

H.R. 4083, RELATING TO THE AVAILABILITY OF THE USIA TELEVISION PROGRAM, "WINDOW ON AMERICA"; H. CON. RES. 185, RELATIVE TO THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS; H.R. 633, A BILL TO AMEND THE FOREIGN SERVICE ACT OF 1980 RELATIVE TO THE ANNUITIES OF CERTAIN DEPARTMENT OF STATE PERSONNEL; H.R. 4309, THE TORTURE VICTIMS RELIEF ACT OF 1998

MARKUP

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

—————
JULY 24, 1998
—————

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

50-499 CC

WASHINGTON : 1998

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-057483-8

H461-123

COMMITTEE ON INTERNATIONAL RELATIONS

BENJAMIN A. GILMAN, New York, *Chairman*

WILLIAM GOODLING, Pennsylvania	LEE HAMILTON, Indiana
JAMES A. LEACH, Iowa	SAM GEJDENSON, Connecticut
HENRY J. HYDE, Illinois	TOM LANTOS, California
DOUG BEREUTER, Nebraska	HOWARD BERMAN, California
CHRISTOPHER SMITH, New Jersey	GARY ACKERMAN, New York
DAN BURTON, Indiana	ENI F.H. FALEOMAVAEGA, American Samoa
ELTON GALLEGLY, California	MATTHEW G. MARTINEZ, California
ILEANA ROS-LEHTINEN, Florida	DONALD M. PAYNE, New Jersey
CASS BALLENGER, North Carolina	ROBERT ANDREWS, New Jersey
DANA ROHRBACHER, California	ROBERT MENENDEZ, New Jersey
DONALD A. MANZULLO, Illinois	SHERROD BROWN, Ohio
EDWARD R. ROYCE, California	CYNTHIA A. MCKINNEY, Georgia
PETER T. KING, New York	ALCEE L. HASTINGS, Florida
JAY KIM, California	PAT DANNER, Missouri
STEVEN J. CHABOT, Ohio	EARL HILLIARD, Alabama
MARSHALL "MARK" SANFORD, South Carolina	BRAD SHERMAN, California
MATT SALMON, Arizona	ROBERT WEXLER, Florida
AMO HOUGHTON, New York	STEVE ROTHMAN, New Jersey
TOM CAMPBELL, California	BOB CLEMENT, Tennessee
JON FOX, Pennsylvania	BILL LUTHER, Minnesota
JOHN MCHUGH, New York	JIM DAVIS, Florida
LINDSEY GRAHAM, South Carolina	LOIS CAPPS, California
ROY BLUNT, Missouri	
KEVIN BRADY, Texas	
RICHARD BURR, North Carolina	

RICHARD J. GARON, *Chief of Staff*
MICHAEL H. VAN DUSEN, *Democratic Chief of Staff*

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

WILLIAM F. GOODLING, Pennsylvania	TOM LANTOS, California
HENRY J. HYDE, Illinois	CYNTHIA A. MCKINNEY, Georgia
DAN BURTON, Indiana	GARY L. ACKERMAN, New York
CASS BALLENGER, North Carolina	ENI F.H. FALEOMAVAEGA, American Samoa
PETER T. KING, New York	DONALD M. PAYNE, New Jersey
MATT SALMON, Arizona	EARL F. HILLIARD, Alabama
LINDSEY O. GRAHAM, South Carolina	ROBERT WEXLER, Florida
ILEANA ROS-LEHTINEN, Florida	

GROVER JOSEPH REES, *Subcommittee Staff Director and Chief Counsel*
ROBERT R. KING, *Democratic Professional Staff Member*
DOUGLAS C. ANDERSON, *Counsel*
CATHERINE DUBOIS, *Staff Associate*

CONTENTS

	Page
H.R. 4083, Relating to the availability of the USIA television program, "Window on America"	1
H. Con. Res. 185, Relative to the 50th anniversary of the Universal Declaration of Human Rights	2
H.R. 633, A bill to amend the Foreign Service Act of 1980 relative to the annuities of certain Department of State personnel	3
H.R. 4309, The Torture Victims Relief Act of 1998	6

APPENDIX

H.R. 4083, To make available to the Ukrainian Museum and Archives the USIA television program "Window on America"	9
H. Con. Res. 185, Expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration	11
Amendment to H. Res. 185 offered by Mr. Faleomavaega of American Samoa .	14
H.R. 633, To amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes	15
Amendment in the nature of a substitute to H.R. 633 offered by Mr. Smith of New Jersey	27
H.R. 4309, The Torture Victims Relief Act of 1998	36
Amendment to H.R. 4309 offered by Mr. Smith of New Jersey	45

MARKUP OF H.R. 4083 RELATING TO THE AVAILABILITY OF THE USIA TELEVISION PROGRAM "WINDOW ON AMERICA"; H. CON. RES. 185, RELATIVE TO THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS; H.R. 633, A BILL TO AMEND THE FOREIGN SERVICE ACT OF 1980 RELATIVE TO THE ANNUITIES OF CERTAIN DEPARTMENT OF STATE PERSONNEL; H.R. 4309, THE TORTURE VICTIMS' RELIEF ACT OF 1998

FRIDAY, JULY 24, 1998

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

The Subcommittee met, pursuant to notice, at 10:07 a.m., in room 2172, Rayburn House Office Building, Hon. Chris Smith (chairman of the Subcommittee) presiding.

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

The Subcommittee meets, pursuant to notice, to consider four measures, and then we'll proceed to a hearing on human rights, military, and other issues related to Indonesia.

We will consider now H.R. 4083 relating to the availability of the USIA television program "Window on America." The Chair lays the bill before the Committee, and the clerk will report the title of the bill.

The CLERK. "A bill to make available to the Ukrainian Museum and Archives the USIA television program 'Window on America'."

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

The CLERK. "Be it enacted by the Senate and the House of Representatives of the United States of America and"——

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

[H.R. 4083 appears in the appendix.]

Mr. SMITH. Let me just say to my colleagues, this bill was introduced on June 18, 1998 and was referred on July 6, 1998 to our Subcommittee, and I'd like to make a few comments regarding it.

The bill was introduced by my good friend and colleague from Ohio, Mr. Kucinich, along with Mr. LaTourette and Mr. Hamilton. It will allow the Ukrainian Museum and Archives in Cleveland, Ohio and the Slavics Collection at Indiana University in Bloomington to procure copies of the USIA television program "Window on America" for archival purposes.

The "Window on America" program, which is popular in the Ukraine, has helped to enhance the Ukrainian people's understanding of America over the last 4 years, and would be an important addition to those repositories of Ukrainian-American culture and history.

This bill respects the purposes of the Smith-Mundt Act and the Zorinsky amendment, which prohibit USIA from producing programming for domestic American audiences, by prohibiting those institutions from broadcasting the materials they receive under this provision.

Would any of my colleagues like to be heard on the pending measure?

Mr. FALCOMA. Mr. Chairman.

Mr. SMITH. Yes?

