

Date
10/15/87

ROUTING AND TRANSMITTAL SLIP

| TO: (Name, office symbol, room number, building, Agency/Post) | | Initials | Date |
|---|-----------------|----------|-------------|
| 1. | EA/DA 7024 | EW | 19 OCT 1987 |
| 2. | DDA 19 OCT 1987 | W | |
| 3. | DA/MS | M | 20 OCT 1987 |
| 4. | DDA/Registry | | |
| 5. | | | |

| Action | File | Note and Return |
|--------------|----------------------|------------------|
| Approval | For Clearance | Per Conversation |
| As Requested | For Correction | Prepare Reply |
| Circulate | For Your Information | See Me |
| Comment | Investigate | Signature |
| Coordination | Justify | |

REMARKS - FOR REFERENCE
 - Senate version of STATE Authorization Bill now rename HR-1777 (same as House #) passed 8 Oct. 1987.
 - Comparative chart to follow

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

| | | |
|--|------------|----------------|
| | st) | Room No.—Bldg. |
| | <i>OCA</i> | Phone No. |

S 14024

CONGRESSIONAL RECORD — SENATE

October 9, 1987

process where we insist upon a wonderland mandate of "verdict now, evidence later."

Frankly, I have been appalled by some of the pettiness and invective leveled against Judge Bork, just as I have been struck by some of the moral pieties of some of his supporters.

While I do not support much of the President's social agenda, the fact remains that the President is entitled to nominate individuals to the Supreme Court that he believes view the world through the same philosophical prism as he does. And it is my belief that the Senate, as an institution, must be convinced that his choice is so lacking in intelligence, personal or professional integrity, or judicial competence that the nominee's confirmation would result in a disservice to the Court and to the country.

While I do not share the restrictive interpretation of the Constitution that Judge Bork has articulated, I am not persuaded that his views are so extreme as to place him beyond the pale of judicial acceptability.

Judge Bork's past essays are valid objects of examination as they are key to understanding his deductive abilities and philosophical convictions. But his writings as a professor should not be viewed in isolation or without regard to his service as Solicitor General or on the Circuit Court of Appeals for the District of Columbia.

It is argued that he must be held to his words even though his views may have evolved. That is a standard to which we would not hold ourselves.

A number of Senators from the South, for example, resisted the coming of civil rights in the 1960's and the early 1970's and are now strong advocates of enforcing and, indeed, even enlarging those civil rights.

Justice Thurgood Marshall recently observed that President Johnson had the best record of any President on civil rights. As a President, perhaps; as a Senator, hardly. Were President Johnson's—and those of his Senate colleagues—change of views the result of pragmatic expediency or rather that of an evolving enlightenment? Few of us are able to look behind the words into the hearts of those that express them.

I don't know whether Judge Bork has changed his views in a calculated and cynical effort to appease his opponents or whether his expressions consist of a heartfelt admission that the Constitution was not etched in stone and handed down from Mount Sinai and that while the vessel that embodies our political and social values must be firm, it must also be flexible. I cannot make an absolute determination any more than I could pass judgment on the changing views of my distinguished colleagues. But I do know that Judge Bork is capable of change—from one who embraced socialism, then libertarianism, and now conservatism. I view that capacity for change as a positive element in his character.

Ironically, his capacity for change is now held against him. Predictability is the touchstone by which we shall pass judgment on his worthiness for the bench.

It is interesting to note that Judge Bork's opponents and supporters both subscribe to this view. Opponents view expression of doubt or change as craven expediency. His supporters fear the same. Ideologues, liberal or conservative, tend to view doubt or deviation from their totem pole of tests as unacceptable apostasy.

But Presidents have learned that party labels and prior philosophic views of nominees have not proven a reliable index to their future behavior. Were Oliver Wendell Holmes, Jr., Hugo Black, Earl Warren, and Lewis Powell known quantities before they went on the bench or did they shift into the unknown, the unpredictable, only after confirmation?

I am certain that Judge Bork does not share my views on a number of key issues. But if I were to apply the test of my views to those of past nominees, I would not have voted for Justices Black, Powell, O'Connor, Rehnquist, or Scalia.

Some have suggested that Judge Bork should be confirmed because his successor would be far worse. That is an idle threat because I would have no hesitancy to vote against any one I believe to be unqualified to sit on that august bench.

A more plausible argument is that if Judge Bork is defeated or withdraws, his replacement is likely to be more conveniently predictable, more mainstream, less provocative, and perhaps even rather mediocre by comparison.

I believe that if Judge Bork is confirmed, there are three results that could follow:

First. He, by the sheer force of his intellect, would pull the Court toward right wing radicalism—which I think is unlikely;

Second. His extremism would drive even the conservative members of the Court to the philosophical center—which is possible;

Third. He will evolve into the same kind of conservative centrist as the man that he is replacing—a result I regard as quite probable.

Late last night, I reread the papers of Justice Felix Frankfurter—"Of Law, Life and Other Things That Matter."

Upon his retirement, his fellow Justices wrote Frankfurter a wonderfully sensitive and touching letter. It was signed by Earl Warren, Hugo Black, William Douglas, Tom Clark, John Harlan, William Brennan, Jr., Potter Stewart, and Byron White. Justice Frankfurter responded in kind. In his letter "To his brethren," he left us with some characteristically important words:

The nature of the issues which are involved in the legal controversies that are inevitable under our constitutional system does not warrant the nation to expect iden-

ity of views among the members of the Court regarding such issues, nor even agreement on the roots of thought by which decisions are reached. The nation is merely warranted and expecting harmony of aims among those who have been called to the Court. This means pertinacious pursuit of the processes of reason and the disposition of controversies that come before the Court. This presupposes intellectual disinterestedness in the analysis of the factors involved in the issues that call for decision. And this in turn requires rigorous self-scrutiny to discover with a view to curbing, every influence that may deflect from such disinterestedness.

Mr. President, I believe that Judge Bork is capable of measuring up to the intellectual vigor and moral responsibilities required by service on our Highest Court.

I yield back the balance of my time.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

(Yesterday, October 8, 1987, the Senate passed H.R. 1777, as amended by the Senate. The text of the bill as passed follows:)

H.R. 1777

Resolved, That the bill from the House of Representatives (H.R. 1777) entitled "An Act to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1988".

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

TABLE OF CONTENTS

- Sec. 1. *Short title and table of contents.*
- TITLE I—THE DEPARTMENT OF STATE**
- PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS**
- Sec. 101. *Administration of foreign affairs.*
- Sec. 102. *Contributions to international organizations and conferences; international peacekeeping activities.*
- Sec. 103. *International commissions.*
- Sec. 104. *Migration and refugee assistance.*
- Sec. 105. *The Asia Foundation and other programs.*
- Sec. 106. *Reduction of capital construction account.*
- Sec. 107. *Consular posts and diplomatic missions abroad.*
- Sec. 108. *Contribution to the regular budget of the International Committee of the Red Cross.*
- Sec. 109. *Restriction on use of funds for "public diplomacy" efforts.*
- Sec. 110. *Allocation of funds for support and review of international parental child abduction cases.*
- PART B—ADMINISTRATIVE AND PERSONNEL PROVISIONS**
- Sec. 111. *Restriction on supervision of Government employees by chiefs of mission.*
- Sec. 112. *Pay level of ambassadors at large.*
- Sec. 113. *Compensation.*
- Sec. 114. *Extension of limited appointments.*

100-13

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14025

Sec. 115. Report of Office of Policy and Program Review.

Sec. 116. Carry-over of Senior Foreign Service performance pay.

Sec. 117. Survivor and health benefits for certain former spouses.

Sec. 118. Benefits for certain former spouses of members of the Foreign Service.

Sec. 119. Elimination of unnecessary reporting requirements.

Sec. 120. Clarification of jurisdiction of Foreign Service Grievance Board.

Sec. 121. Protection of Civil Service employees.

Sec. 122. Compensation of Fasel fellow.

Sec. 123. Competence and professionalism in the conduct of foreign policy.

Sec. 124. Foreign Service career candidates tax treatment.

PART C—BUILDINGS AND FACILITIES

Sec. 131. Preservation of museum character of portions of Department of State building.

Sec. 132. Authority to insure the furnishings of State Department diplomatic reception rooms.

Sec. 133. Financial reciprocity with foreign countries.

Sec. 134. The new Soviet embassy.

Sec. 135. Embassy security.

Sec. 136. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.

Sec. 137. Studies and planning for a consolidated training facility for the Foreign Service Institute.

PART D—INTERNATIONAL ORGANIZATIONS

Sec. 141. Reform in the budget decision-making procedures of the United Nations and its specialized agencies.

Sec. 142. Immunities for the International Committee on the Red Cross.

Sec. 143. Israel's participation in the Economic and Social Council of the United Nations.

Sec. 144. Appointment of secretaries to the North Atlantic Assembly delegations.

Sec. 145. Protection of Tyre by the United Nations Interim Force in Lebanon.

Sec. 146. Privileges and immunities to offices of the Commission of the European Communities.

TITLE II—THE UNITED STATES INFORMATION AGENCY

Sec. 201. Authorization of appropriations; allocation of funds.

Sec. 202. Voice of America.

Sec. 203. Bureau of Educational and Cultural Affairs.

Sec. 204. National Endowment for Democracy.

Sec. 205. East-West Center.

Sec. 206. Posts and personnel overseas.

Sec. 207. The Arts America program.

Sec. 208. Congressional grant notification.

Sec. 209. Forty-year leasing authority.

Sec. 210. Receipts from English-teaching, library, motion picture, and television programs.

Sec. 211. Professorship on constitutional democracy.

Sec. 212. United States-India Fund.

Sec. 213. United States-Pakistan Fund.

Sec. 214. United States Information Agency programming on Afghanistan.

Sec. 215. United States Advisory Commission on Public Diplomacy.

Sec. 216. The Edward Zorinsky Memorial Library.

Sec. 217. Contractor requirements.

Sec. 218. Amanda Smith Memorial Exchange program.

Sec. 219. Cultural Property Advisory Committee.

Sec. 220. Audience survey of USIA Worldnet Program.

TITLE III—THE BOARD FOR INTERNATIONAL BROADCASTING

Sec. 301. Authorization of appropriations; allocation of funds.

Sec. 302. Currency gains.

Sec. 303. Certification of certain creditable service.

TITLE IV—THE GLOBAL CLIMATE PROTECTION ACT OF 1987

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Task Force on the Global Climate.

Sec. 404. Report to Congress.

Sec. 405. Ambassador at Large.

Sec. 406. International Year of Global Climate Protection.

Sec. 407. Climate protection and United States-Soviet relations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Enforcement of Case Act requirements.

Sec. 502. Federal jurisdiction of direct actions against insurers of diplomatic agents.

Sec. 503. Prohibition on use of funds for political purposes.

Sec. 504. Prohibition on exclusion of aliens because of political beliefs.

Sec. 505. Authority to invest and recover expenses from international claims settlement funds.

Sec. 506. Payment of the claim of Joseph Karel Hasek from the Czechoslovakian Claims Fund.

Sec. 507. Prohibition on international first class air travel by congressional staff.

Sec. 508. Public access to United Nations War Crimes Commission files.

Sec. 509. Policy on Afghanistan.

Sec. 510. Policy toward the Iran-Iraq war.

Sec. 511. Iranian persecution of the Baha'is.

Sec. 512. Refugees from Southeast Asia.

Sec. 513. Policy toward South Korea.

Sec. 514. Policy toward North Korea.

Sec. 515. Policy against persecution of Christians in Eastern Europe and the Soviet Union.

Sec. 516. Concerning observance by the Government of Romania of the human rights of Hungarians in Transylvania.

Sec. 517. Intergovernmental Committee for European Migration, membership.

Sec. 518. Self-determination of the people from the Baltic States of Estonia, Latvia, and Lithuania.

Sec. 519. Limitations on housing expenses for United States employees at the United Nations.

Sec. 520. USSR ballistic missile flights over United States territory.

Sec. 521. Human rights violations in Tibet by the People's Republic of China.

Sec. 522. Invitation to the President of Israel for a state visit to the United States.

Sec. 523. Policy toward the detention of children in South Africa.

Sec. 524. Acting in accordance with international law in the Persian Gulf.

Sec. 525. Employment of foreign service nationals.

Sec. 526. Processing of Cuban nationals for admission to United States.

Sec. 527. Policy on Angola.

Sec. 528. Adjustment to permanent residence of certain nationals of Poland.

Sec. 529. Vietnamese occupation of Cambodia.

Sec. 530. Assistance in support of Solidarity.

Sec. 531. International parental child abduction.

Sec. 532. Restrict contributions to international organizations.

Sec. 533. Application to certain Communist countries.

Sec. 534. Sense of the Congress toward a partial lifting of the trade embargo against Nicaragua.

Sec. 535. Plan for sharing costs involved in the use of United States Armed Forces in the Persian Gulf.

Sec. 536. Sense of Congress relating to support of mutual defense alliances.

Sec. 537. Latin American and Caribbean data bases.

Sec. 538. Security of construction projects in Communist controlled countries.

Sec. 539. Report to Congress.

Sec. 540. Purchasing and leasing of overseas residences.

Sec. 541. Foreign dignitaries visits to United States Capitol.

Sec. 542. Report on policies pursued by other countries in international organizations.

Sec. 543. Probable exemptions to the United Nations employee hiring freeze.

Sec. 544. Ambassador at Large on Afghanistan.

Sec. 545. Sense of Congress regarding United States policy toward Lebanon.

Sec. 546. United States Department of State Freedom of Expression Act of 1987.

Sec. 547. Under Secretary of State for Security, Construction, and Foreign Missions.

Sec. 548. Taiwan.

Sec. 549. Waiver of certain naturalization requirements for certain former Cuban political prisoners.

Sec. 550. Embassy agreements with Soviet Union.

Sec. 551. Chief of missions salary.

Sec. 552. Sanctions on drug-trafficking countries.

Sec. 553. Policy on Middle East Peace Conference.

Sec. 554. Report on security of United States diplomatic or official facilities.

Sec. 555. Commission to study Foreign Service personnel system.

Sec. 556. Audit of merit personnel system of Foreign Service.

Sec. 557. Record of grievances awarded.

Sec. 558. Release of Yang Wei.

Sec. 559. Compliance with law requiring reports to Congress.

Sec. 560. Flexibility to transfer pay between salaries and expenses.

Sec. 561. Distribution within the United States of the USIA film entitled "America the Way I See It."

Sec. 562. Certification procedures for drug producing and drug-transit countries and inclusion of specific agency comments.

Sec. 563. Limitation of the use of a foreign mission in a manner incompatible with its foreign mission.

Sec. 564. Administration of Afghanistan.

Sec. 565. Iran human rights violations.

S 14026

CONGRESSIONAL RECORD — SENATE

October 9, 1987

- Sec. 566. Terrorist bombing in Honduras.
 Sec. 567. Closing of diplomatic and consular post in Antigua and Barbuda.
 Sec. 568. Report on Soviet violation of ABM treaty.
 Sec. 569. Prohibit acquiring house for Secretary of State.
 Sec. 570. Prohibition of expulsion of persons seeking political asylum.

TITLE VI—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED STATES

- Sec. 601. Findings.
 Sec. 602. Establishment.
 Sec. 603. Purposes of the Commission.
 Sec. 604. Membership of the Commission.
 Sec. 605. Powers of the Commission.
 Sec. 606. Staff.
 Sec. 607. Report.
 Sec. 608. Funding for the Commission.
 Sec. 609. General Accounting Office audits of the Commission.

