTEE ON TRADE AND ADMINISTRATION

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Congress of the United States
House of Representatives
Washington, DC 20515-0516

PLEASE REPRINT THE
 316 Cannon House Office Building
Washington, DC 20515
(202) 535-2873
zoe@lofgren.house.gov

635 North First Street
Suite 8
New Jersey, CA 95112
(408) 271-9700

www.house.gov/lofgren

March 22, 1999

Representative Cynthia McKinney
Ranking Member
International Relations Subcommittee on International
Operations & Human Rights
124 Cannon House Office Building
Washington, DC 20515-1004

Dear Representative McKinney:

We are writing to express our strong support for Section 274 of H.R. 1211, the Foreign Relations Authorization bill. We believe that this section is critical in ensuring that the State Department properly implements the Vietnamese refugee program.

We opposed passage of Normal Trade Relations (NTR) status for Vietnam primarily because we believed that the government was not acting expeditiously to allow the emigration of eligible individuals. We were concerned that the slight processing improvements we saw in the Resettlement Opportunities for Vietnamese Returnees (ROVR) and other refugee programs would cease once the Jackson-Vanik provision was waived. As co-founders of the Congressional Dialogue on Vietnam, we have worked with the Vietnamese American community to facilitate the emigration of eligible individuals from Vietnam. It has been a difficult and time-consuming process.

Section 274 addresses the outstanding concerns of the Vietnamese American community. We are especially supportive of the provisions that reverse restrictive rules such as the continuous co-residency provision. Additionally, we believe that the appointment of a refugee counselor to run the in-country refugee program is critical to ensuring that the program is administered by one who understands the plight of refugees. Passage of Section 274 will ensure that the Administration has the tools to improve adjudication of all outstanding cases.

On behalf of our constituents, we urge you to actively support Section 274 during the subcommittee markup of the Foreign Relations Authorization bill. If you

have any questions, please do not hesitate to call us.

Sincerely,


Zoe Lofgren
Member of Congress


Loretta Sanchez
Member of Congress


Sheila Jackson-Lee
Member of Congress

cc: Representative Chris Smith, Chairman, Subcommittee on International Operations & Human Rights

26TH DISTRICT, CALIFORNIA
 COMMITTEES:
 JUDICIARY
 RANKING MEMBER, SUBCOMMITTEE ON
 COURTS AND INTELLECTUAL PROPERTY
 INTERNATIONAL RELATIONS
 STANDARDS OF OFFICIAL
 CONDUCT
 RANKING MEMBER

Congress of the United States
 House of Representatives
 Washington, DC 20515-0526

WASHINGTON, DC 20515-05
 (202) 225-4800
 DISTRICT OFFICE:
 10280 SEPULVEDA BLVD.
 SUITE 300
 MISSION HILLS, CA 91345
 (818) 907-0000
 (818) 704-1200

HOWARD L. BERMAN
 March 22, 1999

The Honorable Chris Smith
 The Honorable Cynthia McKinney
 Subcommittee on International Operations and Human Rights
 B-358 Rayburn Building
 Washington, D.C. 20515

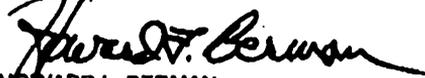
Dear Chairman Smith and Ranking Member McKinney:

I am writing to express my support for section 274 of H.R. 1211, the Foreign Relations Authorization bill. Section 274 does not ask for extraordinary efforts by the administration. Rather, it merely outlines changes that the administration should already be implementing to ensure a viable and effective refugee program in Vietnam. I especially agree that a Refugee Counselor is necessary to run the in-country refugee program and a Joint Voluntary Agency (JVA) should assist applicants in preparing their cases. Furthermore, the administration should set standards for consideration of late applications and applications for reconsideration.

We have an important obligation to refugees in Vietnam for historical and humanitarian reasons. In the recent past, I was supportive of the Jackson-Vanik waiver for Vietnam primarily because of the improvements in the Resettlement Opportunities for Vietnamese Returnees (ROVR) program. However, the Vietnamese community in my district has informed me that 3000 boat people were unable to apply for ROVR for reasons beyond their control. In addition, former U.S. government employees and political prisoners may have been unjustly denied relief. Section 274 will help the administration achieve the necessary improvements in adjudications of all outstanding cases and claims.

I look forward to working with you and the administration to ensure that we have an exemplary refugee program in Vietnam.

Sincerely,


 HOWARD L. BERMAN
 Member of Congress

HLB/ak

**The
American
Legion**

★ WASHINGTON OFFICE ★ 1808 'K' STREET, N. W. ★ WASHINGTON, D. C. 20006 ★
(202) 661-2711 ★



OFFICE OF THE
EXECUTIVE DIRECTOR

March 21, 1999

Honorable Chris Smith, Chairman
International Operations and Human
Rights Subcommittee
House International Relations Committee
B-358 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

The American Legion fully supports Section 274 of the State Department Authorization bill which would provide an opportunity to our former allies, former employees of the United States government and other deserving Vietnamese refugees to emigrate from the Socialist Republic of Vietnam.

Most, if not all of these individuals have been discriminated against for many years because of their association with the United States during the Vietnam War. Provisions have been in place to grant them special dispensation. However, the Vietnamese government has made it impossible for them to even apply in many cases, much less attempt to navigate a corrupt and unforgiving system.

It is most unfortunate that our own government officials who are responsible for administering and overseeing this program are of little to no help to these deserving refugees. Additionally, we were told a year ago by the Administration that the Vietnamese government's cooperation had increased and, as a result, a waiver of the Jackson-Vanik amendment was authorized, over the strong objection of The American Legion.

Representative Smith, The American Legion supports the proposal set forth in Section 274, and applauds your continuing efforts to provide assistance to our former allies and their families, as well as former employees of our government during the war.

Sincerely,

JOHN F. SOMMER, JR.
Executive Director