Mr. FALCOMA. I would like to associate myself with the remarks that you have made earlier concerning the provisions of this bill. I'd like to commend you for bringing this bill before the Subcommittee for consideration. Unfortunately, our Ranking Member is not here because of conflict in his commitments this morning, but I know that he supports the bill as well. The fact that our Ranking Member, Mr. Hamilton, is a co-sponsor of this legislation warms my heart, for his wisdom and understanding of this bill should receive the acceptance and endorsement of this Subcommittee and the Full Committee as well.

With that in mind, Mr. Chairman, I urge my colleagues to adopt this proposed legislation.

Mr. SMITH. I thank Mr. Falcoma for his comments.

Mr. Hilliard.

Mr. HILLIARD. Mr. Chairman, I have no comments.

Mr. SMITH. Thank you.

The gentleman from American Samoa, Mr. Falcoma, is recognized to offer an motion.

Mr. FALCOMA. Mr. Chairman, I move that the Subcommittee report the bill favorably to the Full Committee.

Mr. SMITH. Without objection, the motion is agreed to. The question is on the motion from the gentleman from American Samoa. As many as are in favor of the motion say aye.

As many as are opposed say no.

The ayes have it, and the motion is agreed to.

We will now consider H. Con. Res. 185, relative to the 50th anniversary of the Universal Declaration of Human Rights. The Chair lays the resolution before the Committee. The clerk will report the title of the resolution.

The CLERK. "Expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration."

Mr. SMITH. The clerk will read the preamble and the operative language of the resolution for amendment.

The CLERK. "Concurrent Resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal"——

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

[H. Con. Res. 185 appears in the appendix.]

Mr. SMITH. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I do have an amendment.

Mr. SMITH. The clerk will report the amendment.

The CLERK. "The amendment is to strike in the preamble the term "right to privacy," and insert "right against arbitrary interference with privacy, family, home, or correspondence," in the third clause of the preamble."

[The amendment to H. Con. Res. 185 offered by Mr. Faleomavaega appears in the appendix.]

Mr. SMITH. I would like to recognize the gentleman from American Samoa to speak to his amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, the purpose of the amendment is just for clarification purposes and to add more substance to the proposed legislation, and I sincerely hope that my colleagues will accept the amendment.

Mr. SMITH. I thank the gentleman for the amendment. The wording of the resolution is excellent. This actually improves the resolution and more closely conforms it to the Universal Declaration of Human Rights, and I do thank the gentleman for offering it.

The question is on the amendment offered by the gentleman from American Samoa. All those in favor say aye.

Opposed?

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

Are there any other amendments to the resolution?

[No response.]

If not, Mr. Hilliard, would you like to be recognized to speak to the resolution?

Mr. HILLIARD. No, Mr. Chairman.

Mr. SMITH. The gentleman from American Samoa, Mr. Faleomavaega, is recognized to offer a motion.

Mr. FALEOMAVAEGA. Mr. Chairman, I move that the Subcommittee approve the proposed legislation as amended to be submitted before the Full Committee for consideration.

Mr. SMITH. Without objection, the motion is agreed to. The question is on the motion from the gentleman from American Samoa. As many as are in favor say aye.

As many as are opposed say no.

The ayes have it. The motion is agreed to.

We will now consider H.R. 633, a bill to amend the Foreign Service Act of 1980 relative to the annuities of certain Department of State personnel. The Chair lays the bill before the Committee. The clerk will report the title of the bill.

The CLERK. "A bill to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way

as applies generally with respect to Federal law enforcement officers, 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.

The CLERK. “Be it enacted by the Senate and the House of Representatives of the United States of America and Congress assembled.

“Section 1.”

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

[H.R. 633 appears in the appendix.]

Mr. SMITH. The bill was introduced, I say to my colleagues, on February 6, 1997, and referred on February 24 to our Subcommittee, and I have an amendment at the desk in the nature of a substitute, and I would ask the clerk to report the amendment.

The CLERK. “Amendment in the nature of a substitute to H.R. 633 offered by Mr. Smith of New Jersey.

“Strike all after the enacting clause”——

Mr. SMITH. Without objection, the reading will be dispensed with, and I will recognize myself to speak very briefly to the amendment.

I say to my colleagues on the Subcommittee, the amendment I’m offering reflects minor changes suggested by the State Department, based on its review of the legislation H.R. 633. It is a consensus document drafted in consultation with State, along with my good friend and colleague, Mr. Davis of Virginia, the author of the bill, and with the Democrat and Republican staff members on the Committee, Subcommittee and Full Committee.

This legislation would amend the Foreign Service Act of 1980 to provide that the annuities of the Diplomatic Security special agents of the Department of State who are participating in the Foreign Service Retirement and Disability System be computed in the same way as applies generally to Federal law enforcement officers. In general, other Federal law enforcement officers who contribute an additional one-half percent of their basic salary to their retirement fund are eligible to receive one-half percent per year served, up to 20 years, or 10 percent increase in their annuity.

The bill would ensure that DS special agents would also receive this option which is available to their civil service law enforcement colleagues in DS and throughout the Federal Government.

Although this legislation will affect a relatively small number of people, around 200 DS agents, the State Department believes that it will resolve important equity and morale concerns at the Bureau for Diplomatic Security. This is an equity amendment, and I do hope my colleagues will support it.

Would anyone else like to be heard? Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank you for bringing this bill, H.R. 633, before the Subcommittee for consideration. I do not have an amendment at this time, Mr. Chairman, but I do hope, and I will work closely with your office and Committee staff—I do have some additional concerns about the whole Foreign Service Act for consideration.

Mr. Chairman, I’ve been on this Committee, a Member of this Committee, now for 10 years. Still, I am not satisfied with the Administration’s responses that have been made earnestly in the pre-

vious years for the lack of minority involvement or activities and membership in the Foreign Service. Now I realize that there is a clique going on there just with the Ivy League schools, and perhaps just a total lack of any real substantive efforts on the part of the bureaucrats in the State Department of actually getting more minorities involved with the Foreign Service.

I'm not going to offer an amendment with regard to this concern that I've expressed for the past 10 years, Mr. Chairman, but I will be working closely with your office between now and before we come before the Full Committee for additional amendments to this bill.

I want to express that real serious concern. There's been total lack of any sense of cooperation or any real serious effort on the part of the State Department to open the doors a little more widely to allow more minorities to be involved in the Foreign Service, and I just want to note that for the record, Mr. Chairman, but I will support this proposed bill, pending my further meetings with your office and with the members of your staff before we come before the Full Committee.

So I want to thank you, Mr. Chairman, for allowing me to express my opinion about this bill. Thank you, Mr. Chairman.

Mr. SMITH. I thank my friend.

Mr. Hilliard.

Mr. HILLIARD. Thank you very much, Mr. Chairman. Of course, Mr. Chairman, I wish to associate myself with the remarks of the gentleman from American Samoa. We have considered this problem in various forms before, and if I recall, we had about a million dollars, \$500,000 for one category, \$500,000 for another category, for training minorities by the State Department. Of course, everyone on the Committee realized what happened to their appropriation, and we've got a long ways to go in this country, and we've got to show diversity on all fronts. We have failed to achieve that in the State Department.