TITLE VII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987

- Sec. 701. Short title.
 Sec. 702. Congressional findings.
 Sec. 703. Congressional findings on Indochinese refugee processing.
 Sec. 704. Reporting requirement.
 Sec. 705. Allocations of refugee admissions.
 Sec. 706. Allocation of educational assistance for Thailand.
 Sec. 707. Allocation of economic support fund assistance for Thailand.
 Sec. 708. Allocation of international military education and training assistance for Thailand.
 Sec. 709. Policy toward protection of refugee camp/

TITLE VIII—MUNITIONS CONTROL ACT OF 1987

- Sec. 801. Short title.
 Sec. 802. Export licenses.
 Sec. 803. Registration.

TITLE IX—INTERNATIONAL CHILD ABDUCTION ACT

- Sec. 901. Short title.
 Sec. 902. Findings and declaration of purpose.
 Sec. 903. Definitions.
 Sec. 904. Administrative and judicial remedies.
 Sec. 905. Provisional remedies.
 Sec. 906. Admissibility of documents.
 Sec. 907. United States central authority.
 Sec. 908. Costs and fees.
 Sec. 909. Collection, maintenance and dissemination of information.
 Sec. 910. Inter-Agency Coordinating Group.
 Sec. 911. Authorization of appropriation.
 Sec. 912. Amendment concerning Federal parent locator service.
 Sec. 913. Amendment to the Internal Revenue Code.

TITLE X—DIPLOMATIC IMMUNITY ABUSE PREVENTION ACT

- Sec. 1001. Short title.
 Sec. 1002. Crimes committed by diplomats.
 Sec. 1003. Registration and departure procedures for individuals with diplomatic immunity.
 Sec. 1004. Waiver of Diplomatic immunity or declaration of persona non grata when charged with a serious crime.
 Sec. 1005. Authority to institute and maintain criminal prosecutions.
 Sec. 1006. Review of United States policy on diplomatic immunity.
 Sec. 1007. Review of procedures for issuing visas to diplomats to the United States and the United

Nations.

- Sec. 1008. Definition of family members.
 Sec. 1009. Minimum insurance coverage.
 Sec. 1010. Liability insurance to be carried by diplomatic missions.
 Sec. 1011. Procedures for certifying immunities.
 Sec. 1012. Diplomatic pouches.
 Sec. 1013. Definitions.

TITLE XI—ANTI-TERRORISM ACT OF 1987

- Sec. 1101. Short title.
 Sec. 1102. Findings; determinations.
 Sec. 1103. Prohibitions regarding the PLO.
 Sec. 1104. Enforcement.
 Sec. 1105. Effective date.

TITLE XII—EFFECTIVE DATE

- Sec. 1201. Effective date.

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—The following amounts are authorized to be appropriated for fiscal year 1988 for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States:

(1) For "Salaries and Expenses" of the Department of State (other than the Diplomatic Security Program), \$1,599,600,000.

(2) For representation allowances, emergencies in the diplomatic and consular service, and the payment to the American Institute in Taiwan, \$17,839,000.

(3) For "Salaries and Expenses" of the Diplomatic Security Program, \$100,000,000.

(4) For the protection of foreign missions and officials, \$9,100,000.

(b) **USE OF PRIOR FISCAL YEAR AND FISCAL YEAR 1988 DIPLOMATIC SECURITY FUNDS.**—(1) Notwithstanding any other provision of law or any reprogramming requirement, the Secretary of State may use any funds appropriated pursuant to section 401(a)(1)(B) of the Diplomatic Security Act or funds appropriated for fiscal year 1988 pursuant to section 401(a)(3) of such Act for any component of the Diplomatic Security Program and for the "Acquisition and Maintenance of Buildings Abroad".

(2) Notwithstanding any other provision of law or any reprogramming requirement, of the funds appropriated pursuant to section 401(a)(3) of the Diplomatic Security Act for fiscal year 1988, \$323,000,000 shall be available for the "Acquisition and Maintenance of Buildings Abroad" and \$74,262,000 shall be available for "Salaries and Expenses" of the Diplomatic Security Program.

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

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

(a) **INTERNATIONAL ORGANIZATIONS.**—There are authorized to be appropriated to the Department of State under "Contributions to International Organizations", \$571,000,000 for fiscal year 1988 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations, of which amount—

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

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

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

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

(5) \$38,859,000 shall be available only for the United States assessed contribution to the Pan-American Health Organization.

(b) **INTERNATIONAL PEACEKEEPING ACTIVITIES.**—There are authorized to be appropriated to the Department of State under "Contributions to International Peacekeeping Activities", \$29,400,000 for fiscal year 1988 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities.

(c) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated to the Department of State under "International Conferences and Contingencies", \$5,460,000 for fiscal year 1988, of which such funds as may be necessary shall be available for the expense of hosting the 1987 General Assembly of the Organization of American States, in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies.

(d) **INTERNATIONAL WHEAT COUNCIL.**—Of the funds authorized to be appropriated for the fiscal year 1988 by this section, not less than \$388,000 shall be available only for the United States contribution to the International Wheat Council.

SEC. 103. INTERNATIONAL COMMISSIONS.

There are authorized to be appropriated to the Department of State under "International Commissions", \$28,200,000 for fiscal year 1988 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of State under "Migration and Refugee Assistance", \$314,450,000 for fiscal year 1988 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to migration and refugee assistance.

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

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

(2) \$28,000,000 shall be available only for assistance for East Asian refugees.

SEC. 105. THE ASIA FOUNDATION AND OTHER PROGRAMS.

(a) **THE ASIA FOUNDATION.**—(1) Section 404 of The Asia Foundation Act (22 U.S.C. 4401 et seq.) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for fiscal year 1988 for grants to The Asia Foundation pursuant to this title."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1987.

(b) **OTHER PROGRAMS.**—There are authorized to be appropriated for fiscal year 1988 to the Department of State for the following programs:

(1) For Bilateral Science and Technology Agreements, \$1,900,000.

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14027

(2) For Soviet-East European Research and Training, \$5,000,000.

SEC. 106. RESTRICTION OF CAPITAL CONSTRUCTION ACCOUNT.

Section 401(a)(3) of the Diplomatic Security Act (22 U.S.C. 4851(a)(3)) is amended to read as follows:

"(3) CAPITAL CONSTRUCTION, FISCAL YEARS 1988 THROUGH 1990.—There are authorized to be appropriated for the Department of State for 'Acquisition and Maintenance of Buildings Abroad' for fiscal year 1988, \$397,262,000, and for each of the fiscal years 1989 through 1990, \$417,962,000, to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program."

SEC. 107. CONSULAR POSTS AND DIPLOMATIC MIS- SIONS ABROAD.

(a) PROHIBITION.—No funds authorized to be appropriated by this Act or any other Act shall be available to pay any expense related to the closing of any United States consulate or mission abroad. No funds authorized to be appropriated by this Act shall be used to pay for any expense related to the Bureau of Administration of the Department of State or any of its functions if any United States consulate or mission is closed after January 1, 1987, and is not reopened.

(b) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated by section 101 for the "Administration of Foreign Affairs", not less than \$50,000,000 shall be available only to operate United States consulates in Salzburg, Strasbourg, Goleborg, Lyon, Dusseldorf, Tangier, Genoa, Nice, Porto Alegre, and Maracaibo.

(2) Of the funds allocated by paragraph (1), during fiscal year 1988, funds in excess of those needed to operate these consulates for such fiscal year may be used for other purposes under the "Administration of Foreign Affairs" if all consulates referred to in paragraph (1) are open and functioning.

(c) WAIVER.—Subsection (a) shall not apply to any post closed—

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

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

(3) when the post is closed so as to provide funds to open a new post, staffed by at least one full-time Foreign Service officer, and where the Secretary of State, prior to the closing of the post, prepares and transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report stating that—

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

(B) the total number of consulates and missions abroad is not less than the number of such posts in existence on January 1, 1987.

(d) The provisions of this section shall not take effect until 180 days after the date of enactment of this Act.

SEC. 108. CONTRIBUTION TO THE REGULAR BUDGET OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) UNITED STATES CONTRIBUTION.—Pursuant to the provisions of section 109 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, the Secretary of State shall make a contribution to the regular budget of the International Committee of the Red Cross of an amount equal to not less than 20 percent of its regular budget. Such

contribution may be made from the funds authorized to be appropriated by section 104 for migration and refugee assistance.

(b) REPROGRAMMING AUTHORITY FOR CERTAIN EARMARKED FUNDS.—Notwithstanding any other provision of law, allocations of funds within the account for "Migration and Refugee Assistance" for fiscal year 1988 may be reprogrammed for other purposes within that same account if the requirements of the designated programs are fully met.

(c) LIMITATION ON CONTRIBUTIONS.—Notwithstanding subsection (a), for fiscal year 1988, the United States contribution to the regular budget of the International Committee of the Red Cross shall not exceed nor be less than the amount contributed by the United States to the regular budget of the International Committee for the Red Cross in fiscal year 1987.

(d) RECOGNITION OF THE RED SHIELD OF DAVID.—It is the sense of Congress that a diplomatic conference of governments should grant identical status of recognition to the Red Shield of David (Magen David Adom) as that granted to the Red Cross and the Red Crescent and that the Red Shield of David Society of Israel be accepted as a full member of the League of Red Cross Societies and the quadrennial International Conferences of the Red Cross.

SEC. 109. RESTRICTION ON USE OF FUNDS FOR "PUBLIC DIPLOMACY" EFFORTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) computerization, coding, maintenance, or updating of lists;

(C) retrieval, storage, mailing, or shipping of individual or bulk packets of publications;

(D) maintenance or control of inventory or reserve stocks of materials;

(E) distribution of materials;

(F) coordinating publication production; or

(G) conducting systematic evaluations of the system.

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

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

SEC. 110. ALLOCATION OF FUNDS FOR SUPPORT AND REVIEW OF INTERNATIONAL PARENTAL CHILD ABDUCTION CASES.

Of the amounts authorized to be appropriated by section 101(a)(1), \$250,000 shall be available only for the review and analysis of international parental child abduction cases on a case-by-case basis to enable the Department of State to provide appropriate legal or diplomatic support for parents seeking to recover abducted children.

PART B—ADMINISTRATIVE AND PERSONNEL PROVISIONS

SEC. 111. RESTRICTION ON SUPERVISION OF GOVERNMENT EMPLOYEES BY CHIEFS OF MISSION.

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

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

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

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

SEC. 112. PAY LEVEL OF AMBASSADORS AT LARGE.

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

(1) in section 5313, by striking out "Ambassadors at Large"; and

(2) in section 5315, by adding at the end thereof the following:

"Ambassadors at Large."

(b) APPLICATION.—The amendments made by subsection (a)(1) shall not affect the salary of individuals holding the rank of Ambassador at Large immediately before the date of enactment of this Act.

SEC. 113. COMPENSATION.

The State Department Basic Authorities Act (22 U.S.C. 2669 et seq.) is amended—

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

(2) in section 203(a), by inserting at the end thereof the following new sentence: "The Director shall be compensated at the annual rate for positions authorized by section 5315 of title 5, United States Code."

SEC. 114. EXTENSION OF LIMITED APPOINTMENTS.

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

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

(2) by designating the text, as so amended, as subsection (a); and

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

"(b) A limited appointment may be extended for continued service as—

"(1) a consular agent;

"(2) a family member as provided in section 311(a);

S 14028

CONGRESSIONAL RECORD — SENATE

October 9, 1987

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

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

SEC. 116. REPEAL OF OFFICE OF POLICY AND PROGRAM REVIEW.

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

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

(1) by striking out "(a)" and all that follows through "STATE.;" and

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

SEC. 116. CARRY-OVER OF SENIOR FOREIGN SERVICE PERFORMANCE PAY.

Section 405(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)) is amended—

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

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

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

SEC. 117. SURVIVOR AND HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

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

"SEC. 830. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.—(a)(1) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 per centum of the greater of—

"(A) the full amount of the participant's or former participant's annuity, as computed under chapter 8 of this Act; or

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

"(2) A survivor annuity payable under this section shall be reduced by an amount equal to the amount of retirement benefits, not including benefits under title II of the Social Security Act, received by the former spouse which are attributable to previous employment of such former spouse by the United States.

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

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

"(1) the former spouse remarries before age 55;

"(2) the former spouse is less than 50 years of age; or

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

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

"(A) shall commence—

"(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on the later of—

"(I) the 60th day after such date; or

"(II) the date such former spouse reaches the age 50; and

"(ii) in the case of any other former spouse, beginning on the latest of—

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

"(II) the 60th day after the effective date of this section; or

"(III) the date such former spouse reaches age 50; and

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

"(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section.

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

"(c) The Secretary shall—

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

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

"(f) In any fiscal year, if the amount to be paid to all former spouses, as computed under this section, exceeds the appropriated funds available for such payment, then the amount to be paid to each person pursuant to this section shall be reduced on a pro rata basis to such extent that the total payments do not exceed the appropriated funds available for payment to all spouses.

"SEC. 831. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.—(a) Except as provided in subsection (c)(1), any individual—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Sec. 830. Survivor benefits for certain former spouses.

"Sec. 831. Health benefits for certain former spouses."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1987, or 90 days after the date of enactment, whichever is later.

SEC. 118. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—Subchapter I of Chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), as amended by section 117, is further amended by inserting after section 829 (22 U.S.C. 4069) the following:

"SEC. 832. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14029

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

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

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

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

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

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

"(A) shall commence on the later of—

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

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

"(B) shall terminate on the earlier of—

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

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

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

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

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

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

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

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

"(d) For the purposes of this section, the term 'benefits' means—

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

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

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

"(f) In any fiscal year, if the amount to be paid to all former spouses, as computed

under this section, exceeds the appropriated funds available for such payment, then the amount to be paid to each person pursuant to this section shall be reduced on a pro rata basis to such extent that the total payments do not exceed the appropriated funds available for payment to all spouses."

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980, as amended by section 117, is further amended by inserting after the item relating to section 831 the following new item:

"Sec. 832. Retirement benefits for certain former spouses."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1987, or 90 days after the date of enactment of this Act, whichever is later.

SEC. 118. ELIMINATION OF UNNECESSARY REPORTING REQUIREMENTS.

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

"(2) The Secretary shall transmit to each House of Congress the Department's reports on its equal employment opportunity and affirmative action programs and its minority recruitment programs, which reports are required by law, regulation, or directive to be submitted to the Equal Employment Opportunity Commission (EEOC) or the Office of Personnel Management (OPM). Each such report shall be transmitted to the Congress at least once annually, and shall be received by the Congress not later than 30 days after its original submission to the Equal Employment Opportunity Commission or the Office of Personnel Management."

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

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

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

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

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

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

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

(c) REPEALS.—(1) Subsection (f) of section 703 of such Act (22 U.S.C. 4023) and section 2402 (22 U.S.C. 4173) of such Act are repealed.

(2) Section 152(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 428) is repealed.

SEC. 119. CLARIFICATION OF JURISDICTION OF FOREIGN SERVICE GRIEVANCE BOARD.

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

(1) in the third sentence, by striking out "would be contrary to law or"; and

(2) by adding at the end thereof the following new sentence: "Any recommendation of the Board which is not rejected by the Secretary on the basis that it would adversely affect the foreign policy or national security of the United States shall be considered to be a final action for the purposes of judicial review under section 1110 of this Act as of the time of the issuance of the recommendation by the Board."

(b) SEPARATION FOR CAUSE.—The second sentence of section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended—

(1) by inserting "and authority" after "The hearing";

(2) by striking out "hearing procedures" and inserting in lieu thereof "provisions"; and

(3) by striking out "section 1106" and inserting in lieu thereof "chapter 11".

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

SEC. 121. PROTECTION OF CIVIL SERVICE EMPLOYEES.

(a) FINDINGS.—The Congress finds that—

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

(2) the contribution of these Civil Service employees has been overlooked in the management of the Department and that greater equality of promotion, training, and career enhancement opportunities should be accorded to the Civil Service employees of the Department; and

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

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

(c) ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR CIVIL SERVICE EMPLOYEES.—There is established in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department's mandated responsibilities and the career interests of those employees are adequately represented.