I do not like the composition of the State Department. I find it extremely difficult to work with them under those circumstances, and some changes have to be made. I'm not talking about too far in the future. I'm speaking of changes that must be instituted and to begin in the next Congress, and I suggest that they start making preparation to make changes now at the end of this Congress.

Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Hilliard.

The gentleman from American Samoa, Mr. Faleomavaega, is recognized to offer a motion.

Mr. FALEOMAVAEGA. Mr. Chairman, I move that we approve the proposed bill, H.R. 633, for the Full Committee for consideration.

Mr. SMITH. Without objection, the motion is agreed to. The question is on the motion of the gentleman from American Samoa. As many as are in favor of the motion say aye.

As many as are opposed say no.

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

We will now consider H.R. 4309, the Torture Victims Relief Act of 1998. The Chair lays the bill before the Committee, and the clerk will report the title of the bill.

The CLERK. "H.R. 4309, a bill to provide a comprehensive program of support for victims of torture."

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

The CLERK. "Be it enacted by the Senate and House of Representatives of the United States of America and Congress assembled.

"Section 1. Short Title. This act may be cited as the Torture Victims Relief Act of 1998."

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

[H.R. 4309 appears in the appendix.]

Mr. SMITH. This bill was introduced on July 22, 1998, and was referred to the Subcommittee on International Operations and Human Rights.

I would like to recognize myself. I do have an amendment at the desk, and the clerk will read the amendment.

The CLERK. "Amendment to H.R. 4309 offered by Mr. Smith of New Jersey.

"On page 8, lines 5 and 6, delete 'consular personnel' and insert 'Foreign Service officers.'

"On page 8, line" —

Mr. SMITH. Without objection, any further reading of the amendment is dispensed with.

[The amendment to H.R. 4309 appears in the appendix.]

Mr. SMITH. I'd like to recognize myself to very briefly explain the legislation pending.

On Wednesday, I introduced this legislation, along with 15 bipartisan co-sponsors, including my friend and colleague, Mr. Lantos. It is known as the Torture Victims Relief Act of 1998.

In 1996, our Subcommittee held a hearing on an earlier version of the Torture Victims Relief Act. We heard testimony on the continued and widespread persistence of torture in the world today and what steps the United States and other free and civilized nations can do about it.

Three of our witnesses at the hearing were themselves victims of torture: one, a native of Uganda who suffered at the hands of Idi Amin; a Tibetan physician who was tortured by the Chinese communists; and an American who became a torture victim in Saudi Arabia after he had a falling-out with his employer, the Saudi Government.

The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims. It authorizes grants for rehab services for victims of torture and related purposes in both foreign and domestic treatment centers.

It also authorizes voluntary contributions from the United States to the U.N. Voluntary Fund for Victims of Torture in the amount of \$3 million for Fiscal Year 1999 and \$3 million for Fiscal Year 2000.

I'm proud to say that our efforts have already had an effect on U.S. contributions to the Voluntary Fund. The U.S. contribution to this fund in Fiscal Year 1995 was a mere \$1.5 million. At the time of H.R. 1416, when we introduced it last year, the Administration had proposed to cut the Fiscal Year 1996 contribution by two-thirds

to \$500,000. Eventually, in response to efforts by supporters of the Torture Victims Relief Act, the Administration restored the full \$1.5 million in 1996 and contributed the same amount to the fund in 1997 and 1998. This legislation will double the contribution.

The bill also provides specialized training for consular officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

Finally, the bill contains an expression of the sense of Congress that the United States shall use its voice at the United Nations to support the investigation and elimination of the practices prohibited by the Convention against torture.

I would ask Mr. Faleomavaega if he has any comments on the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I recall distinctly that we did hold a hearing together concerning this very issue in the past, and I would like to ask unanimous consent that my name be included to be a member of the co-sponsors of this proposed legislation.

I wanted, just for clarification purposes, Mr. Chairman, I just wanted to know that the \$5 million that we're authorizing for this proposed bill comes out of the Foreign Assistance Act? Is it part of the donation that we make to the United Nations?

Mr. SMITH. It would be.

Mr. FALEOMAVAEGA. OK.

Mr. SMITH. Not to the United Nations. It would be under international organizations.

Mr. FALEOMAVAEGA. In this provision of the proposed bill, does this include foreign nationals or is it just to American citizens who are tortured?

Mr. SMITH. It would include foreign nationals, yes.

Mr. FALEOMAVAEGA. But this is all part of the funding that we'll provide to the United Nations for them to—

Mr. SMITH. No, the foreign assistance part, but the other part is actually to help those treatment centers and to try to mitigate some of the suffering of those who have already suffered from torture.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I have no further questions.

Mr. SMITH. Mr. Hilliard.

Mr. HILLIARD. Yes. Mr. Chairman, those aliens, are they living in the United States or are payments made to them wherever they may be, wherever they live?

Mr. SMITH. To answer the gentleman, this is for the treatment centers. It's not unlike what we do with Vietnam veterans with re-adjustment counseling and trying to treat those with post-traumatic stress syndrome. There are a number of means available. There has been a great deal of study, but still not enough, on how to treat those who have suffered at the hands of their captors. This legislation provides money for treatment at those treatment centers. This is not a payment to people who have been victimized.

Mr. HILLIARD. OK, and those treatment centers are located in the United States?

Mr. SMITH. Yes. Some are abroad, but some are in the United States.

Mr. FALÉOMAVAEGA. Will the gentleman yield?

Mr. HILLIARD. Yes.

Mr. FALÉOMAVAEGA. I just wanted to note, for purposes of clarification, Mr. Chairman, that we are not going to have every Tom, Dick, and Harry who claims to be tortured to come into the centers to be receiving treatment. There will be a procedure to follow.

Mr. SMITH. There already is a procedure underway. We're not breaking new ground in establishing torture treatment centers. We're trying to expand and encourage additional outreach to those who have been victimized by torture.

Mr. FALÉOMAVAEGA. Thank you, Mr. Chairman.

Mr. SMITH. The pending business is the amendment that I've offered. Let me just point out, for the record, that the amendment was suggested by the State Department, to point out that all Foreign Service officers, not just consular officers, should be trained to recognize and deal compassionately with those who have suffered torture.

Mr. FALÉOMAVAEGA. Mr. Chairman, I move that we adopt the amendment as proposed. All those in favor of the amendment say aye.

All those opposed say no.

The ayes appear to have it. The ayes do have it.

Are there any other amendments or Members seeking recognition on the pending legislation?

[No response.]

If not, the gentleman from American Samoa, Mr. Faleomavaega, is recognized to offer his motion.

Mr. FALÉOMAVAEGA. Mr. Chairman, I move that we adopt the proposed bill as amended and that it be considered to the Full Committee for consideration.

Mr. SMITH. Without objection, the motion is agreed to. The question is on the motion of the gentleman from American Samoa. As many as are in favor of the motion say aye.

As many as are opposed say no.

The ayes have it, and the motion is agreed to.

That concludes our markup. We do have a pending vote on the floor, and I say I apologize to our two distinguished witnesses. We will return immediately. It will take about 5 to 8 minutes, and then we will commence the Indonesia hearing. I do hope my colleagues will come back for that.

Mr. FALÉOMAVAEGA. I have every intention of returning for the Indonesia hearing, Mr. Chairman.

Mr. SMITH. Thank you. We'll take a brief recess.

[Whereupon, at 10:26 a.m., the Subcommittee recessed to proceed to other business following the recess.]

APPENDIX

105TH CONGRESS
2D SESSION

H. R. 4083

I

To make available to the Ukrainian Museum and Archives the USIA television program "Window on America".

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1998

Mr. KUCINICH (for himself, Mr. LATOURETTE, and Mr. HAMILTON) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To make available to the Ukrainian Museum and Archives the USIA television program "Window on America".

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. AVAILABILITY OF USIA TELEVISION PROGRAM**

4 **"WINDOW ON AMERICA".**

5 (a) IN GENERAL.—Notwithstanding section 208 of
6 the Foreign Relations Authorization Act, Fiscal Years
7 1986 and 1987 (22 U.S.C. 1461–1a) and the second sen-
8 tence of section 501 of the United States Information and
9 Educational Exchange Act of 1948 (22 U.S.C. 1461), the
10 Director of the United States Information Agency is au-

1 thORIZED to make available, upon request, to the Ukrainian
2 Museum and Archives in Cleveland, Ohio and the Slavics
3 Collection, Indiana University Libraries in Bloomington,
4 Indiana, copies of the television program "Window on
5 America" produced by the WORLDNET Television Serv-
6 ice of the United States Information Agency.

7 (b) LIMITATION.—The Ukrainian Museum and Ar-
8 chives is prohibited from broadcasting any materials made
9 available pursuant to this Act.

10 (c) REIMBURSEMENT.—The Ukrainian Museum and
11 Archives shall reimburse the Director of the United States
12 Information Agency for any expenses involved in making
13 such copies available. Any reimbursement to the Director
14 pursuant to this subsection shall be credited to the appli-
15 cable appropriation of the United States Information
16 Agency.

17 (d) TERMINATION.—Subsection (a) shall cease to
18 have effect 5 years after the date of the enactment of this
19 Act.

105TH CONGRESS
1ST SESSION

H. CON. RES. 185

Expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. LANTOS (for himself, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Mr. HALL of Ohio, Mr. LEACH, Mr. MALONEY of Connecticut, Mr. McDERMOTT, Mr. MEEHAN, Mr. MENENDEZ, Ms. NORTON, Mr. SNYDER, and Ms. PELOSI) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration.

Whereas on December 10, 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights, after it was adopted by the General Assembly without a dissenting vote;

Whereas the Universal Declaration of Human Rights was modeled on the Bill of Rights of the United States Con-

stitution and it was developed with strong United States leadership, and in particular the personal involvement of Mrs. Eleanor Roosevelt, who served as Chair of the United Nations Human Rights Commission;

Whereas the Universal Declaration of Human Rights sets forth fundamental human rights including the right to life, liberty, and security of person; freedom of religion; freedom of opinion and expression; freedom of assembly; self-government through free elections; freedom from slavery and torture; the right to a fair trial and to equality before the law; presumption of innocence until proved guilty; the right not to be subjected to retroactive laws; freedom of movement within one's state and freedom to leave or return to it; the right of asylum; the right to a nationality; the right to found a family; the right to privacy; the right to own property; to social security and to work; the right to form and join trade unions; the right to an adequate standard of living, to education, and to rest and leisure; and the right to participation in the cultural life of the community;

Whereas the Universal Declaration of Human Rights has become the most widely accepted statement identifying human rights and is referred to in resolutions and covenants adopted by numerous international organizations, in multilateral and bilateral treaties, in national constitutions, and in local laws and decrees; and

Whereas the Universal Declaration of Human Rights, though it is not a treaty or a binding international agreement, it is "a common standard of achievement for all peoples and all nations": Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) reaffirms the commitment of the United
4 States to the fundamental human rights enunciated
5 half a century ago in the Universal Declaration of
6 Human Rights, which are a reflection of the fun-
7 damental civil and human rights that are enshrined
8 in the Declaration of Independence and in the Unit-
9 ed States Constitution, and in particular in the Bill
10 of Rights;

11 (2) expresses the determination to work for the
12 implementation of and observance of international
13 human rights and international human rights agree-
14 ments; and

15 (3) urges the government leaders of all nations,
16 representatives of private international human rights
17 organizations, business and labor leaders, local gov-
18 ernment officials, and all Americans to use the Uni-
19 versal Declaration of Human Rights as an instru-
20 ment to promote tolerance, understanding, and
21 greater respect for human rights.

**AMENDMENT TO H.CON.RES.185
OFFERED BY MR. FALEOMAEVEGA OF THE AMERICAN SAMOA**

In the third clause of the preamble strike "right to
privacy" and insert "right against arbitrary interference with
privacy, family, home, or correspondence".

105TH CONGRESS
1ST SESSION

H. R. 633

To amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1997

Mr. DAVIS of Virginia introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, 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. AMENDMENTS RELATING TO THE FOREIGN**
4 **SERVICE RETIREMENT AND DISABILITY SYS-**
5 **TEM.**

6 (a) DEFINITION OF A SPECIAL AGENT.—

1 (1) IN GENERAL.—Section 804 of the Foreign
2 Service Act of 1980 (22 U.S.C. 4044) is amended by
3 striking “and” at the end of paragraph (13), by
4 striking the period at the end of paragraph (14) and
5 inserting “; and”, and by adding at the end the fol-
6 lowing:

7 “(15) ‘special agent’ means an employee of the
8 Bureau of Diplomatic Security, Department of
9 State, who occupies a position that is classified as
10 a foreign service specialist, 2501 series or skill code,
11 including—

12 “(A) any position so classified before, on,
13 or after the date of the enactment of this para-
14 graph (including any position which would have
15 been so classified but for any series or skill code
16 redesignation effected after December 31,
17 1996); and

18 “(B) any such position which is super-
19 visory or administrative in nature.”.

20 (2) CONFORMING AMENDMENT.—Section 852
21 of such Act (22 U.S.C. 4071a) is amended by strik-
22 ing “and” at the end of paragraph (7), by striking
23 the period at the end of paragraph (8) and inserting
24 “; and”, and by adding at the end the following:

1 “(9) the term ‘special agent’ has the same
2 meaning given in section 804(15).”.

3 (b) CONTRIBUTIONS.—

4 (1) IN GENERAL.—Subsection (a) of section
5 805 of such Act (22 U.S.C. 4045(a)) is amended by
6 adding at the end the following:

7 “(3) In the case of a special agent, paragraph (1)
8 shall be applied by substituting for ‘7 percent’ the percent-
9 age which would apply under section 8334(c) of title 5,
10 United States Code, with respect to the period of service
11 involved, if that service had been performed as a law en-
12 forcement officer (as defined by section 8331(20) of such
13 title).”.