(d) DEFINITION.—For purposes of this section, the term "Civil Service employees" means employees of the Federal Government who are paid under chapter 53 or 54 of title 5, United States Code.

SEC. 122. COMPENSATION OF PASCELL FELLOWS.

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

S 14030

CONGRESSIONAL RECORD — SENATE

October 9, 1987

"(b) **AUTHORITIES.**—Fellows may be deemed to be Federal employees for the purposes of the Foreign Service Act of 1980 (22 U.S.C. 301 et seq.), title 5 of the United States Code, and all other laws governing Federal employment, except that, in lieu of compensation under such authorities, Fellows may be compensated through a contractual agreement under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956."

SEC. 123. COMPETENCE AND PROFESSIONALISM IN THE CONDUCT OF FOREIGN POLICY.

(a) **POLICY ON TRAINING.**—It is the sense of the Congress that the United States should have as a fundamental national goal the strengthening of competence and professionalism in the conduct of United States foreign policy. To accomplish this goal, the Congress finds that the national interest requires that the Department of State and other foreign affairs agencies make a maximum investment in programs to train its foreign policy professionals. The Congress further finds that the new national training center in foreign affairs, authorized by chapter 7 of the Foreign Service Act of 1980 and section 842(b) of the Military Construction Act, 1986, is cost effective and will provide the United States with significant new capabilities to meet this national goal.

(b) **POLICY ON DESIGNS FOR NEW CENTER.**—It is further the sense of the Congress that the Secretary of State should, subject to the availability of funds and any reprogramming requirements, proceed with base architectural and engineering design programs for this national training center.

SEC. 124. FOREIGN SERVICE CAREER CANDIDATES TAX TREATMENT.

Section 301 of the Foreign Service Act of 1980 (Public Law 96-465 is hereby amended by adding the following after the words "career appointment" in section 301(d)(3): "Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to the Senate confirmation or that they are exempt on the basis of serving in an appointment whose tenure is at the pleasure of the President."

PART C—BUILDINGS AND FACILITIES

SEC. 131. PRESERVATION OF MUSEUM CHARACTER OF PORTIONS OF DEPARTMENT OF STATE BUILDING.

(a) **AUTHORITY.**—The Secretary of State shall administer and regulate the museum areas of the Department of State (hereafter in this section referred to as "the museum areas") by such means and measures as conform to the fundamental purpose of the museum areas, which purpose is to conserve the architecture, furnishings, and historic objects therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the use and enjoyment of future generations. In carrying out this section primary attention shall be given to the preservation and interpretation of their present museum character, but nothing done under this section shall conflict with the administration of the Department of State or with the use of the museum areas for official purposes of the Department of State.

(b) **ARTICLES SUBJECT TO DISPOSITION.**—Articles of furniture, fixtures, and decorative objectives of the museum areas, together with such similar articles, fixtures, and objects as may be acquired by the Secretary of State, when declared by the Secretary of State to be of historic or artistic interest, shall thereafter be considered to be the property of the

Secretary of State in his official capacity and shall be subject to disposition solely in accordance with this section.

(c) **DISPOSITION OF ARTICLES.**—Whenever the Secretary of State determines that any of the articles described in subsection (b) are no longer needed for use or display in the museum areas or that, in order to upgrade the museum areas, a better use of such article would be its sale or exchange, the Secretary is authorized, with the advice and concurrence of the Director of the National Gallery of Art, to sell the articles at fair market value or to trade them, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this section. The Secretary of State may also lend such articles, when not needed for use or display in the museum areas, to the Smithsonian Institution, or similar institutions, for care, repair, study, storage, or exhibition.

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

SEC. 132. AUTHORITY TO INSURE THE FURNISHINGS OF STATE DEPARTMENT DIPLOMATIC RECEPTION ROOMS.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) by striking out "and" at the end of subsection (i);

(2) by striking out the period at the end of subsection (j) and inserting in lieu thereof "and"; and

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

"(k) obtain insurance on the furnishings, including works of art and antiques, which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department."

SEC. 133. FINANCIAL RECIPROCITY WITH FOREIGN COUNTRIES.

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

(1) the cost of operating United States missions in the Soviet Union has been raised to excessive levels by the imposition of artificially high exchange rates which are virtually confiscatory and bear no reasonable relationship to the value of the Russian ruble on any free world market;

(2) the United States missions in the Soviet Union must pay either in artificially high rubles or in American currency calculated on the same artificial basis and, moreover, charges for services to the United States and other Western nations are higher than those charged to other nations; and

(3) in view of the current difficulties for the United States in operating its missions in other Eastern European countries as well as in the Soviet Union, it is time that these imbalances are corrected and reciprocity ensured.

(b) **REPORTING REQUIREMENT.**—(1)(A) Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall determine and so report in writing to the Congress the extent to which the cost of operating a United States diplomatic, consular, or other official mission in the Soviet Union or in any country member of the Warsaw Pact, including the cost of acquiring currency

necessary therefor, does not bear a reasonable relationship to—

(i) the cost of establishing and operating institutional activities by other entities in that country; or

(ii) the value of such currencies determined at a free market rate in accordance with standards established in coordination with the Secretary of the Treasury.

(B) The annual report required under subparagraph (A) shall be submitted by the Director of the Office of Foreign Missions as part of the annual report of the Department of State to the Congress.

(2) In the case of any country in which costs are determined not to bear a reasonable relationship to the cost or value established pursuant to paragraph (1), the Secretary of State shall adjust the cost to such country, including the Soviet Union, of any benefits (as defined in section 202 of the Foreign Missions Act) received in the United States.

(3) Not later than 60 days after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary of the Treasury, shall report to the appropriate authorizing and appropriating committees of the Congress on plans to implement this section. Such plans shall include—

(A) the regulation of foreign missions' access to, and use of, financial services in the United States;

(B) the regulation of costs of acquisition and disposition of real property or other assets in the United States, including the regulation of amounts to be retained by such a mission as a precondition of authorizing a disposition of any property interest; and

(C) the use of surcharges authorized under the Foreign Missions Act.

(c) **DEFINITION OF "BENEFIT."**—Paragraph (1) of section 202(a) of the Foreign Missions Act (22 U.S.C. 4302(a)(1)) is amended—

(1) by striking out "and" at the end of clause (E);

(2) in clause (F), by inserting "and" after "services"; and

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

"(G) financial and currency exchange services."

SEC. 134. THE NEW SOVIET EMBASSY.

Notwithstanding any other provision of law, the Soviet Union shall not be permitted to occupy (including making use of any communication equipment or electronic surveillance equipment) the new chancery building at its new embassy complex on Mount Alto in Washington, D.C., or any other new facility in the Washington, D.C., metropolitan area until the Secretary of State and the Director of Central Intelligence certify to the Speaker of the House of Representatives and the chairmen of the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate that there is a new United States chancery building in Moscow which is secure and suitable for United States embassy operations, including operations involving classified information.

SEC. 135. EMBASSY SECURITY.

(a) **THE UNITED STATES CHANCERY IN MOSCOW.**—Not later than August 31, 1987, the Secretary of State shall prepare and transmit to the chairman of the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives a detailed and specific report which shall include—

(1) a complete list of options for disposition of the partially constructed United States chancery building in Moscow that will result in a secure facility, together with

"(b) **AUTHORITIES.**—Fellows may be deemed to be Federal employees for the purposes of the Foreign Service Act of 1980 (22 U.S.C. 301 et seq.), title 5 of the United States Code, and all other laws governing Federal employment, except that, in lieu of compensation under such authorities, Fellows may be compensated through a contractual agreement under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956."

SEC. 123. COMPETENCE AND PROFESSIONALISM IN THE CONDUCT OF FOREIGN POLICY.

(a) **POLICY ON TRAINING.**—It is the sense of the Congress that the United States should have as a fundamental national goal the strengthening of competence and professionalism in the conduct of United States foreign policy. To accomplish this goal, the Congress finds that the national interest requires that the Department of State and other foreign affairs agencies make a maximum investment in programs to train its foreign policy professionals. The Congress further finds that the new national training center in foreign affairs, authorized by chapter 7 of the Foreign Service Act of 1980 and section 842(b) of the Military Construction Act, 1986, is cost effective and will provide the United States with significant new capabilities to meet this national goal.

(b) **POLICY ON DESIGNS FOR NEW CENTER.**—It is further the sense of the Congress that the Secretary of State should, subject to the availability of funds and any reprogramming requirements, proceed with base architectural and engineering design programs for this national training center.

SEC. 124. FOREIGN SERVICE CAREER CANDIDATES TAX TREATMENT.

Section 301 of the Foreign Service Act of 1980 (Public Law 96-465 is hereby amended by adding the following after the words "career appointment." in section 301(d)(3): "Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to the Senate confirmation or that they are exempt on the basis of serving in an appointment whose tenure is at the pleasure of the President."

PART C—BUILDINGS AND FACILITIES

SEC. 131. PRESERVATION OF MUSEUM CHARACTER OF PORTIONS OF DEPARTMENT OF STATE BUILDING.

(a) **AUTHORITY.**—The Secretary of State shall administer and regulate the museum areas of the Department of State (hereafter in this section referred to as "the museum areas") by such means and measures as conform to the fundamental purpose of the museum areas, which purpose is to conserve the architecture, furnishings, and historic objects therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the use and enjoyment of future generations. In carrying out this section primary attention shall be given to the preservation and interpretation of their present museum character, but nothing done under this section shall conflict with the administration of the Department of State or with the use of the museum areas for official purposes of the Department of State.

(b) **ARTICLES SUBJECT TO DISPOSITION.**—Articles of furniture, fixtures, and decorative objectives of the museum areas, together with such similar articles, fixtures, and objects as may be acquired by the Secretary of State, when declared by the Secretary of State to be of historic or artistic interest, shall thereafter be considered to be the property of the

Secretary of State in his official capacity and shall be subject to disposition solely in accordance with this section.

(c) **DISPOSITION OF ARTICLES.**—Whenever the Secretary of State determines that any of the articles described in subsection (b) are no longer needed for use or display in the museum areas or that, in order to upgrade the museum areas, a better use of such article would be its sale or exchange, the Secretary is authorized, with the advice and concurrence of the Director of the National Gallery of Art, to sell the articles at fair market value or to trade them, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this section. The Secretary of State may also lend such articles, when not needed for use or display in the museum areas, to the Smithsonian Institution, or similar institutions, for care, repair, study, storage, or exhibition.

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

SEC. 132. AUTHORITY TO INSURE THE FURNISHINGS OF STATE DEPARTMENT DIPLOMATIC RECEPTION ROOMS.

Section 3 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) by striking out "and" at the end of subsection (i);

(2) by striking out the period at the end of subsection (j) and inserting in lieu thereof "; and"; and

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

"(k) obtain insurance on the furnishings, including works of art and antiques, which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department."

SEC. 133. FINANCIAL RECIPROCITY WITH FOREIGN COUNTRIES.

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

(1) the cost of operating United States missions in the Soviet Union has been raised to excessive levels by the imposition of artificially high exchange rates which are virtually confiscatory and bear no reasonable relationship to the value of the Russian ruble on any free world market;

(2) the United States missions in the Soviet Union must pay either in artificially high rubles or in American currency calculated on the same artificial basis and, moreover, charges for services to the United States and other Western nations are higher than those charged to other nations; and

(3) in view of the current difficulties for the United States in operating its missions in other Eastern European countries as well as in the Soviet Union, it is time that these imbalances are corrected and reciprocity ensured.

(b) **REPORTING REQUIREMENT.**—(1)(A) Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall determine and so report in writing to the Congress the extent to which the cost of operating a United States diplomatic, consular, or other official mission in the Soviet Union or in any country member of the Warsaw Pact, including the cost of acquiring currency

necessary therefor, does not bear a reasonable relationship to—

(i) the cost of establishing and operating institutional activities by other entities in that country; or

(ii) the value of such currencies determined at a free market rate in accordance with standards established in coordination with the Secretary of the Treasury.

(B) The annual report required under subparagraph (A) shall be submitted by the Director of the Office of Foreign Missions as part of the annual report of the Department of State to the Congress.

(2) In the case of any country in which costs are determined not to bear a reasonable relationship to the cost or value established pursuant to paragraph (1), the Secretary of State shall adjust the cost to such country, including the Soviet Union, of any benefits (as defined in section 202 of the Foreign Missions Act) received in the United States.

(3) Not later than 60 days after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary of the Treasury, shall report to the appropriate authorizing and appropriating committees of the Congress on plans to implement this section. Such plans shall include—

(A) the regulation of foreign missions' access to, and use of, financial services in the United States;

(B) the regulation of costs of acquisition and disposition of real property or other assets in the United States, including the regulation of amounts to be retained by such a mission as a precondition of authorizing a disposition of any property interest; and

(C) the use of surcharges authorized under the Foreign Missions Act.

(c) **DEFINITION OF "BENEFIT."**—Paragraph (1) of section 202(a) of the Foreign Missions Act (22 U.S.C. 4302(a)(1)) is amended—

(1) by striking out "and" at the end of clause (E);

(2) in clause (F), by inserting "and" after "services"; and

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

"(G) financial and currency exchange services."

SEC. 134. THE NEW SOVIET EMBASSY.

Notwithstanding any other provision of law, the Soviet Union shall not be permitted to occupy (including making use of any communication equipment or electronic surveillance equipment) the new chancery building at its new embassy complex on Mount Alto in Washington, D.C., or any other new facility in the Washington, D.C., metropolitan area until the Secretary of State and the Director of Central Intelligence certify to the Speaker of the House of Representatives and the chairmen of the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate that there is a new United States chancery building in Moscow which is secure and suitable for United States embassy operations, including operations involving classified information.

SEC. 135. EMBASSY SECURITY.

(a) **THE UNITED STATES CHANCERY IN MOSCOW.**—Not later than August 31, 1987, the Secretary of State shall prepare and transmit to the chairman of the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives a detailed and specific report which shall include—

(1) a complete list of options for disposition of the partially constructed United States chancery building in Moscow that will result in a secure facility, together with

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14031

the amount of the anticipated cost of implementing each option and a comprehensive plan for the implementation of each option;

(2) a description of the recommended option of the Secretary of State for the disposition of the partially constructed chancery building in Moscow along with a detailed explanation of the reasons for selecting the recommended option and an action plan for promptly carrying out such recommendation; and

(3) a discussion of the feasibility of providing security for the new residential units in the United States Embassy compound in Moscow, along with the cost of any such program.

(b) **TASK FORCE ON THE MANAGEMENT OF SECURITY AND FOREIGN BUILDINGS BY THE DEPARTMENT OF STATE.**—(1) The Congress finds that—

(A) serious deficiencies exist in the management and construction by the Department of State of buildings overseas;

(B) the security function has been plagued by an inability to anticipate threats or to respond to threats; and

(C) the operations of the Foreign Buildings Office have been characterized by cost overruns, delays, inadequacies of design, deficient construction supervision, and other management flaws.

(2) There is established a Task Force on Management of Security and Foreign Buildings by the Department of State. The Secretary of State shall serve as Chairman of the Task Force and the Director of Central Intelligence shall serve as Vice-Chairman. Such representatives of other appropriate government agencies as the President may designate shall serve on the Task Force.

(3) Not later than August 31, 1987, the Chairman of the Task Force shall transmit to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report to be prepared by the Task Force setting forth a program to improve the management of the security function and the Foreign Buildings Office so as to correct management deficiencies, to insure better protection of American personnel overseas, to safeguard adequately sensitive national security information, and to achieve efficient construction of embassies. Such report shall include a detailed analysis of the organization of the security and embassy construction functions within the Department of State, together with any recommendations for the reorganization and consolidation of these functions.