14 (2) CONFORMING AMENDMENT.—Paragraph (1)
15 of section 805(a) of such Act is amended by striking
16 “Except as provided in subsection (h),” and insert-
17 ing “Except as otherwise provided in this section,”.

18 (c) SPECIAL CONTRIBUTION FOR PRIOR NON-
19 DEPOSIT SERVICE.—Subsection (d) of section 805 of such
20 Act (22 U.S.C. 4045(d)) is amended by adding at the end
21 the following:

22 “(6) Subject to paragraph (4) and subsection (h), for
23 purposes of applying this subsection with respect to prior
24 service as a special agent, the percentages of basic pay
25 set forth in section 8334(c) of title 5, United States Code,

1 with respect to a law enforcement officer, shall apply in-
2 stead of the percentages set forth in paragraph (1).”.

3 (d) COMPUTATION OF ANNUITIES.—

4 (1) IN GENERAL.—Subsection (a) of section
5 806 of such Act (22 U.S.C. 4046(a)) is amended—

6 (A) by redesignating paragraph (6) as
7 paragraph (7); and

8 (B) by inserting after paragraph (5) the
9 following:

10 “(6)(A) The annuity of a special agent retiring under
11 this subchapter shall be computed under paragraph (1)
12 except that, in the case of a special agent described in
13 subparagraph (B), paragraph (1) shall be applied by sub-
14 stituting for ‘2 percent’—

15 “(i) the percentage under subparagraph (A) of
16 section 8339(d)(1) of title 5, United States Code, for
17 so much of the participant’s total service as is speci-
18 fied thereunder; and

19 “(ii) the percentage under subparagraph (B) of
20 section 8339(d)(1) of title 5, United States Code, for
21 so much of the participant’s total service as is speci-
22 fied thereunder.

23 “(B) A special agent described in this subparagraph
24 is any such agent who—

1 “(i) retires voluntarily or involuntarily under
2 section 607, 608, 611, 811, 812, or 813, under con-
3 ditions authorizing an immediate annuity, other
4 than for cause on charges of misconduct or delin-
5 quency; and

6 “(ii) at the time of retirement—

7 “(I) if voluntary, is at least 50 years of
8 age and has completed at least 20 years of serv-
9 ice as a special agent; or

10 “(II) if involuntary, has completed at least
11 20 years of service as a special agent.

12 “(C) For purposes of clause (ii) of subparagraph (B),
13 included with the years of service performed by an individ-
14 ual as a special agent shall be any service performed by
15 such individual as a law enforcement officer (within the
16 meaning of section 8331(20) or section 8401(17) of title
17 5, United States Code), a member of the Metropolitan Po-
18 lice of the District of Columbia, or a member of the Cap-
19 itol Police.”.

20 (2) SPECIAL RULE FOR THOSE WHO EXERCISED
21 ELECTION RIGHTS UNDER SECTION 860.—Subsection
22 (a) of section 806 of such Act (22 U.S.C. 4046(a)),
23 as amended by paragraph (1), is further amended—

6

1 (A) by redesignating paragraph (7) (as so
2 redesignated by paragraph (1)) as paragraph
3 (8); and

4 (B) by inserting after paragraph (6) (as
5 added by paragraph (1)) the following:

6 “(7) In the case of special agent who becomes or be-
7 came subject to subchapter II pursuant to an election
8 under section 860—

9 “(A) for purposes of clause (ii) of paragraph
10 (6)(B), any service performed by the individual as a
11 special agent (whether under this subchapter or
12 under subchapter II) shall be creditable; and

13 “(B) if the individual satisfies paragraph
14 (6)(B), the portion of such individual’s annuity
15 which is attributable to service preceding the effec-
16 tive date of such election shall be computed in con-
17 formance with paragraph (6).”.

18 (3) TECHNICAL AND CONFORMING AMEND-
19 MENTS.—(A) Paragraph (7) of section 806(a) of
20 such Act (22 U.S.C. 4046(a)), as so designated by
21 paragraph (1), is amended by striking “and (4)”
22 and inserting “(4), and (6)”.

23 (B) Paragraphs (1) and (3) of section 855(b) of
24 such Act (22 U.S.C. 4071d(b)) are amended by in-
25 serting “611,” after “608,”.

1 (c) TREATMENT OF SERVICE IF PARTICIPANT
2 TRANSFERS.—

3 (1) TO CSRS.—Section 811 of such Act (22
4 U.S.C. 4051) is amended by adding at the end the
5 following: “For purposes of any annuity under the
6 Civil Service Retirement System to which a partici-
7 pant becomes entitled under the preceding sentence,
8 service performed by such participant as a special
9 agent shall be treated in the same way as if it had
10 been performed as a law enforcement officer (within
11 the meaning of section 8331(20) of such title 5).”.

12 (2) TO FERS.—Section 859 of such Act (22
13 U.S.C. 4071h) is amended by adding at the end the
14 following:

15 “(d) For purposes of any annuity to which a partici-
16 pant becomes entitled under the Federal Employees’ Re-
17 tirement System, any service performed by such partici-
18 pant as a special agent under this subchapter shall (if or
19 to the extent that it becomes creditable under that system)
20 be treated in the same way as if it had been performed
21 as a law enforcement officer (within the meaning of sec-
22 tion 8401(17) of title 5, United States Code).”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall apply with respect to any an-
25 nuity under chapter 83 or 84 of title 5, United

1 States Code, commencing on or after the date of the
2 enactment of this Act.

3 **SEC. 2. EFFECTIVE DATE; APPLICABILITY.**

4 (a) **IN GENERAL.**—Except as provided in section
5 1(e)(3), this Act and the amendments made by this Act—

6 (1) shall take effect as of the first day of the
7 first month beginning after the end of the 6-month
8 period which begins on the date of the enactment of
9 this Act; and

10 (2) shall apply with respect to—

11 (A) any individual first appointed on or
12 after that date as a special agent; and

13 (B) any individual making an election
14 under subsection (b) or (c), subject to the provi-
15 sions of such subsection.

16 (b) **ELECTION FOR CURRENT PARTICIPANTS.**—

17 (1) **ELIGIBILITY.**—An election under this sub-
18 section may be made by any individual who is serv-
19 ing as a special agent at the time of making such
20 election.

21 (2) **EFFECT OF AN ELECTION.**—

22 (A) **IN GENERAL.**—If an individual makes
23 an election under this subsection, the amend-
24 ments made by this Act shall become applicable

1 with respect to such individual, subject to sub-
2 paragraph (B).

3 (B) TREATMENT OF PRIOR SERVICE.—

4 (i) SPECIAL CONTRIBUTION.—An in-
5 dividual may, at the time of making the
6 election under this subsection, make a spe-
7 cial contribution up to the full amount of
8 the difference between the contributions
9 actually deducted from pay for prior serv-
10 ice and the deductions that would have
11 been required if the amendments made by
12 this Act had then been in effect. Any spe-
13 cial contribution under this clause shall be
14 computed under regulations based on sec-
15 tion 805(d) of the Foreign Service Act of
16 1980 (as amended by section 1), including
17 provisions relating to the computation of
18 interest.

19 (ii) ACTUARIAL REDUCTION.—

20 (I) RULE IF THE SPECIAL CON-
21 TRIBUTION IS PAID.—If the full
22 amount of the special contribution
23 under clause (i) is paid, no reduction
24 under this clause shall apply. —

10

1 (II) RULE IF LESS THAN THE
2 ENTIRE AMOUNT IS PAID.—If no spe-
3 cial contribution under clause (i) is
4 paid, or if less than the entire amount
5 of such special contribution is paid,
6 the recomputed annuity shall be re-
7 duced by an amount sufficient to
8 make up the actuarial present value of
9 the shortfall.

10 (c) ELECTION FOR CERTAIN RETIREES.—

11 (1) ELIGIBILITY.—An election under this sub-
12 section may be made by any individual who—

13 (A) separates from service, as a special
14 agent, on or after January 1, 1997;

15 (B) as of the date of such election, is enti-
16 tled to an immediate annuity under chapter 8
17 of the Foreign Service Act of 1980; and

18 (C) would have satisfied the age and serv-
19 ice requirements for an annuity under section
20 806(a)(6) of the Foreign Service Act of 1980 if
21 the amendments made by this Act had been ap-
22 plied with respect to such individual since the
23 time such individual commenced service as a
24 special agent.

1 (2) **EFFECT OF AN ELECTION.**—An individual
2 who makes an election under this subsection is enti-
3 tled to a recomputed annuity, determined as if the
4 amendments made by this Act had been applied with
5 respect to such individual since the time such indi-
6 vidual commenced service as a special agent. The
7 provisions of subsection (b)(2)(B) shall apply with
8 respect to any recomputed annuity under this sub-
9 section.

10 (3) **EARLIER PAYMENTS.**—Any change in an
11 annuity resulting from a recomputation under para-
12 graph (2) shall be effective with respect to payments
13 accruing since the commencement date of the annu-
14 ity. However, the amount payable to make up for
15 any shortfall in payments for periods preceding the
16 effective date of any such recomputation shall be de-
17 termined without interest.

18 (d) **REGULATIONS AND NOTICE.**—Not later than 6
19 months after the date of the enactment of this Act, the
20 Secretary of State—

21 (1) shall promulgate such regulations as may be
22 necessary to carry out this Act, including provisions
23 under which an election under this section may be
24 made by a survivor; and

1 (2) shall take measures reasonably designed to
2 provide notice to participants and former partici-
3 pants as to any rights they might have under this
4 Act, including provisions for determining the date as
5 of which such notice shall be considered for purposes
6 of subsection (e) to have been provided.

7 (e) **ELECTION DEADLINE.**—An election under sub-
8 section (b) or (c) shall not be effective unless it is made
9 within 90 days after the date on which the relevant notice
10 under subsection (d)(2) is provided.

11 (f) **DEFINITION.**—For purposes of this section, the
12 term “special agent” has the meaning given such term
13 under section 804(15) of the Foreign Service Act of 1980
14 (22 U.S.C. 4044(15)), as amended by section 1(a).

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 633
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. AMENDMENTS RELATING TO THE FOREIGN
2 SERVICE RETIREMENT AND DISABILITY SYS-
3 TEM.**

4 (a) DEFINITION OF A SPECIAL AGENT.—

5 (1) IN GENERAL.—Section 804 of the Foreign
6 Service Act of 1980 (22 U.S.C. 4044) is amended—

**7 (A) by striking “and” at the end of para-
8 graph (13);**

**9 (B) by striking the period at the end of
10 paragraph (14) and inserting “; and”; and**

11 (C) by adding at the end the following:

**12 “(15) ‘special agent’ means an employee of the
13 Department of State with a primary skill code of
14 2501—**

15 “(A) the duties of whose position—

16 “(i) are primarily—

**17 “(I) the investigation, apprehen-
18 sion, or detention of individuals sus-
19 pected or convicted of offenses against**

1 the criminal laws of the United
2 States, or

3 “(II) the protection of persons
4 pursuant to section 2709(a)(3) of title
5 22, United States Code, against
6 threats to personal safety; and

7 “(ii) are sufficiently rigorous that em-
8 ployment opportunities should be limited to
9 young and physically vigorous individuals,
10 as determined by the Secretary of State
11 pursuant to section 4823 of title 22, Unit-
12 ed States Code;

13 “(B) performing duties described in sub-
14 paragraph (A) before, on, or after the date of
15 the enactment of this paragraph; or

16 “(C) transferred directly to a position
17 which is supervisory or administrative in nature
18 after performing duties described in subpara-
19 graph (A) for at least 3 years.”.

20 (2) CONFORMING AMENDMENT.—Section 852
21 of such Act (22 U.S.C. 4071a) is amended—

22 (A) by striking “and” at the end of para-
23 graph (7);

24 (B) by striking the period at the end of
25 paragraph (8) and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(9) the term ‘special agent’ has the same
3 meaning given in section 804(15).”.

4 (b) CONTRIBUTIONS.—

5 (1) IN GENERAL.—Section 805(a) of such Act
6 (22 U.S.C. 4045(a)) is amended by adding at the
7 end the following:

8 “(3) For service as a special agent, paragraph (1)
9 shall be applied by substituting for ‘7 percent’ the percent-
10 age that applies to law enforcement officers under section
11 8334(a)(1) of title 5, United States Code.”.

12 (2) CONFORMING AMENDMENT.—Section
13 805(a)(1) (22 U.S.C. 4045(a)(1)) of such Act is
14 amended by striking “Except as provided in sub-
15 section (h),” and inserting “Except as otherwise
16 provided in this section,”.

17 (c) SPECIAL CONTRIBUTION FOR PRIOR NON-
18 DEPOSIT SERVICE.—Section 805(d) of such Act (22
19 U.S.C. 4045(d)) is amended by adding at the end the fol-
20 lowing:

21 “(6) Subject to paragraph (4) and subsection (h), for
22 purposes of applying this subsection with respect to prior
23 service as a special agent, the percentages of basic pay
24 set forth in section 8334(c) of title 5, United States Code,

1 with respect to a law enforcement officer, shall apply in-
2 stead of the percentages set forth in paragraph (1).”.

3 (d) COMPUTATION OF ANNUITIES.—

4 (1) IN GENERAL.—Section 806(a) of such Act
5 (22 U.S.C. 4046(a)) is amended—

6 (A) by redesignating paragraph (6) as
7 paragraph (7); and

8 (B) by inserting after paragraph (5) the
9 following:

10 “(6)(A) The annuity of a special agent under this
11 subchapter shall be computed under paragraph (1) except
12 that, in the case of a special agent described in subpara-
13 graph (B), paragraph (1) shall be applied by substituting
14 for ‘2 percent’—

15 “(i) the percentage under subparagraph (A) of
16 section 8339(d)(1) of title 5, United States Code, for
17 so much of the participant’s total service as is speci-
18 fied thereunder; and

19 “(ii) the percentage under subparagraph (B) of
20 section 8339(d)(1) of title 5, United States Code, for
21 so much of the participant’s total service as is speci-
22 fied thereunder.