(c) **REPORT ON THE SOVIET DIPLOMATIC ENCLAVE AT MOUNT ALTO.**—Not later than August 31, 1987, the Secretary of State, in consultation with the Director of the Central Intelligence, shall prepare and transmit to the chairman of the Committee on Foreign Relations and the chairman of the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives, in a suitably classified form, a report on the status of the Soviet diplomatic enclave on Mount Alto in Washington, D.C. Such report shall include—

(1) an assessment of whether United States security interests would be better served by vitiating the agreements under which the Soviet Union will occupy the Mount Alto site, together with an assessment of the costs and consequences of vitiating the agreements;

(2) an assessment of the benefit to Soviet intelligence collection of the location of the Soviet chancery on Mount Alto and of the concomitant threat to sensitive United States Government communications;

(3) an enumeration of measures that could be taken to thwart Soviet intelligence collection activities from Mount Alto, together with the cost of each such measure; and

(4) a description of the personnel resources, office space, and housing facilities available to the United States in the Soviet Union and to the Soviet Union in the United States, together with an assessment as to whether parity exists and, if the United States does not have parity with the Soviet Union, the measures required to be taken to achieve parity.

(d) **ACCOUNTABILITY REVIEW BOARD.**—(1)(A) Not later than 30 days after the date of enactment of this Act, the Secretary of State shall establish an Accountability Review Board as described in title III of the Diplomatic Security Act, as amended by this section. Such Accountability Review Board shall review all government actions, procedures, and policies relating to the United States Embassy in Moscow and the Soviet Embassy in Washington, as called for by such title.

(B) The second sentence of section 301 of the Diplomatic Security Act, as added by this subsection, shall not apply to the Accountability Review Board established under subparagraph (A).

(2) Section 301 of the Diplomatic Security Act (22 U.S.C. 4831) is amended—

(A) by inserting after "mission abroad" the following: "or in any case of serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad."; and

(B) by inserting after the first sentence thereof the following new sentence: "With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing the Accountability Review Board if he determines that doing so would compromise intelligence sources and methods and promptly so advises the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives."

(3) Section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834) is amended in the text above paragraph (1) by inserting after "mission abroad" the following: "; or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be).";

(e) **CERTIFICATION BY THE SECRETARY OF STATE.**—No funds may be obligated or expended for the construction or major renovation of any diplomatic facility that is intended to be secure for the purpose of transmitting, storing, or receiving classified information unless the Secretary of State, with the concurrence of the Director of the Central Intelligence, certifies in writing to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that the proposed construction project includes adequate safeguards for classified information and for the conducting of sensitive government activity.

(f) **POLICY ON PERIODIC INSPECTIONS.**—It is the sense of the Congress that the security of all diplomatic facilities and personnel would be significantly enhanced by periodic unannounced security inspections conducted by an appropriate agency of the United States Government.

(g) **CERTIFICATION OF THE SECURITY OF RECENT EMBASSY CONSTRUCTION.**—(1) Not later than December 31, 1987, the Secretary of State and the Director of the Central Intelligence shall certify in writing to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives that all United States foreign missions in the Soviet Union and all Eastern European countries provide—

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

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

(2) For any mission for which the certification required by paragraph (1) cannot be made, the Secretary of State and the Director of the Central Intelligence shall provide a description of the deficiencies which make such certification impossible.

(3) Not later than December 31, 1988, the Secretary of State shall certify to the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives the information described in clauses (A) and (B) of paragraph (1) and, where applicable, the information described in paragraph (2), with respect to all United States foreign missions in countries designated by the Secretary of State and the Director of Central Intelligence as "high threat" posts, including terrorist and intelligence threats.

SEC. 136. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

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

SEC. 137. STUDIES AND PLANNING FOR A CONSOLIDATED TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.

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

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

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

"(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer up to \$11,000,000 for 'Administration of Foreign Affairs' to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural and engineering planning under subsection (b)."

PART D—INTERNATIONAL ORGANIZATIONS

SEC. 141. REFORM IN THE BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

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

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

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

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

S 14032

CONGRESSIONAL RECORD — SENATE

October 9, 1987

major financial contributors to such assessed budgets.

"(b) LIMITATION ON ASSESSED CONTRIBUTIONS.—(1) With respect to United States assessed contributions to the United Nations for each calendar year beginning with calendar year 1987—

"(A) 40 percent of the funds available for payment of such contributions may be used for such contributions beginning on October 1 of such calendar year.

"(B) 40 percent of such funds may be used for such contributions beginning on December 15 of the same calendar year if the President has determined and so reported to the Congress that the consensus based decision-making procedure established by General Assembly Resolution 41/213 is being implemented and its results respected by the General Assembly; and

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

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

"(3) Subject to the availability of appropriations, when the presidential determinations referred to in paragraphs (1)(B) and (2) have been made, payment of assessed contributions for prior years may be made to the United Nations or its specialized agencies (as the case may be) without regard to the contribution limitation contained in this section prior to its being amended by the Foreign Relations Authorization Act, Fiscal Year 1988.

"(c) DEFINITION AND PROCEDURES.—(1)(A) The provisions of this subsection shall apply to the introduction and consideration in a House of Congress of a joint resolution described in subsection (a)(1)(C).

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

"(C) For purposes of this subsection, the term 'legislative day' means a day on which the respective House of Congress is in session.

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

"(3) If the committee to which is referred a joint resolution has not reported such joint

resolution for an identical joint resolution) at the end of 15 legislative days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the House involved.

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

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

"(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(5) If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

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

"(B) With respect to a joint resolution of the House receiving the joint resolution—

"(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

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

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

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same

manner and to the same extent as in the case of any other rule of that House.

"(e) TERMINATION DATE.—This section shall terminate on September 30, 1987."

SEC. 102. IMMUNITIES FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

The International Organizations Immunities Act is amended by inserting after section 12 (22 U.S.C. 228f-2) the following new section:

"INTERNATIONAL COMMITTEE OF THE RED CROSS; EXTENSION OF PRIVILEGES AND IMMUNITIES TO MEMBERS

"SEC. 12A. The International Committee of the Red Cross, in view of its unique status as an impartial humanitarian body named in the Geneva Conventions of 1949 and assisting in their implementation, shall be considered to be an international organization for the purposes of this Act and may be extended the provisions of this Act in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

SEC. 143. ISRAEL'S PARTICIPATION IN THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

Section 115 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, is amended by adding at the end thereof the following new subsection:

"(c) If Israel is denied its legal right to participate in the Economic and Social Council of the United Nations, or a subsidiary organ thereof, then the United States shall suspend participation in the Economic and Social Council until Israel is permitted to participate fully."

SEC. 144. APPOINTMENT OF SECRETARIES TO THE NORTH ATLANTIC ASSEMBLY DELEGATIONS.

Section 1 of Public Law 84-689 is amended by adding at the end thereof the following new sentences: "Each delegation shall have a secretary. The secretaries of the Senate and House delegations shall be appointed, respectively, by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives."

SEC. 145. PROTECTION OF TYRE BY THE UNITED NATIONS INTERIM FORCE IN LEBANON.

(a) FINDINGS.—The Congress finds that—

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

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

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

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

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

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14033

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

SEC. 146. PRIVILEGES AND IMMUNITIES TO OFFICES OF THE COMMISSION OF THE EUROPEAN COMMUNITIES.

The Act entitled "An Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof", approved October 18, 1972 (86 Stat. 815), is amended by adding at the end the following: "Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

"(1) the privileges and immunities described in the preceding sentence; or

"(2) as appropriate for the functioning of a particular office, privileges and immunities equivalent to those accorded consular premises, consular offices, and consular employees, pursuant to the Vienna Convention on Consular Relations."

TITLE II—THE UNITED STATES INFORMATION AGENCY

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

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the United States Information Agency \$377,000,000 for fiscal year 1988 for "Salaries and Expenses" to carry out international information, educational, cultural, and other exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and other purposes authorized by law.

(b) **ALLOCATION OF FUNDS.**—Of the funds authorized to be appropriated by this section, not more than \$15,500,000 shall be available for the "Television and Film Service", including **WORLDNET** (the television service of the United States Information Agency), and not more than \$2,000,000 shall be available only for exhibits.

SEC. 202. VOICE OF AMERICA.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated \$180,000,000 for fiscal year 1988 to the Voice of America for the purpose of carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act.

(b) **ALLOCATION OF FUNDS.**—Of the funds authorized to be appropriated by this section, \$10,000,000 shall be available only for the "Voice of America: Cuba Service".

(c) **CONTINUATION OF SLOVENIAN BROADCASTS.**—The Voice of America shall use such funds as may be necessary in order to provide, on a daily basis, broadcasts in the Slovenian language.

SEC. 203. BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated by section 201, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs \$185,000,000 for fiscal year 1988 to carry out the purposes of the Mutual Educational and

Cultural Exchange Act of 1961. Of the funds authorized to be appropriated by this section, not less than—

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

(2) \$39,000,000 shall be available only for grants for the International Visitors Program;

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

(4) \$2,000,000 shall be available only for the Congress-Bundestag Exchange;

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

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

(7) \$300,000 for books and materials to complete the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

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

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

SEC. 204. NATIONAL ENDOWMENT FOR DEMOCRACY.
In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency \$17,750,000, for fiscal year 1988 to be available only for a grant to the National Endowment for Democracy for carrying out its purposes, of which not less than \$250,000 shall be used to support elements of the free press, including free radio, and the democratic civic opposition inside Nicaragua which espouse democratic principles and objectives. As is the case with all programs of the National Endowment for Democracy, no employee of any department, agency, or other component of the United States Government may participate directly or indirectly in controlling, directing, or providing these funds to the free press and democratic civic opposition inside Nicaragua.

SEC. 205. EAST-WEST CENTER.
There are authorized to be appropriated \$20,000,000 for fiscal year 1988 to carry out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960.

SEC. 206. POSTS AND PERSONNEL OVERSEAS.
(a) **PROHIBITION.**—No funds authorized to be appropriated by this Act or any other Act may be used to pay any expense associated with the closing of any post abroad. No funds authorized to be appropriated by this Act shall be used to pay for any expense associated with the Bureau of Management or with the "Television and Film Service" if a United States Information Agency post abroad is closed after April 1, 1987, and not re-opened within 90 days of the date of enactment of this Act.

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

total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees of the Agency at the same time in 1981.

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

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

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

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

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

(B) the total number of United States Information Agency posts abroad staffed by full-time Foreign Service employees of the Agency is not less than the number of such posts in existence on April 1, 1987.

SEC. 207. THE ARTS AMERICA PROGRAM.

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

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

(2) by striking out the period following paragraph (7) and inserting in lieu thereof "and"; and

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

"(8) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries."

SEC. 208. CONGRESSIONAL GRANT NOTIFICATION.

(a) **IN GENERAL.**—Section 705(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(b)) is amended by striking out "1986 and 1987" and inserting in lieu thereof "1988 and 1989".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1987.

SEC. 209. FORTY-YEAR LEASING AUTHORITY.

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

SEC. 210. RECEIPTS FROM ENGLISH-TEACHING, LIBRARY, MOTION PICTURE, AND TELEVISION PROGRAMS.

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

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

S 14084

CONGRESSIONAL RECORD — SENATE

October 8, 1987

SEC. 311. PROFESSORSHIP ON CONSTITUTIONAL DEMOCRACY.

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

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

(c) **EFFECTIVE DATE.**—This section shall take effect on October 1, 1987.

SEC. 312. UNITED STATES-INDIA FUND.

Section 903 of the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (22 U.S.C. 2901-1) is amended by adding at the end thereof the following new subsection:

"(c) In accordance with the agreement negotiated pursuant to section 902(a), the moneys appropriated as described in subsection (b), as well as the earnings generated therefrom, may be made available for the purposes set out in section 902(a)."

SEC. 313. UNITED STATES-PAKISTAN FUND.

(a) **ESTABLISHMENT OF FUND.**—The Director of the United States Information Agency (hereafter in this section referred to as the "Director") is authorized to enter into an agreement with the Government of Pakistan for the establishment of the United States Pakistan Fund for Cultural, Educational, and Scientific Cooperation (hereafter in this section referred to as the "Fund") for which the United States will provide a one time only grant for English language training or other cultural, educational, and scientific programs of mutual interest.

(b) **USE OF FOREIGN CURRENCIES.**—Subject to applicable requirements concerning reimbursement to the Treasury for United States-owned foreign currencies, the Director may make available to the Fund, to the extent and in the amount provided in an appropriation Act, for use in carrying out the agreement authorized by subsection (a), up to the equivalent of \$598,176 in foreign currencies owned by the United States in Pakistan or owed to the United States by the Government of Pakistan. Such use may include investments in order to generate income which will be retained in the Fund and used to support programs pursuant to the agreement.

(c) **UNITED STATES ROLE IN ADMINISTRATION OF THE FUND.**—The United States representatives on any board or other entity created in accordance with the agreement to administer the Fund shall be designated by the Director, predominantly from among representatives of the United States Government agencies, including those administering programs which may be supported in whole or in part by the Fund.

(d) **USE OF THE FUND.**—United States Government agencies carrying out programs of the types specified in subsection (a) may receive amounts directly from the Fund for use in carrying out those programs.

SEC. 314. UNITED STATES INFORMATION AGENCY PROGRAMMING ON AFGHANISTAN.

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

(1) the United States Information Agency lists Afghanistan as one of the "most significant international political/security interests expected to be confronting the United States during the program year of 1988";

(2) it is the stated policy of the United States Government to "recognize the high importance both of keeping the Afghanistan story on the world's front page and of getting the message of our admiration and support across to the Afghan people"; and

(3) Public Law 99-399 expresses the sense of the Congress that "the United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through . . . a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world".

(b) **THE AFGHANISTAN COUNTRY PLAN.**—(1) The Director of the United States Information Agency shall implement a formal, comprehensive country plan on Afghanistan based on the guidelines set forth in the United States Information Agency country plan instructions for fiscal year 1988.

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

SEC. 315. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) **REPEAL.**—Sections 601, 602, 603, and 604 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1466-1469) are hereby repealed.

(b) **ESTABLISHMENT OF ADVISORY COMMISSION.**—Title VI of the United States Information and Educational Exchange Act of 1948 is amended by adding the following new section:

"SEC. 601. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

"(a) There is hereby created the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the 'Commission'). The Commission shall formulate and recommend to the Director of the United States Information Agency, to the Committee on Foreign Relations of the Senate and to the Committee on Foreign Affairs of the House of Representatives policies and programs for the carrying out of this Act and the Mutual Educational and Cultural Exchange Act of 1961.

"(b)(1) The Commission shall consist of 9 members. Five members shall be appointed by the President and shall serve for the remainder of the President's term in office. The 4 remaining members shall be appointed as follows:

"(A) Two members shall be appointed by the chairman and Ranking Minority Member of the Committee on Foreign Relations of the Senate, whichever is not of the same political party as the President.

"(B) Two members shall be chosen by the Chairman and Ranking Minority Member of the Committee on Foreign Affairs of the House of Representatives, whichever is not of the same political party of the President.

"(2) The congressionally appointed members shall serve for the remaining duration of the Congress in which they are appointed. Members of the Commission shall serve until their successors are appointed. A vacancy shall be filled in the manner in which the previous incumbent was selected and shall serve only to the end of the term to which the previous incumbent had been appointed.

"(c) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, professional, cultural, scientific, business,

technical and public service backgrounds. No person holding any compensated State or Federal office shall be eligible for appointment to the Commission.

"(d) The President shall designate a Chairman from among the members of the Commission.

"(e) The members of the Commission shall receive no compensation for their services as members but shall be entitled to reimbursement for travel and subsistence in connection with attendance of meetings away from their places of residence, as provided in paragraph (6) of section 801 of this Act.

"(f) The Commission may adopt such rules and regulations as it deems necessary to carry out the authority conferred upon them by this title.