23 “(B) A special agent described in this subparagraph
24 is any such agent or former agent who—

1 “(i)(I) retires voluntarily or involuntarily under
2 section 607, 608, 611, 811, 812, or 813, under con-
3 ditions authorizing an immediate annuity, other
4 than for cause on charges of misconduct or delin-
5 quency, or retires for disability under section 808;
6 and

7 “(II) at the time of retirement—

8 “(aa) if voluntary, is at least 50 years of
9 age and has completed at least 20 years of serv-
10 ice as a special agent; or

11 “(bb) if involuntary or disability, has com-
12 pleted at least 20 years of service as a special
13 agent; or

14 “(ii) dies in Service after completing at least 20
15 years of service as a special agent, when an annuity
16 is payable under section 809.

17 “(C) For purposes of subparagraph (B), included
18 with the years of service performed by an individual as
19 a special agent shall be any service performed by such in-
20 dividual as a law enforcement officer (within the meaning
21 of section 8331(20) or section 8401(17) of title 5, United
22 States Code), or a member of the Capitol Police.”.

23 (2) SPECIAL RULE FOR THOSE WHO EXERCISED
24 ELECTION RIGHTS UNDER SECTION 860.—Section

1 806(a) of such Act (22 U.S.C. 4046(a)), as amended
2 by paragraph (1), is further amended—

3 (A) by redesignating paragraph (7) (as so
4 redesignated by paragraph (1)) as paragraph
5 (8); and

6 (B) by inserting after paragraph (6) (as
7 added by paragraph (1)) the following:

8 “(7) In the case of special agent who becomes or be-
9 came subject to subchapter II pursuant to an election
10 under section 860—

11 “(A) for purposes of paragraph (6)(B), any
12 service performed by the individual as a special
13 agent (whether under this subchapter or under sub-
14 chapter II) shall be creditable; and

15 “(B) if the individual satisfies paragraph
16 (6)(B), the portion of such individual’s annuity
17 which is attributable to service preceding the effec-
18 tive date of such election shall be computed in con-
19 formance with paragraph (6).”.

20 (3) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—

22 (A) Paragraph (7) of section 806(a) of
23 such Act (22 U.S.C. 4046(a)), as so designated
24 by paragraph (1), is amended by striking “and
25 (4)” and inserting “(4), and (6)”.

1 (B) Paragraphs (1) and (3) of section
2 855(b) of such Act (22 U.S.C. 4071d(b)) are
3 each amended by inserting "611," after "608,".

4 **SEC. 2. EFFECTIVE DATE; APPLICABILITY.**

5 (a) **IN GENERAL.**—Except as provided in subsection
6 (b), this Act and the amendments made by this Act—

7 (1) shall take effect on the date of the enact-
8 ment of this Act; and

9 (2) shall apply with respect to—

10 (A) any individual first appointed on or
11 after that date as a special agent; and

12 (B) any individual making an election
13 under subsection (b), subject to the provisions
14 of such subsection.

15 (b) **ELECTION FOR CURRENT PARTICIPANTS.**—

16 (1) **ELIGIBILITY.**—An election under this sub-
17 section may be made by any currently employed par-
18 ticipant under chapter 8 of the Foreign Service Act
19 of 1980 who is serving or has served as a special
20 agent, or by a survivor of a special agent who was
21 eligible to make an election under this section.

22 (2) **EFFECT OF AN ELECTION.**—

23 (A) **IN GENERAL.**—If an individual makes
24 an election under this subsection, the amend-
25 ments made by this Act shall become applicable

1 with respect to such individual, subject to sub-
2 paragraph (B).

3 (B) TREATMENT OF PRIOR SERVICE.—

4 (i) SPECIAL CONTRIBUTION.—An in-
5 dividual may, after making the election
6 under this subsection, make a special con-
7 tribution up to the full amount of the dif-
8 ference between the contributions actually
9 deducted from pay for prior service and
10 the deductions that would have been re-
11 quired if the amendments made by this Act
12 had then been in effect. Any special con-
13 tributions under this clause shall be com-
14 puted under regulations based on section
15 805(d) of the Foreign Service Act of 1980
16 (as amended by section 1), including provi-
17 sions relating to the computation of inter-
18 est.

19 (ii) ACTUARIAL REDUCTION.—

20 (I) RULE IF THE SPECIAL CON-
21 TRIBUTION IS PAID.—If the full
22 amount of the special contribution
23 under clause (i) is paid, no reduction
24 under this clause shall apply.

1 (II) RULE IF LESS THAN THE
2 ENTIRE AMOUNT IS PAID.—If no spe-
3 cial contribution under clause (i) is
4 paid, or if less than the entire amount
5 of such special contribution is paid,
6 the recomputed annuity shall be re-
7 duced by an amount sufficient to
8 make up the actuarial present value of
9 the shortfall.

10 (c) REGULATIONS AND NOTICE.—Not later than 6
11 months after the date of the enactment of this Act, the
12 Secretary of State—

13 (1) shall promulgate such regulations as may be
14 necessary to carry out this Act; and

15 (2) shall take measures reasonably designed to
16 provide notice to participants as to any rights they
17 might have under this Act.

18 (d) ELECTION DEADLINE.—An election under sub-
19 section (b) must be made not later than 90 days after
20 the date on which the relevant notice under subsection
21 (c)(2) is provided.

22 (e) DEFINITION.—For purposes of this section, the
23 term “special agent” has the meaning given such term
24 under section 804(15) of the Foreign Service Act of 1980
25 (22 U.S.C. 4044(15)), as amended by section 1(a).

105TH CONGRESS
2D SESSION

H. R. 4309

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide a comprehensive program of support for victims of torture.

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 "Torture Victims Relief
5 Act of 1998".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The American people abhor torture by any
9 government or person. The existence of torture cre-

1 ates a climate of fear and international insecurity
2 that affects all people.

3 (2) Torture is the deliberate mental and phys-
4 ical damage caused by governments to individuals to
5 destroy individual personality and terrorize society.
6 The effects of torture are long term. Those effects
7 can last a lifetime for the survivors and affect future
8 generations.

9 (3) By eliminating the leadership of their oppo-
10 sition and frightening the general public, repressive
11 governments often use torture as a weapon against
12 democracy.

13 (4) Torture survivors remain under physical
14 and psychological threats, especially in communities
15 where the perpetrators are not brought to justice. In
16 many nations, even those who treat torture survivors
17 are threatened with reprisals, including torture, for
18 carrying out their ethical duty to provide care. Both
19 the survivors of torture and their treatment provid-
20 ers should be accorded protection from further re-
21 pression.

22 (5) A significant number of refugees and
23 asylees entering the United States have been victims
24 of torture. Those claiming asylum deserve prompt
25 consideration of their applications for political asy-

1 lum to minimize their insecurity and sense of dan-
2 ger. Many torture survivors now live in the United
3 States. They should be provided with the rehabilita-
4 tion services which would enable them to become
5 productive members of our communities.

6 (6) The development of a treatment movement
7 for torture survivors has created new opportunities
8 for action by the United States and other nations to
9 oppose state-sponsored and other acts of torture.

10 (7) There is a need for a comprehensive strat-
11 egy to protect and support torture victims and their
12 treatment providers, together with overall efforts to
13 eliminate torture.

14 (8) By acting to heal the survivors of torture
15 and protect their families, the United States can
16 help to heal the effects of torture and prevent its use
17 around the world.

18 **SEC. 3. DEFINITION.**

19 As used in this Act, the term "torture" has the mean-
20 ing given the term in section 2340(1) of title 18, United
21 States Code, and includes the use of rape and other forms
22 of sexual violence by a person acting under the color of
23 law upon another person under his custody or physical
24 control.

1 **SEC. 4. FOREIGN TREATMENT CENTERS.**

2 (a) **AMENDMENTS TO THE FOREIGN ASSISTANCE**
3 **ACT OF 1961.**—Part I of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2151 et seq.) is amended by adding at
5 the end of chapter 1 the following new section:

6 **"SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.**

7 **"(a) IN GENERAL.**—The President is authorized to
8 provide assistance for the rehabilitation of victims of tor-
9 ture.

10 **"(b) ELIGIBILITY FOR GRANTS.**—Such assistance
11 shall be provided in the form of grants to treatment cen-
12 ters and programs in foreign countries that are carrying
13 out projects or activities specifically designed to treat vic-
14 tims of torture for the physical and psychological effects
15 of the torture.

16 **"(c) USE OF FUNDS.**—Such assistance shall be avail-
17 able—

18 **"(1) for direct services to victims of torture;**
19 **and**

20 **"(2) to provide research and training to health**
21 **care providers outside of treatment centers or pro-**
22 **grams described in subsection (b), for the purpose of**
23 **enabling such providers to provide the services de-**
24 **scribed in paragraph (1)."**

25 **(b) FUNDING.**—

1 (1) **AUTHORIZATION OF APPROPRIATIONS.**—Of
2 the amounts authorized to be appropriated for fiscal
3 years 1999 and 2000 pursuant to chapter 1 of part
4 I of the Foreign Assistance Act of 1961, there are
5 authorized to be appropriated to the President
6 \$5,000,000 for fiscal year 1999 and \$7,500,000 for
7 fiscal year 2000 to carry out section 129 of the For-
8 eign Assistance Act, as added by subsection (a).

9 (2) **AVAILABILITY OF FUNDS.**—Amounts appro-
10 priated pursuant to this subsection shall remain
11 available until expended.

12 (c) **EFFECTIVE DATE.**—The amendment made by
13 subsection (a) shall take effect October 1, 1998.

14 **SEC. 5. DOMESTIC TREATMENT CENTERS.**

15 (a) **ASSISTANCE FOR TREATMENT OF TORTURE VIC-**
16 **TIMS.**—The Secretary of Health and Human Services may
17 provide grants to programs in the United States to cover
18 the cost of the following services:

19 (1) Services for the rehabilitation of victims of
20 torture, including treatment of the physical and psy-
21 chological effects of torture.

22 (2) Social and legal services for victims of tor-
23 ture.

24 (3) Research and training for health care pro-
25 viders outside of treatment centers, or programs for

1 the purpose of enabling such providers to provide
2 the services described in paragraph (1).

3 (b) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—Of
5 the amounts authorized to be appropriated for the
6 Department of Health and Human Services for fis-
7 cal years 1999 and 2000, there are authorized to be
8 appropriated to carry out subsection (a) (relating to
9 assistance for domestic centers and programs for the
10 treatment of victims of torture) \$5,000,000 for fiscal
11 year 1999, and \$7,500,000 for fiscal year 2000.

12 (2) AVAILABILITY OF FUNDS.—Amounts appro-
13 priated pursuant to this subsection shall remain
14 available until expended.

15 **SEC. 6. MULTILATERAL ASSISTANCE.**

16 (a) FUNDING.—Of the amounts authorized to be ap-
17 propriated for fiscal years 1999 and 2000 pursuant to
18 chapter 3 of part I of the Foreign Assistance Act of 1961,
19 there are authorized to be appropriated to the United Na-
20 tions Voluntary Fund for Victims of Torture (in this sec-
21 tion referred to as the “Fund”) the following amounts for
22 the following fiscal years:

23 (1) FISCAL YEAR 1999.—For fiscal year 1999,
24 \$3,000,000.

1 (2) FISCAL YEAR 2000.—For fiscal year 2000,
2 \$3,000,000.

3 (b) AVAILABILITY OF FUNDS.—Amounts appro-
4 priated pursuant to subsection (a) shall remain available
5 until expended.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the President, acting through the United States
8 Permanent Representative to the United Nations,
9 should—

10 (1) request the Fund—

11 (A) to find new ways to support and pro-
12 tect treatment centers and programs that are
13 carrying out rehabilitative services for victims
14 of torture; and

15 (B) to encourage the development of new
16 such centers and programs;

17 (2) use the voice and vote of the United States
18 to support the work of the Special Rapporteur on
19 Torture and the Committee Against Torture estab-
20 lished under the Convention Against Torture and
21 Other Cruel, Inhuman or Degrading Treatment or
22 Punishment; and

23 (3) use the voice and vote of the United States
24 to establish a country rapporteur or similar proce-
25 dural mechanism to investigate human rights viola-

1 tions in a country if either the Special Rapporteur
2 or the Committee Against Torture indicates that a
3 systematic practice of torture is prevalent in that
4 country.

5 **SEC. 7. SPECIALIZED TRAINING FOR CONSULAR PERSON-**
6 **NEL.**

7 (a) **IN GENERAL.**—The Secretary of State shall pro-
8 vide training for consular officers with respect to—

9 (1) the identification of torture;

10 (2) the identification of the surrounding cir-
11 cumstances in which torture is most often practiced;

12 (3) the long-term effects of torture upon a vic-
13 tim;

14 (4) the identification of the physical, cognitive,
15 and emotional effects of torture, and the manner in
16 which these effects can affect the interview or hear-
17 ing process; and

18 (5) the manner of interviewing victims of tor-
19 ture so as not to retraumatize them, eliciting the
20 necessary information to document the torture expe-
21 rience, and understanding the difficulties victims
22 often have in recounting their torture experience.

23 (b) **GENDER-RELATED CONSIDERATIONS.**—In con-
24 ducting training under subsection (a) (4) or (5), gender-
25 specific training shall be provided on the subject of inter-

- 1 acting with women and men who are victims of torture
- 2 by rape or any other form of sexual violence.

**AMENDMENT TO H.R. 4309
OFFERED BY MR. SMITH OF NEW JERSEY**

On page 8, lines 5-6, delete "Consular personnel" and insert "Foreign Service Officers".

On page 8, line 8, delete "consular" and insert "foreign service".