"(g) The Commission shall have a staff Director appointed by the chairman with the concurrence of at least 5 members of the Commission. The Director of the United States Information Agency is authorized and directed to provide such additional personnel for the staff of the Commission as is necessary to carry out the work of the Commission. The Chairman is authorized to procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates not to exceed the equivalent of the annual rate of basic pay for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code."

SEC. 316. THE EDWARD ZORINSKY MEMORIAL LIBRARY.

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

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

"THE EDWARD ZORINSKY MEMORIAL LIBRARY"

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

SEC. 317. CONTRACTOR REQUIREMENTS.

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

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

(c) **EXCEPTION.**—

October 9, 1987

CONGRESSIONAL RECORD — HOUSE

S 14035

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

(A) concluded by the terms of an international agreement with the host foreign country,

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

(i) its national public radio and television sector, or

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

(C) A foreign bidder can establish that the United States goods and services content of his proposal and the resulting contract will not be less than 60 percent of the value of his proposal and the resulting total contract. Provided, That the United States Trade Representative certifies to the United States Information Agency that the foreign bidder is not receiving either direct or indirect subsidies from any government.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as "RFP") or the Invitation For Bids (commonly referred to as "IFB") was issued after December 28, 1986. SEC. 212. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM

(a)(1) The purpose of this section is to promote friendship and understanding between the United States and the Soviet Union through the establishment of a program for the exchange of youths of the two countries, and to recognize the contribution made by Samantha Smith in furthering this goal.

(2) To carry out the purposes of this section, the Bureau of Educational and Cultural Affairs (hereafter in this section referred to as the "Bureau") is authorized to provide by grant, contract, or otherwise for educational exchanges, visits, or interchanges between the United States and the Soviet Union of American and Soviet youths under the age of 21.

(3) The President is authorized to enter into an agreement with the Government of the Soviet Union to carry out paragraph (2).

(b)(1)(A) The Bureau is authorized to award scholarships to exceptional students—

(i) who have not obtained 25 years of age;

(ii) who are enrolled in institutions of higher education;

(iii) who are studying in the Soviet Union in programs approved by such institutions; and

(iv) who meet the conditions of paragraph (2).

(B) In awarding scholarships under this paragraph, the Bureau shall consider the financial need of the applicants.

(C) Each scholarship awarded under clause (A) may not exceed \$5,000 in any academic year of study.

(2) The Bureau shall prescribe such regulations as may be necessary to establish procedures for the submission and review of applications for scholarships awarded under this section.

(3)(A) A student awarded a scholarship under this subsection shall continue to receive such scholarship only during such periods as the Bureau finds that he or she is maintaining satisfactory proficiency in his or her studies.

(B) Not later than 30 days after the close of an academic year for which funds are made available under this section, each institution of higher education, one or more students of which have been awarded a scholarship under this section, shall prepare and transmit to the Bureau a report describing the level of proficiency achieved by such students in their studies.

(4) For purposes of this subsection, the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

(c) In addition to funds authorized to be appropriated for the Bureau for the fiscal year 1988, \$2,000,000 shall be available in fiscal year 1988 only to carry out the purposes of this section.

(d) Activities carried out under this section may be referred to as the "Samantha Smith Memorial Exchange Program".

SEC. 213. CULTURAL PROPERTY ADVISORY COMMITTEE

(a) TERMS OF SERVICE.—Section 306(b)(13)(A) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

"(13)(A) Members of the Committee shall be appointed for terms of three years and may be reappointed for one or more terms. With respect to the initial appointments, the

President shall select, on a representative basis to the maximum extent practicable, four members to serve three year terms, four members to serve two year terms, and the remaining members to serve a one-year term. Thereafter each appointment shall be for a three-year term."

(b) VACANCIES; CHAIRMANSHIP.—Section 306(b)

(3)(B) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

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

(ii) The President shall designate a chairman of the Committee from the members of the Committee."

SEC. 214. AUDIENCE SURVEY OF USIA WORLDNET PROGRAM

(a) (1) The funds authorized to be appropriated for USIA's Worldnet Program by section 301(b), not less than \$500,000 shall be available only for the purpose of conducting a survey of the number of viewers in Europe who watch the daily passive (noninteractive) shows of USIA's Worldnet Program.

(2) Such survey shall be conducted by a company, such as the A.C. Nielson Company, which has a long established reputation for objective estimates of audience size and which has not less than 15 years of substantial experience in estimating audience size.

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

(1) the best estimate by the company performing the audience survey of the number of persons in Europe who watch, on a daily basis, the passive (non-interactive) shows of USIA's Worldnet Program. Such estimate shall include an estimate of the number of persons who watch a part of the daily passive (noninteractive) shows of USIA's Worldnet Program and the number of persons who watch such programs in their entirety;

(2) a description of the demographic composition and nationality of the persons watching such programs;

(3) the entire report prepared by the company conducting the survey.

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

TITLE III—THE BOARD FOR INTERNATIONAL BROADCASTING

SEC. 301. AUTHORIZATION OF APPROPRIATIONS—ALLOCATION OF FUNDS

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1978 (22 U.S.C. 2877) is amended to read as follows:

"(A) \$174,000,000 for fiscal year 1988, and"

(2) The amendment made by paragraph (1) shall take effect October 1, 1987.

S 14036

CONGRESSIONAL RECORD—SENATE

October 9, 1987

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

SEC. 302. CURRENCY GAINS

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

SEC. 303. CERTIFICATION OF CERTAIN CREDITABLE SERVICE

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

TITLE IV—THE GLOBAL CLIMATE PROTECTION ACT OF 1987

SEC. 401. SHORT TITLE

This title may be cited as the "Global Climate Protection Act of 1987".

SEC. 402. FINDINGS

The Congress finds that—

(1) there exists compelling evidence that manmade pollution—the release of carbon dioxide, chlorofluorocarbons, and other trace gases into the atmosphere—may, in combination with deforestation, be producing a long term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect;

(2) by early in the next century, this increase in Earth temperature could—

(A) so alter global weather patterns as to have disastrous effect on existing agricultural production and on the habitability of large portions of the Earth; and

(B) cause thermal expansion of the oceans and partial melting of the polar ice caps, resulting in rising sea levels and widespread coastal flooding around the world;

(3) while the effects of the greenhouse effect may not be felt until the next century, ongoing pollution and deforestation may be contributing now to an irreversible process, making timely action imperative if the climate is to be preserved;

(4) the global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to climate change; and

(5) effective international cooperation will require United States leadership, which will depend upon early arrival at, and implementation of, a coordinated national strategy.

SEC. 403. TASK FORCE ON THE GLOBAL CLIMATE

(a) ESTABLISHMENT.—The President shall establish a Task Force on the Global Climate (hereafter in this title referred to as the "Task Force").

(b) PURPOSE.—The Task Force shall be mandated to determine and supervise the research necessary for a coordinated national strategy on the global climate, to develop such a strategy, and to initiate implementation of such strategy domestically and in the international arena. The Task Force also shall encourage and support activities of the United Nations Environment Program, the World Meteorological Organization, and other international or national organiza-

tions which the Task Force determines to be appropriate, to—

(1) foster cooperation among nations to develop more extensive and coordinated research efforts with respect to the greenhouse effect;

(2) identify existing and potential strategies, including technologies and activities, to stabilize global climate, and atmospheric concentrations of greenhouse gases, at current levels; and

(3) increase the worldwide dissemination of information with respect to—

(i) the causes of the greenhouse effect;

(ii) the environmental and health consequences of the greenhouse effect; and

(iii) methods to alleviate or avoid the greenhouse effect and the consequences of such effect.

(c) COMPOSITION.—The Task Force shall be composed of the following, from among whom the President shall designate a Chairman and a Vice-Chairman—

(1) the Secretary of State;

(2) the Administrator of the Environmental Protection Agency;

(3) the Director of the National Science Foundation;

(4) the Director of the National Academy of Sciences;

(5) the Administrator of the National Aeronautics and Space Administration;

(6) the Administrator of the National Oceanic and Atmospheric Administration;

(7) the Administrator of the Agency for International Development;

(8) the Director of the United States Geological Survey;

(9) the Secretary of Energy; and

(10) the heads of other appropriate Government agencies, and other persons knowledgeable about the problems of global warming, as the Chairman and Vice Chairman may determine.

(d) ADVISORY ROLE.—The chairmen and ranking minority members of the Committee on Foreign Relations; the Committee on Commerce, Science, and Transportation; the Committee on Governmental Affairs; and the Committee on Environment and Public Works of the Senate and the Committee on Foreign Affairs; the Committee on Science and Transportation; and the Committee on Energy and Commerce of the House of Representatives shall serve as advisors to the Task Force, along with any other Members designated by the majority and minority leaders of the Senate and the Speaker of the House of Representatives.

(e) TASK FORCE REPORT.—Not later than 12 months after the date of enactment of this Act, the Task Force shall develop and transmit to the President a United States strategy on the global climate, which shall include—

(1) a full analysis of the global warming phenomenon, including its environmental and health consequences;

(2) a comprehensive strategy, including the policy changes, further research, and cooperative actions with other nations that would be required to stabilize domestic and international emissions of atmospheric pollutants at safe levels; and

(3) an analysis of the impact of deforestation worldwide on the global climate.

SEC. 404. REPORT TO CONGRESS

Not later than 3 months after receipt of the United States strategy on the global climate, the President shall submit such strategy, together with recommendations for further legislative action, to the Speaker of the House of Representatives and the chairmen of the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on Environment and Public Works of the Senate.

SEC. 405. AMBASSADOR AT LARGE

To coordinate and lead the participation of United States Government agencies in various multilateral activities relating to global warming, including United States participation in planning for the International Geosphere-Biosphere Program scheduled for the early 1990's, the President shall appoint an Ambassador at Large, who shall also represent the Secretary of State in the operations of the Task Force.

SEC. 406. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION

In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

SEC. 407. CLIMATE PROTECTION AND UNITED STATES-SOVIET RELATIONS

In recognition of the respective leadership roles of the United States and the Soviet Union in the international arena, and of their joint role as the world's two major producers of atmospheric pollutants, the Congress urges that the President accord the problem of climate protection a high priority on the agenda of United States-Soviet relations.

SEC. 408. TERMINATION OF PROVISIONS

This title shall terminate 12 months after the date of the enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ENFORCEMENT OF CASE ACT REQUIREMENTS

None of the funds authorized to be appropriated by this Act or by any other Act shall be available to implement any international agreement the text of which is required to be transmitted to the Congress under section 112b(a) of title 1, United States Code (also known as the "Case Act") after the 60-day period referred to in such section, until the text of such agreement is so transmitted.

SEC. 502. FEDERAL JURISDICTION OF DIRECT ACTIONS AGAINST INSURERS OF DIPLOMATIC AGENTS

(a) PERIOD OF LIABILITY.—Section 1364 of title 28, United States Code, as added by section 7 of the Diplomatic Relations Act, is amended by inserting after "who is" the following: ", or was at the time of the tortious act or omission."

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

SEC. 503. PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES

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

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress; or

(2) to influence in any way the outcome of a political election; or

(3) for any publicity or propaganda purposes not authorized by Congress.

(b) Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate subsection (a), shall be fined not more than \$1,000 or imprisoned not more than one year, or both, and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

October 9, 1987

CONGRESSIONAL RECORD—SENATE

S 14037

SEC. 504. PROHIBITION ON EXCLUSION OF ALIENS BECAUSE OF POLITICAL BELIEFS.

(a) **ADMISSION OF CERTAIN ALIENS.**—Notwithstanding any other provision of law, no alien may be denied a visa or excluded from admission into the United States or subject to restrictions or conditions on the use of a visa solely because of any past or current political beliefs or political associations or on the basis of the expected content of the alien's statements in the United States.

(b) **CONSTRUCTION REGARDING EXCLUDABLE ALIENS.**—Nothing in this section shall be construed to affect the existing authority of the Executive branch to deny admission to any alien—

(1) for reasons such as foreign policy and national security other than those specified in subsection (a);

(2) who engages in terrorist activity or is a member of a terrorist organization, as defined in the Foreign Intelligence Surveillance Act (50 U.S.C. 1801);

(3) for the purpose of seeking reciprocity for the entry of Americans into a foreign country; or

(4) who represents a purported labor organization in a country where such organizations are in fact instruments of a totalitarian state.

(c) **CONSTRUCTION REGARDING STANDING TO SUE.**—Nothing in this section shall be construed as affecting standing in any Federal court or in any administrative proceeding.

SEC. 505. AUTHORITY TO INVEST AND RECOVER EXPENSES FROM INTERNATIONAL CLAIMS SETTLEMENT FUNDS.

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

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

(b) **REIMBURSEMENT OF EXPENSES.**—The Act of February 26, 1896 (29 Stat. 32; 22 U.S.C. 2668a) is amended under the heading entitled "TRUST FUNDS."—

(1) by inserting ", subject to the deduction made under the fourth paragraph under this heading, if any," after "and certify the same" in the second sentence; and

(2) by inserting at the end thereof the following new paragraph:

"The Secretary of State shall deduct from moneys received from foreign governments and other sources as a result of an international arbitration or other international dispute settlement proceeding to which the United States is a party an amount equal to 5 percent of any moneys determined by the Secretary to be due a private United States claimant, as reimbursement for expenses incurred. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. This paragraph shall not apply to any expenses incurred or amounts received in connection with the Iran-United States Claims Tribunal, or to any funds created under section 8 of the International Claims Settlement Act of 1949."

(c) **AUTHORITY TO ACCEPT REIMBURSEMENTS.**—The Department of State Appropriation Act of 1937 (49 Stat. 1321; 22 U.S.C. 2661) is amended under the heading entitled

"INTERNATIONAL FISHERIES COMMISSION" by inserting after the fourth undesignated paragraph the following new paragraph:

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

SEC. 506. PAYMENT OF THE CLAIM OF JOSEPH KAREL HASEK FROM THE CZECHOSLOVAKIAN CLAIMS FUND.

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

(1) Private Law 98-54 provided that Joseph Karel Hasek should receive equitable relief to allow him to be compensated for his losses arising as a result of the unusual and unique circumstances of his departure from Czechoslovakia under the auspices of the United States Government;

(2) Private Law 98-54 required the Foreign Claims Settlement Commission, in determining the validity and amount of the claim of Joseph Karel Hasek, to consider any new evidence and unique circumstances relating to that claim; and

(3) Private Law 98-54 has not been implemented as intended by the Congress.

(b) **DIRECTION TO PAY CLAIM.**—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to pay \$250,000 (less than 5 percent of his losses), together with interest calculated under subsection (c), to Joseph Karel Hasek out of funds covered into the Czechoslovakian Claims Fund under section 4(b)(1) of the Czechoslovakian Claims Settlement Act of 1981 not later than—

(1) 30 days after the date of enactment of this Act, or

(2) the beginning of the final distribution of payments made under section 8 of the Czechoslovakian Claims Settlement Act of 1981,

whichever comes first.

(c) **COMPUTATION OF INTEREST.**—The interest required to be paid by subsection (b) shall represent the amount of interest accruing on \$250,000 from August 1, 1955, to August 8, 1958, at a rate which shall be determined by the Secretary of the Treasury.

(d) **LIMITATION ON CERTAIN FEES.**—No amount in excess of 10 percent of any amount paid pursuant to this section may be paid to or received by any attorney or agent for services rendered in connection with such payment, and any such excessive payment shall be unlawful, any contract to the contrary notwithstanding. Any violation of this section is a misdemeanor, and any person convicted of such a violation shall be fined not more than \$1,000.

SEC. 507. PROHIBITION ON INTERNATIONAL FIRST CLASS AIR TRAVEL BY CONGRESSIONAL STAFF.

None of the funds authorized to be appropriated by this Act or by any other provision of law shall be available to fund international first class air travel for Congressional staff members, except that—

(1) one staff member accompanying a Member of Congress may be authorized first class air travel; and

(2) if no other means of air travel is available, first class travel may be authorized for a staff member.

SEC. 508. PUBLIC ACCESS TO UNITED NATIONS WAR CRIMES COMMISSION FILES.

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

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

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

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

(1) United States policy should be to support access by interested individuals and organizations to the files of the United Nations War Crimes Commission deposited in the archives of the United Nations;

(2) the Permanent Representative of the United States to the United Nations should advise the Secretary General of the United Nations of such policy; and

(3) all appropriate steps should be taken to persuade the former member states of the United Nations War Crimes Commission to adopt such policy.

SEC. 509. POLICY ON AFGHANISTAN.

(a) **FINDINGS ON SOVIET ACTIONS IN AFGHANISTAN.**—The Congress finds that—

(1) the Soviet Union has been waging war against the people of Afghanistan since the invasion of December 25, 1979;

(2) the victims of the Soviet invasion and occupation include more than 1,000,000 dead and more than 3,000,000 Afghans forced to find refuge in neighboring countries;

(3) Soviet military tactics have included the bombing and napalming of villages without regard to the human toll, the destruction of crops, agricultural land, and orchards so as to create famine conditions, and the massacre of hostages and other innocent civilians;

(4) children have been particular victims of Soviet aggression, with some being targeted for death by the dropping of booby-trapped toys while other children have been transported to the Soviet Union for indoctrinating;

(5) the Soviet-installed puppet regime has engaged in a consistent pattern of gross violations of the human rights of its own citizens, including torture and summary execution, for which its Soviet sponsors must also be held accountable; and

(6) Soviet actions in Afghanistan, therefore, constitute a violation of international law and of accepted norms of human decency and, therefore, must be condemned by civilized people everywhere.

(b) **FINDINGS ON THE AFGHAN RESISTANCE.**—The Congress further finds that—

(1) the Afghan people have heroically resisted the Soviet invaders in spite of the tremendous cost of so doing and now control most of their homeland;

(2) the provision of effective assistance to the Afghan people is an obligation of those who cherish freedom;

(3) a total and prompt withdrawal of all Soviet forces from Afghanistan is essential in order for the Afghan people to exercise their inalienable human right to self-determination; and

(4) a negotiated settlement providing for the total and prompt withdrawal of Soviet forces offers the best prospect for an early end to the suffering of the Afghan people.

(c) **DECLARATION OF POLICY.**—The Congress, therefore, declares it to be the policy of the United States—

(1) to provide such assistance to the Afghan people as will most effectively help them resist the Soviet invaders;

(2) to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and

(3) to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghani-

S 14038

CONGRESSIONAL RECORD — SENATE

October 9, 1987

ties as a condition for better relations between the United States and the Soviet Union.

(d) **PROVISION OF ASSISTANCE.**—The President and Secretary of State are directed to adopt policies and programs to insure that all assistance intended for the Afghan people reaches its intended recipients and that theft or diversion of such assistance not be tolerated.

SEC. 510. POLICY TOWARD THE IRAN-IRAQ WAR.

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

(1) the continuation of the Iran-Iraq war threatens the security and stability of all states in the Persian Gulf;

(2) stability in the Persian Gulf and the flow of oil is critical to world trade and the economic health of the West;

(3) the conflict between Iran and Iraq threatens United States strategic and political interests in the region;

(4) the conflict threatens international commercial shipping interests and activities; and

(5) the Iran-Iraq war has continued seven years with more than 1,500,000 casualties.

(b) **POLICY.**—The Congress declares it to be the policy of the United States—

(1) to support the total, unconditional withdrawal of both Iran and Iraq to internationally recognized boundaries;

(2) to support an immediate cease-fire;

(3) to endorse the peaceful resolution of this conflict under the auspices of the United Nations or other international organization or party;

(4) to encourage all governments to refrain from providing military supplies to any party refusing to participate in negotiations leading to a peaceful resolution of the war;

(5) to recognize that stability and security in the Persian Gulf will only be achieved if Iran and Iraq are at peace and agree not to interfere in the affairs of other nations through military action or the support of terrorism; and

(6) to urge strict observance of international humanitarian law by both sides and to support financially the International Committee of the Red Cross' special appeal for prisoners of war.

SEC. 511. IRANIAN PERSECUTION OF THE BAHAI'S.

(a) **POLICY TOWARD THE BAHAI' COMMUNITY.**—It is the sense of the Congress that—

(1) the Government of Iran has systematically discriminated against the Baha'i community, including the arbitrary detention, torture, and killing of Baha'is, the seizure of Baha'i property, and the outlawing of the Baha'i faith; and

(2) Iran's gross violations of the human rights of the Baha'i community are in direct contravention of the Charter of the United Nations and the United Nations Declaration of Human Rights.

(b) **IMPLEMENTATION OF POLICY.**—It is the sense of Congress that the President shall take all necessary steps to focus international attention on the plight of the Baha'i Community and to bring pressure to bear on the Government of Iran to cease its insidious policy of persecution.

SEC. 512. REFUGEES FROM SOUTHEAST ASIA.

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

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975-1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Arian Auschwitz, constituted one of the clearest examples of genocide in recent history; and

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland.

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

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees;

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos;

(5) the United States will try to facilitate on a high priority basis the resumption of the Orderly Departure Program from Vietnam and the processing of Amerasians from Vietnam; and

(6) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents.

SEC. 513. POLICY TOWARD SOUTH KOREA.

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

(1) the American people have an enduring commitment to the freedom of the Korean people, demonstrated by the sacrifices of the United States during the Korean War, by the ongoing defense treaty relationship between the United States and the Republic of Korea, including the stationing of nearly 40,000 United States troops in the Republic of Korea, and the provision by the United States of more than \$12,000,000,000 in economic and military aid since 1953;

(2) the Republic of Korea's increasing role in the international economy has not been matched by a commensurate increase in the

enforcement of internationally-recognized standards in civil and political rights;

(3) genuine democracy, governmental respect for internationally-recognized human rights, and internal stability together with effective defense forces best guarantee the security of the Republic of Korea against the threat of aggression from North Korea;

(4) a peaceful, democratic transition of governmental power could become the political landmark that will secure the path toward genuine democracy for South Korea;

(5) the Government of the Republic of Korea recognized the popular will by formally announcing that there will be direct election of the President as part of the nation's constitutional reform;

(6) the peaceful transition of government power promised for 1988 will respond to the hopes of millions of South Koreans and help alleviate pressure for political turmoil in that nation; and

(7) large numbers of citizens of the Republic of Korea have expressed dissatisfaction with the severe limits imposed by the authorities on freedom of expression and access to the political process.

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

(1) the United States recognizes and supports the desire of the Korean people to achieve a level of political development commensurate with their outstanding economic, social, and cultural achievements;

(2) the deep interest of the United States in defending the Republic of Korea's sovereignty, as well as in securing democracy and human rights, would be best served by the peaceful establishment of genuine democratic institutions;

(3) the United States values and takes very seriously President Chun Doo Hwan's commitment to initiate the first peaceful transition of executive power in the Republic of Korea's history by stepping down in March 1988;

(4) the United States applauds the decision of the Chun government on June 29, 1987, to support efforts for constitutional reforms essential to a meaningful and peaceful transfer of power;

(5) the necessary condition for achievement of a genuine democracy in the Republic of Korea is flexibility and fairness by all parties to the constitutional reform negotiations in designing an electoral system which can give the people of that nation confidence that the outcome of elections will reflect their will;

(6) the necessary conditions of such elections are freedom of expression, freedom of the press, respect for due process of law, an independent judiciary, an end to the use of torture, the release of all political prisoners, the restoration of full political and civil rights, and legal guarantees for the proper and humane treatment of all political detainees;

(7) The United States welcomes the decision by the Republic of Korea to proceed with constitutional reform and continue the search for a peaceful agreement among Korean parties on this issue in the spirit of compromise essential to democracy;

(8) the United States applauds public and private statements by the South Korean Minister of Defense, senior officers and top government officials that they support the democratization process and that the military will not disrupt it in any way.

SEC. 514. POLICY TOWARD NORTH KOREA.

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

(1) North Korea is one of the world's most regimented and totalitarian nations and its government comprehensively suppresses basic human rights;

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14039

(2) The North Korean regime has been directly implicated in acts of international terrorism, including the October 1983 bombing attempt on the life of the president of the Republic of Korea during his state visit to Burma, which resulted in the death of 17 people, including 4 Republic of Korea cabinet ministers.

(3) In 1985 North Korea unilaterally suspended negotiations with the Republic of Korea which were aimed at reducing tensions on the Korean peninsula;

(4) North Korea is constructing a large dam on the North Han River which poses a potential threat to the city of Seoul; and

(5) The United States remains firmly committed to the security of the Republic of Korea and will take all necessary measures to help defend it against foreign aggression.

(b) **POLICY.**—It is the sense of the Congress that North Korea should—

(1) take steps to cease its domestic political repression and denial of basic human rights;

(2) end its support for international terrorism;

(3) accept the Republic of Korea's call for unconditional resumption of negotiations aimed at easing tensions on the Korean peninsula; and

(4) consider other steps to ease tensions between North and South and reduce North Korea's international isolation, including a commitment to participate in the 1988 Olympic Games in Seoul and to refrain from any action to disrupt them.

SEC. 515. POLICY AGAINST PERSECUTION OF CHRISTIANS IN EASTERN EUROPE AND THE SOVIET UNION.

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

(1) on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by thirty-three European countries, together with Canada and the United States;

(2) the signatories of the Helsinki Final Act committed themselves under Principal VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion";

(3) persecution of individuals on the basis of religious beliefs and cultural heritage is in direct violation of the commitments to freedom of thought, conscience, expression, and religion made by the Union of Soviet Socialist Republic (hereafter in this concurrent resolution referred to as the "USSR") and by the countries of Eastern Europe as the signatories of the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document;

(4) in Albania, the only officially atheistic country in the world, the Constitution of which outlawed religion and defines all religious activities as criminal acts, there are documented cases of executions and murders of clergy and believers;

(5) in Bulgaria, where the Constitution of 1971 specifically guarantees freedom of religion, the organization of branches, missions, convents and charitable institutions of religious associations having headquarters or centers located abroad is nevertheless prohibited (by article 23 of the law of February 26, 1949), religious instruction to persons under sixteen years of age is prohibited, courts are authorized (by the Law on Family of March 15, 1968) to remove children from families that do not comply with the demand that "education of children be conducted in the spirit of socialism and communism," and special benefits are bestowed on individuals who renounce religion, while

those who adhere to religious beliefs are severely harassed and imprisoned;

(6) in Czechoslovakia, where citizens are constitutionally guaranteed freedom of religion and "performance of religious rites, so long as it does not contradict the law," all churches and religious organizations are nevertheless subject to the control of a Secretariat for Religious Affairs that has "normative, guiding and controlling powers in all church and religious affairs," clergy are prohibited from serving the church without state license issued only after thorough investigation and revokable without explanation or right of appeal, all religious orders of brothers and nuns have been prohibited for decades from accepting new members and could soon die out, practicing Christians are discriminated against in housing, employment, and education, secret government agents are frequently present at church services, clergy are offered bribes to join religious "peace" movements which closely collaborate with the government, and many clergy and church members are invited to cooperate with the secret police;

(7) in the German Democratic Republic, where freedom of religion is guaranteed "in agreement with the Constitution and legal regulations in the GDR" by article 39 of the Constitution of 1968, religious education for Christian children is nevertheless officially discouraged so that teenagers receiving such education are often treated as second-class citizens, young people are forced to participate in the Communist ceremonies of "youth consecration" and required to pledge allegiance to Marxism-Leninism, and conscientious objectors and organizers and members of the unofficial peace movement, almost all practicing Christians, are persecuted;

(8) in Hungary, where the Constitution guarantees the equality of all citizens, provides that discrimination of citizens on the ground of religious faith is a punishable offense, guarantees freedom of conviction and freedom of religious worship, and decrees separation of church and state, all churches are nevertheless supervised and controlled by the State Office for Church Affairs of which special departments oversee the activities of individual districts and report their observations to the headquarters in Budapest, the State Office for Church Affairs exclusively appoints clergy and faculty of theological schools, admission of candidates for theological studies is drastically curtailed, and members of the "basic communities" are occasionally harassed for their independent religious activities;

(9) in Poland, where the Constitution guarantees freedom of religion and separation of church and state, and where, in 1982, the Patriotic Movement of National Renewal—a coalition of the Polish United Workers Party and its adjunct small political parties—declared equality under law for all citizens, activist priests and believers, primarily members of the Solidarity movement, have nevertheless become targets of persecution, and the Catholic Church operates under significant impediments in its pursuit of charitable, religious, and humanitarian goals;

(10) in Romania, where the Constitution guarantees freedom of religion, the Ministry of Cults is nevertheless granted (by article 51 of the Law on Rituals of 1948) "unrestricted control of church teachings and church administration," contacts with religious associations abroad is prohibited (by article 40 of such law) unless authorized by the Ministry of Cults and the Ministry of Foreign Affairs, the Romanian Orthodox Church, the second largest Orthodox church (after the Orthodox Church in the USSR) with some sixteen million members (out of twenty-one

million Romanian citizens), is still tightly controlled by the government despite its special national status and some members of such Church suffer persecution, Catholics and Protestants are generally members of national minorities (Hungarians and Germans) that are frequent targets of persecution and discrimination especially in the provinces of Transylvania and Moldavia, the Uniate Church was officially and forcibly abolished and its members transferred to the Orthodox Church by government fiat, religious instruction is discouraged and restricted, religious instructors are not permitted to use any teaching aids and reading materials, agents of secret police shadow religious believers and clergy, trials of churchmen are frequent, and the government has engaged in the physical destruction of churches of all faiths regardless of their inestimable historical and cultural value;

(11) in Yugoslavia, where (although officially atheistic) authorities assert that there is wide tolerance of religious activities, the government has nevertheless responded to growing demands by the citizenry for more religious instruction for children by recently proposing a law providing for fines ranging from 2,000 to 20,000 dinars or thirty days in prison for persons "performing a religious ceremony where it is not permitted by law," and any citizen using a radio or film to spread religious material is subject to a fine ranging from 10,000 to 100,000 dinars;

(12) in the USSR, where article 124 of the Constitution guarantees both the freedom of religious faith and the freedom of atheism, the right to conduct atheistic propaganda is nevertheless fully realized while the right of evangelization is not extended to religious denominations and organizations, "religious propaganda" (defined by government authorities at various times to include sacred books, hymnals, prayer books and religious literature, as well as rosaries, pictures of saints, and other religious articles) is banned, the teaching of religion to persons under eighteen years of age is prohibited, practicing members of any religion cannot be appointed or elected to public offices or positions of influence and leadership and such members have no representation in any administrative and legislative bodies or educational and cultural institutions, the Ukrainian Catholic Church has been abolished, the Lithuanian Catholics and Latvian and Estonian Lutherans are subjected to religious and ethnic persecution, and police force is used to suppress religion;

(13) under the oppressive conditions in existence in the USSR and Eastern Europe, some clergy, church officials, and church members consent, however reluctantly, to collaborate with the government, allowing the government to involve such individuals and their churches in the service of the Communist system through such organizations as the PAX association in Poland, the Pacem in Terris Peace Movement of Catholic clergy in Czechoslovakia, the Religious Circles Convocation (a new entity associated with the World Peace Council), and, most notably, the Christian Peace Conference, the headquarters of which are in Prague, Czechoslovakia, but the control of which is in the Kremlin; and

(14) the Christian Peace Conference is both pro-Soviet and undemocratic, the activities, orientation, and rhetoric of which remain biased in favor of the USSR, Cuba, other Marxist states, the PLO, and the theology of liberation, such that no condemnation of the Soviet aggression against Afghanistan, of the Soviet interventions in Ethiopia, Angola, and Mozambique, and of

S 14040

CONGRESSIONAL RECORD — SENATE

October 2, 1987

the Soviet violations of human rights in the Communist-dominated countries is allowed.

(b) **POLICY.**—Because the Congress is deeply disturbed by and opposed to the increased harassment of clergy and members of Christian faiths, as well as the use of clergy and believers on behalf of Soviet foreign policy goals, it is the sense of Congress that—

(1) the President of the United States should continue to express to the governments of the USSR and Eastern European countries the deep concern and opposition of the United States with respect to the harassment of Christians;

(2) the governments of the USSR and Eastern European countries should comply with their commitments under the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document; and

(3) the governments of the USSR and Eastern European countries should immediately cease persecuting individuals on the basis of their adherence to their Christian faiths and should afford them their fundamental human rights of religious expression.

SEC. 516. CONCERNING OBSERVANCE BY THE GOVERNMENT OF ROMANIA OF THE HUMAN RIGHTS OF HUNGARIANS IN TRANSYLVANIA.

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

(1) The Government of Romania has entered into treaties and accords (including the 1947 Paris Treaty of Peace with Romania, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe) which guarantee the human rights of its citizens without any discrimination as to religion and national origin.

(2) The Constitution of the Socialist Republic of Romania ensures far-reaching rights to the "co-inhabiting nationalities" in Romania.

(3) The province of Transylvania, which has 2,500,000 Hungarians and which had constituted part of Hungary for a millennium, was originally ceded to Romania by the 1920 Trianon Treaty.

(4) The fate of the Hungarians in Transylvania has been systematic denationalization under the various Romanian Governments, whether Royalist, Fascist, or Communist.

(5) The Government of the Socialist Republic of Romania and its regional and local authorities pursue a policy of denationalization toward the Hungarians and people of other nationalities in Transylvania by measures approximating ethnocide, including—

(A) the destruction of Hungarian language schools and the Hungarian Bolyai University (still in existence in 1958) and the replacement of these schools by a steadily declining number of Hungarian sections in Romanian schools,

(B) the destruction, or the making inaccessible to the public and scholars, of the documents of the Hungarian past of Transylvania, and

(C) the conscious dispersion of the Hungarian intelligentsia into Romanian areas and the settlement of large numbers of Romanian colonists into the Hungarian areas of Transylvania.

(6) The Socialist Republic of Romania actively interferes with the internal affairs of all its religious communities, severely limiting or banning all their social and teaching activities and discriminates against their members in employment, education, and promotion, particularly with regard to the

members of the Catholic and Protestant churches which are composed of Hungarians and Germans.

(7) The 2,500,000 Hungarians in Transylvania are entitled to the rights protected under the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

(b) **SENSE OF THE CONGRESS.**—The Congress deplores activities of the Government of the Socialist Republic of Romania denying the rights of the Hungarians and people of other nationalities in Transylvania.

SEC. 517. INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION, MEMBERSHIP.

The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, and, upon entry into force of the amendments to such constitution approved in Geneva, Switzerland, on May 20, 1967, to continue membership in the organization under the name International Organization for Migration in accordance with such constitution and amendments. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participation in the Committee.

SEC. 518. SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

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

(1) the subjugation of peoples to foreign domination constitutes a denial of human rights and is contrary to the Charter of the United Nations;

(2) all peoples have the right to self-determination and to establish freely their political status and pursue their own economic, social, cultural, and religious development, a right that was confirmed in 1975 in the Helsinki Final Act;

(3) on August 23, 1939, Soviet Foreign Minister V.M. Molotov and the Foreign Minister of Nazi Germany, Joachim von Ribbentrop, signed a nonaggression pact containing Secret protocols that consigned the Baltic States to a Soviet sphere of influence;

(4) on June 21, 1940, Armed Forces of the Soviet Union overran the independent Baltic republics of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Soviet Union, depriving the Baltic peoples of their basic human rights, including the right to self-determination;

(5) the Government of the Soviet Union continues efforts to change the ethnic character of the population of Estonia, Latvia, and Lithuania through policies of Russification and dilution of their native populations;

(6) the United States continues to recognize the diplomatic representatives of the last independent Baltic governments and supports the aspirations of the Baltic peoples to self-determination and national independence, a principle enunciated in 1940 and reconfirmed by the President on July 26, 1983, when he officially informed all member nations of the United Nations that the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union;

(7) the Baltic peoples continue to show their discontent with the foreign domination of their nations and their ardent hopes for liberty, most recently on August 23, 1987, when simultaneous demonstrations were

held in Tallinn, Estonia, Riga, Latvia, and Vilnius, Lithuania to mark the 48th anniversary of the signing of the Molotov-Ribbentrop Pact; and

(8) the Soviet Union continues to deny the people of Estonia, Latvia, and Lithuania the right to exist as independent countries, separate from the Soviet Union and denies the Baltic peoples the right to freely pursue human contacts, movement across international borders, emigration, religious expression, and other human rights enumerated in the Helsinki Final Act.

(b) **RECOGNITION AND ACTION BY PRESIDENT.**—Congress—

(1) recognizes the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union; and

(2) calls on the President to—

(A) direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26, 1988, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union;

(B) closely monitor events in the Baltic States following the peaceful public demonstrations in Riga on June 14, 1987, and in Tallinn, Riga, and Vilnius on August 23, 1987, and, in the context of the Helsinki Review Conference and other international forums, to call attention to violations of basic human rights in the Baltic States, such as the harassment, arrest, imprisonment, or expulsion of those who organize peaceful public demonstrations; and

(C) promote compliance with the Helsinki Final Act in the Baltic States through human contacts, family reunification, free movement, emigration rights, the right to religious expression and other human rights enumerated in the Helsinki Accords.

SEC. 519. LIMITATIONS ON HOUSING EXPENSES FOR UNITED STATES EMPLOYEES AT THE UNITED NATIONS.

(a) Section 119(1) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is hereby repealed.

(b) Section 9 of the United Nations Participation Act of 1945 is hereby amended by inserting a comma after the word "allowance" in subsection (1) and inserting the following "not to exceed \$1,500 per month."

SEC. 520. USSR BALLISTIC MISSILE FLIGHTS OVER UNITED STATES TERRITORY.

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

(1) the Union of Soviet Socialist Republics and the United States of America have recently concluded an agreement with respect to reducing the risks of accidental nuclear war,

(2) the Soviet Union has within the last few days conducted two tests of its intercontinental ballistic missile forces,

(3) the announced impact points for re-entry vehicles from these tests are as close as two hundred miles northwest and southeast of the State of Hawaii

(4) the announced impact points would require the overflight of sovereign United States territory by a Soviet ICBM,

(5) the missile used in this test is a modern multiple warhead ICBM which probably is a violation of the "heavy ICBM" provision of the SALT II Treaty,

(6) the Soviet Union allegedly encrypted telemetry from the flight-tests, as is their standard practice, which would be a violation of the SALT II Treaty,

(7) the Soviet Union used a laser or other directed energy device to irradiate at least

October 3, 1987

CONGRESSIONAL RECORD — SENATE

S 14041

one United States aircraft in the region that was monitoring the tests, having the effect of interfering with our national technical means of verification.

(8) the Soviet Union appears to have been practicing with these tests a strike on the United States because of the use of trajectories of fire identical with those that would be used to attack Pearl Harbor.

(9) had this test misfired by only fractions of a second, Soviet ballistic missile test re-entry vehicles could have landed on centers of population in the Hawaiian Islands, and

(10) this action cannot be explained as anything but a deliberate provocation toward the United States and a direct threat to our national security.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that—

(1) this test has increased rather than decreased the risk of nuclear war,

(2) the Congress of the United States condemns the Soviet Union for its actions that demonstrate an utter disdain for civilized and acceptable standards of international behavior and demands a public and immediate apology to the American people as well as assurances that tests this near United States territory will not occur in the future,

(3) the Congress condemns these probable new violations of the provisions of the SALT II Treaty, as interference with national technical means of verification, in conjunction with probable new violations of the SALT II Treaty, and as thoroughly inconsistent with improving relations between the two countries and indicating a contempt for the objectives of arms control,

(4) because the United States has not even a very limited defense against ballistic missiles, the possibility of accidental impact of Soviet ballistic missile test re-entry vehicles in the population centers on the Islands of Hawaii could not have been prevented,

(5) the United States Government should officially and at the highest levels protest this action by the Soviet Government and should inform the Soviet Union that it cannot tolerate flight-tests of this sort in close proximity to United States territory, and

(6) the President should report to the Congress in ten days in both classified and unclassified forms on (A) the details of the tests; (B) Soviet explanations offered in response to United States diplomatic protests; (C) what steps the United States will take to ensure that such tests will not happen in the future; and (D) what effect a first-phase SDI system could have against a missile launched in similar proximity to United States territory.

SEC. 521. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and twenty-seven Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to the United States Congress during his visit to Washington at the invitation of the Congress on September 21, 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) on September 27, 1987, the Chairman and Ranking Minority Member of the Senate Foreign Relations Committee, the Chairman and Ranking Minority Member of the House Foreign Affairs Committee, and the Co-Chairmen of the House Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as a historic step towards resolving the important question of Tibet and alleviating the suffering of the Tibetan people ... (and) express(ing) their full support for his proposal";

(5) beginning October 7, 1950, the People's Republic of China invaded and occupied Tibet, imposed military rule, and continues to exercise dominion over the Tibetan people through the presence of a large occupation force;

(6) over one million Tibetans perished in 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the occupation of Tibet by the People's Republic of China;

(7) after the Chinese invasion of Tibet in 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, have been destroyed and their irreplaceable national legacy of art and literature either stolen or removed from Tibet;

(8) Tibet's vast mineral, forest, and animal reserves are being systematically exploited by the People's Republic of China, with limited benefit accruing to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) The People's Republic of China has undertaken a massive population transfer, entailing the immigration of millions of Chinese onto the Tibetan plateau in an apparent effort to make the Tibetan people a minority in their own homeland;

(11) the arrest and execution of Tibetan political and religious prisoners continues, with thousands of Tibetans currently interred in labor camps;

(12) Tibet, a nation dedicated to the principles of nonviolence and mutual coexistence for a millennia, has been militarized by the Chinese;

(13) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the one hundred thousand refugees forced into exile with him, has worked tirelessly for almost thirty years to secure peace and religious freedom in Tibet;

(14) since 1959, India has generously provided refuge and resources for Tibetan exiles so that they may maintain their unique culture and religion in the hope of returning to their homeland;

(15) the People's Republic of China continues to ignore United Nations General Assembly resolutions 1353, 1723, and 2079 calling for a cessation of human rights violations in Tibet and for implementation of the right of the Tibetan people to self-determination;

(16) 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China on July 24, 1985, expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetan Government-in-exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of

His Holiness the Dalai Lama and his people every consideration"; and

(17) there has been no evidence of any such consideration being granted by the Government of the People's Republic of China.

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

(1) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(2) the President should meet with His Holiness the Dalai Lama to express United States support for his efforts for world peace and particularly his efforts to find a peaceful solution to the Tibetan problem;

(3) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialog over the future status of Tibet;

(4) the United States, through the Secretary of State—

(A) should address and call attention to the rights of the Tibetan people, as well as other non-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Sinkiang), the Mongolians of Inner Mongolia, and the Manchus of Manchuria, and

(B) should support efforts to maintain Tibet's identity and preserve Tibetan culture and religion, both inside Tibet and among those in exile;

(5) congressional delegations should visit Tibet (including the areas of Kham and Amdo) and the Tibetans in exile in order to witness the progress being made and the problems faced; and

(6) the President should instruct the United States Ambassadors to the People's Republic of China and India to work closely with the Tibetan people to find areas in which the United States Government and people can be helpful.

(c) Any notification submitted to the Congress pursuant to the Arms Export Control Act with respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China shall be accompanied by a Presidential determination that the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress of the human rights situation in Tibet and the transfer of millions of Chinese to Tibet.

(e) Of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, not less than \$200,000 shall be available only for assistance for Tibetan refugees.

(f) For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than fifteen scholarships for study at institutions of higher education in the United States.

SEC. 522. INVITATION TO THE PRESIDENT OF ISRAEL FOR A STATE VISIT TO THE UNITED STATES.

(a) FINDINGS.—The Congress finds that—

(1) The President of Israel has never been invited to make a state visit to the United States;

(2) President Chaim Herzog is admired by Americans of all faiths, not least because of his courageous fight in the United Nations against General Assembly Resolution 3379, which equated Zionism with racism.

S 14042

CONGRESSIONAL RECORD — SENATE

October 9, 1987

(b) **POLICY.**—It is the sense of Congress that the President of the United States should, at the earliest date possible, invite the President of Israel to make a state visit.

SEC. 522. POLICY TOWARD THE DETENTION OF CHILDREN IN SOUTH AFRICA.

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

(1) the Government of the Republic of South Africa under its system of apartheid repeatedly has detained black children without charge or trial, and has denied parental access to these children for extended periods of time;

(2) the detainees' parents' support committee of South Africa has compiled information estimating that more than 25,000 people were detained since June 12, 1986, under state of emergency regulations, and approximately 10,000 of these were children, including some as young as age 10;

(3) the Government of the Republic of South Africa has stated on numerous occasions that it has detained children without charge, and that on a certain day in December 1986, 256 children under the age of 16 were in detention; that on a certain day in February 1987, 281 children under the age of 15 were in detention; that on a certain day in April 1987, 1,424 children under the age of 18 were in detention; and that on a certain day in May 1987, 280 children under the age of 16 were in detention; and that as of June 2, stated that eleven children under the age of 16 were in detention; and as of October, 69 children under the age of 18 are still in detention; and

(4) human rights groups in South Africa estimate that many more children have been detained under state of emergency regulations than the Government of the Republic of South Africa admits;

(5) the state of emergency regulations allow for the detention of individuals without charge for an indefinite period of time; and

(6) the United States Ambassador to South Africa Edward J. Perkins has stated that such detentions are "a most serious abuse of human rights, particularly so where detainees are children as young as 11".

(b) **POLICY.**—The Senate hereby—

(1) calls for the cessation of the practice of detaining children under 18 years of age without charge or trial in South Africa;

(2) calls for the South African Government either to release all children in South Africa under state of emergency regulations and other laws which authorize detention without charge or trial or charge them and allow them their rights of a fair and public trial; and

(3) pending the release of the children, calls on the Government of the Republic of South Africa to—

(A) permit the detained children immediate and frequent access to parents and legal counsel;

(B) make public the names and locations of all the detained children;

(C) provide the detained children with adequate food, clothing, and protection; and

(D) permit a recognized, independent, and impartial international humanitarian organization to verify that the provisions of this section are being carried out and that the detained children are not being abused, tortured, held in solitary confinement, and are not being held in detention in the company of adults;

(4) calls for the apprehension and trial of all those individuals who execute children by violent activities, including necklacing, and the cessation of these activities.

SEC. 524. ACTING IN ACCORDANCE WITH INTERNATIONAL LAW IN THE PERSIAN GULF.

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

(1) According to Article 2 of the 1958 Geneva Convention on the High Seas, every

state is entitled to exercise free and open use of the high seas for the navigation of its vessels;

(2) On September 22, 1987, United States Navy forces discovered the Iranian ship Iran Air laying mines in international waters of the Persian Gulf, and fired upon that ship to help terminate the mining;

(3) On September 23, 1987, President Reagan declared that this United States action was "authorized by law", and State Department spokeswoman Phyllis Oakley said that the United States had the right under international law to use "reasonable and proportionate force" to terminate the mining.

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

(1) By mining the high seas of the Persian Gulf without notifying neutral nations engaged in maritime commerce, the Government of Iran violated international law;

(2) the use of force by the United States Navy to terminate that Iranian mining was justified under international law;

(3) international law offers a framework for such positive action, and fostering broader adherence to law promotes the security interests of the United States.

SEC. 525. EMPLOYMENT OF FOREIGN SERVICE NATIONALS.

(a) **PROHIBITION ON EMPLOYMENT IN COMMUNIST COUNTRIES.**—

(1) After September 30, 1989, no national of a Communist country may be employed as a foreign national employee at United States diplomatic and consular missions in any country listed as a "Communist country" in section 620(f) of the Foreign Assistance Act of 1961.

(2) Paragraph (1) does not apply with respect to any foreign national employee who is not permitted access to—

(A) United States Embassy or consulate grounds, vehicles, or buildings which are sited in the compound of the Embassy or consulate (including living quarters); and

(B) the residence, wherever located, of the chief of mission or the deputy chief of mission.

(b) **TERMINATION OF BENEFITS FOR ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES.**—

(1) The Secretary of State shall exercise the authorities available to him to ensure that the United States does not provide, directly or indirectly, any retirement benefits of any kind to any present or former foreign national employee of a United States diplomatic or consular post who the Secretary reasonably believes engaged in intelligence activities directed against the United States.

(2) The Secretary of State may waive the applicability of subsection (a) on a case-by-case basis with respect to an employee if—

(A) the Director of Central Intelligence requests such waiver, or

(B) the Secretary determines that such waiver is vital to the national security of the United States to do so and reports such waiver in advance to the appropriate committees of the Congress.

(c) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Secretary of State in consultation with the Director of Central Intelligence shall submit to the Congress a report discussing the advisability of employing foreign nationals at foreign service posts abroad (including their access to automatic data processing systems and networks).

SEC. 526. PROCESSING OF CUBAN NATIONALS FOR ADMISSION TO UNITED STATES.

(a)(1) On and after the date of enactment of this Act, consular officers of the Department of State employed in the United States interest section in Havana, Cuba, and appropriate officers of the Immigration and

Nationalization Service shall, in accordance with the procedures applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to insure the orderly process of available applicants.

(2) For purposes of this section—

(A) the term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications; and

(B) the term "refugee" has the same meaning as is given to such term by section 101(a)(42) of the Immigration and Nationality Act.

(b) On and after the date of enactment of this Act, consular officers of the Department of State, wherever situated, shall issue immigrant visas under section 203(a) or 202(e) of the Immigration and Nationality Act to Cuban nationals—

(1) without regard to section 212(f) or 213(g) of the Immigration and Nationality Act (relating to the refusal to accept the return of nationals);

(2) whether within or outside Cuba; in such cities as immigration visas may be issued to Cuban nationals; and

(3) without regard for the date of departure from Cuba of such applicants in the case of applications for such visas outside Cuba.

SEC. 527. POLICY ON ANGOLA.

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

(1) the upcoming discussions between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze, and the subsequent summit between President Reagan and Secretary General Gorbachev provide the United States with an opportunity to encourage complete Soviet-Cuban withdrawal from Angola, the possible provision of humanitarian assistance, and the holding of free and fair elections;

(2) the Marxist regime in Angola known as the Popular Movement for Liberation of Angola (hereafter in this section referred to as the "MPLA") is currently launching a major dry-season offensive against the democratic opposition involving thousands of Cuban troops and billions of dollars in sophisticated Soviet weaponry;

(3) the Marxist MPLA regime, propped up by 37,000 Cuban troops, 2,500 Soviet military advisors and thousands of North Korean and East-bloc Communist forces, has refused to respond to diplomatic gestures by the democratic opposition forces, opting to prolong a war that has taken over 65,000 lives;

(4) a majority of the national budget is used to maintain this war effort, including \$700,000,000 a year to pay Cuban mercenaries, and more than \$1,000,000,000 this year alone to the Soviet Union for weapons;

(5) the people of Angola are starving because of the hardships resulting from 12 years of civil war and the inefficient Marxist economic policies;

(6) the Marxist regime has turned to the international community for \$1,200,000,000 in food aid while it continues to pump billions of dollars into the war; and

(7) the growing intensity of the war, the starvation and mounting suffering of the Angolan people, the continued occupation of Angola by Soviet and Cuban forces and the intransigence of the MPLA to negotiate with the democratic opposition, give new urgency to reach a peaceful solution.

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14048

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

(1) the United States should continue to work toward a peaceful resolution to the Angolan conflict that includes—

(A) the complete withdrawal of all Soviet, Cuban, and other Communist forces;

(B) a negotiated settlement to the 12-year conflict leading to the formation of a government of national unity and the holding of free and fair elections; and

(C) efforts by the President and the Secretary of State to convey to the Soviet leaders at the upcoming conference and summit that the aggressive military build-up in Angola is a direct obstruction to positive bilateral relations and that the United States is committed to supporting democratic forces in Angola until democracy is achieved;

(2) the people of Angola should not be left to starve because of the belligerent and ineffective policies of the Communist regime, and the regime should not have the opportunity to manipulate the distribution of food aid to achieve its own political objectives;

(3) the United States should consider responding to the humanitarian needs of the Angolan people, but if the United States does so it should be in an evenhanded manner, so that Angolans throughout the entire divided country are provided with food and basic medical care;

(4) any humanitarian assistance should not be distributed by the government or government-operated institutions, but through apolitical agencies, private and voluntary organizations, and non-governmental organizations; and

(5) the Secretary of State should prepare and transmit to the Congress a report detailing the progress of the discussions between the Soviet Union and the United States on Angola as previously referred to and detailing any other bilateral negotiations affecting the Angolan conflict which were held in accordance with the President's priorities of regional conflicts with the Soviet Union such as Afghanistan and Nicaragua, as one of the crucial areas of bilateral relations.

SEC. 528. ADJUSTMENT TO PERMANENT RESIDENCE OF CERTAIN NATIONALS OF POLAND.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (20), (21), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since July 21, 1984.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien only if—

(1) the alien is a national of Poland;

(2) the alien arrived in the United States before July 21, 1984;

(3) the Immigration and Naturalization Service established a record of entry or other record with respect to the alien before July 21, 1984; and

(4) in the case of an alien who was admitted to the United States as a nonimmigrant, the alien's period of authorized stay as such

a nonimmigrant expired not later than 6 months after July 21, 1984, through the passage of time or the alien applied for asylum under section 207 before July 21, 1984.

(c) RECORD OF PERMANENT RESIDENCE AS OF JULY 21, 1984.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of July 21, 1984.

(d) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to his section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(e) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(f) This section may be cited as the "Polish Permanent Resident Adjustment Act of 1987".

SEC. 529. VIETNAMESE OCCUPATION OF CAMBODIA.

(a) The Congress finds that—

(1) the armed forces of the Government of the Socialist Republic of Vietnam have invaded and occupied the territory of Cambodia, thereby undermining the sovereignty and political stability of Cambodia;

(2) by invading and occupying Cambodia, the Government of the Socialist Republic of Vietnam violated its obligation, undertaken upon becoming a member of the United Nations in 1977, not to use force against the territorial integrity or political independence of any state;

(3) the General Assembly of the United Nations has on eight separate occasions deplored the continuing occupation of Cambodia and called for the withdrawal of all foreign military forces from Cambodia;

(4) the United Nations General Assembly will be voting again next week on the issue of Cambodia;

(5) Prince Sihanouk and the Coalition Government of Democratic Kampuchea has called for the withdrawal of all armed forces of the Government of the Socialist Republic of Vietnam from Cambodia;

(6) the Government of the Socialist Republic of Vietnam has thus far rejected the efforts of the members of the Association of Southeast Asian Nations to resolve the situation in Cambodia; and

(7) the invasion and occupation of Cambodia by the armed forces of the Government of the Socialist Republic of Vietnam has caused hundreds of thousands of Cambodians to flee their own country and has caused untold suffering for untold numbers of Cambodians.

(b) The Congress therefore declares as follows:

(1) the Vietnamese occupation of Cambodia constitutes a gross violation of international law;

(2) the Government of the Socialist Republic of Vietnam, by its continuing occupation

of Cambodia, is violating the fundamental human rights of the Cambodian people; and

(3) the Government of the Socialist Republic of Vietnam should immediately withdraw its occupation forces from Cambodia and agree to negotiate a settlement which restores self-determination to the Cambodian people.

SEC. 530. ASSISTANCE IN SUPPORT OF SOLIDARITY.

Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for each of the fiscal years 1988 and 1989, not less than \$1,000,000 shall be available only for the unconditional support of the independent Polish trade union "Solidarity".

SEC. 531. INTERNATIONAL PARENTAL CHILD ABDUCTION.

(a) For purposes of this section—

(1) the term "child" means a person under the age of 18 at the time the offense occurred;

(2) the term "detains" means taking or retaining physical custody of a child, whether or not the child resists or objects; and

(3) the term "lawful custodian" means—

(A) a person or persons granted legal custody of a child or entitled to physical possession of a child pursuant to a court order; or

(B) the mother of the child when the parents have not been married, the father's paternity has not been established by a court of law, and no other person has been granted custody of the child by a court of law.

(b) Whoever—

(1) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the person who has been granted sole or joint custody, care, or possession of the child;

(2) intentionally removes a child from the jurisdiction of the United States in violation of a valid court order which prohibits the removal of the child from a local jurisdiction, State or the United States;

(3) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the mother or lawful custodian of the child if the person is a putative father who has not established paternity of the child;

(4) being a parent of a child born out of wedlock if the paternity of the father has been established by a court of law but there has been no order of custody, removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the child's other parent;

(5) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody;

(6) being a parent of the child, and if the parents of such child are or have been married and there has been no court order of custody, conceals the child for 30 days outside the jurisdiction of the United States, and fails to make reasonable attempts within the 30-day period to notify the other parent to the whereabouts of the child or to arrange reasonable visitation or contact with the child;

(7) being a parent of the child, and where the parents of the child are or have been married and there has been no court order of custody, conceals or detains a child outside of the jurisdiction of the United States when the child was taken with physical force or the threat of physical force;

S 14044

CONGRESSIONAL RECORD — SENATE

October 9, 1987

(8) at the expiration of visitation rights outside of the jurisdiction of the United States, intentionally fails or refuses to return or impedes the return of the child to the jurisdiction of the United States;

(9) conceals, detains, or removes the child outside the jurisdiction of the United States for payment or promise of payment at the instruction of a person who has not been granted custody of the child by a court of law;

(10) being a parent of the child, instructs another person to conceal, detain or remove a child when that act when committed by the parent would be a violation of this Act;

(11) aids or abets any person violating paragraphs (1) through (10), shall be guilty of child abduction and shall be fined in accordance with this section or imprisoned not more than 3 years, or both.

(c) It shall be an affirmative defense under this section that—

(1) the person acted within the provisions of a valid court order granting him or her legal custody or visitation rights and that order was in effect at the time of the offense;

(2) no court within the United States could exercise jurisdiction to determine custody of the child pursuant to the provisions of the Uniform Child Custody Jurisdiction Act;

(3) the person has physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control, and the person notified or made a reasonable attempt to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible; or

(4) the person was fleeing an incidence or pattern of domestic violence.

(d) If, upon sentencing, the court finds evidence of any of the following aggravating factors:

(1) that the defendant abused or neglected the child during the concealment, detention, or removal of the child or placed or caused the child to be placed in the care of another person who abused or neglected the child;

(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause such parent or lawful custodian to discontinue criminal prosecution of the defendant under this section;

(3) that the defendant demanded payment in exchange for return of the child or demanded that he or she be relieved of the financial or legal obligation to support the child in exchange for return of the child;

(4) that the defendant has previously been convicted of a State or Federal child abduction offense; or

(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another, the sentence imposed in accordance with this title shall be more severe than in the absence of such factors.

(e) The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1204. International parental child abduction."

(f) This section and the amendments made by this section shall take effect 90 days from the date of enactment of this Act.

(g) Where the child was removed from the jurisdiction of the United States prior to the enactment of this Act, charges under this section may be approved only in cases involving the concealing or detaining of a

child in violation of a court order that existed at the time of the child's removal from the jurisdiction.

(h) Criminal jurisdiction may be taken under this section only when a court within the United States could exercise jurisdiction to determine custody of the child pursuant to the provisions of the Uniform Child Custody Jurisdiction Act.

SEC. 632. RESTRICT CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) The Congress finds that the use of salary remission arrangements whereunder the nationals of member states of the United Nations serving as employees of the United Nations Secretariat or its specialized agencies are required to turn over their salaries to their national governments and retain only a portion of the salary paid to them by the United Nations violates the United Nations Charter and seriously compromises the independence of the United Nations' international civil service.

(b) The elimination of salary remission arrangements that compromise the independence of the international civil service should be a high priority of the United States in its efforts to reform the personnel practices of the United Nations system.

(c) Fifty percent of the funds made available for the fiscal year 1988 by any provision of law to meet the obligations of the United States for assessed contributions to the United Nations and its specialized agencies may not be obligated until the President certifies to the Congress that significant progress has been made within the United Nations Secretariat and the United Nations specialized agencies in eliminating—

(1) the excessive use of secondment by member states whereunder nationals of the member states serving as employees of the United Nations Secretariat are seconded to such employment on fixed-term contracts and not allowed to become regular career employees of the United Nations, with a view to implementing the recommendations of the Group of 18 with respect to limits on the use of secondment; and

(2) the blatant control of nationals of member states serving as employees of the United Nations Secretariat or the specialized agencies through regular supervision, consultation, and evaluation of such nationals of member states by their permanent missions to the United Nations or to the specialized agencies of the United Nations.

SEC. 633. APPLICATION TO CERTAIN COMMUNIST COUNTRIES.

The Foreign Missions Act (22 U.S.C. 4301 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION TO CERTAIN COMMUNIST COUNTRIES

"SEC. 215. (a) Notwithstanding any other provision of this title, the Secretary shall apply to each foreign mission in the United States of the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, and Cuba the same terms, limitations, restrictions, and conditions which are applied under this title to the foreign mission in the United States of the Soviet Union unless the President determines and so reports in a classified document to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that national security and foreign policy circumstances require that this section be waived in specific circumstances with respect to such country or particular agency of such country.

(b) The Secretary shall prepare and transmit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report describing—

"(1) not later than thirty days after the date of the enactment of this section, the plans of the Secretary for implementing this section; and

"(2) not later than six months thereafter, the actions taken pursuant to these plans."

SEC. 634. SENSE OF THE CONGRESS TOWARD A PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

SENSE OF CONGRESS.—It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private sector and trade union groups, nongovernmental service organizations, and the democratic civic opposition.

SEC. 635. PLAN FOR SHARING COSTS INVOLVED IN THE USE OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF.

In order to pay for the costs of the protection provided by the United States Armed Forces for shipping in the Persian Gulf, it is the sense of Congress that:

(1) Countries which directly benefit from the United States policy of providing military protection to re-flagged Kuwaiti vessels and maintaining freedom of navigation in the Persian Gulf should share in the costs incurred by the United States Armed Forces in providing such protection.

(2) The President of the United States should enter into negotiations with such countries to secure reimbursements based on a pro-rata share of these costs.

(3) The President should prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(A) his assessment of the costs incurred by the United States Armed Forces in carrying out the policy of protecting re-flagged Kuwaiti vessels and maintaining freedom of navigation in the Persian Gulf;

(B) his assessment of any costs which would be incurred by the United States and its citizens in the event that oil supplies transiting the Persian Gulf were not available to the United States;

(C) his determination as to which countries benefit directly from the United States re-flagging policy including—

(i) Kuwait;

(ii) Other Oil Producing Gulf States; and

(iii) countries purchasing Persian Gulf oil;

(D) an accounting of the amount of benefit derived by each of these countries from the United States re-flagging policy;

(E) an accounting of any assistance or support such countries are already providing the United States re-flagging policy;

(F) a plan apportioning out the costs of United States Naval protection among those countries directly benefiting from the United States re-flagging policy; and

(G) a discussion of the status of negotiations entered into for the purpose of implementing the plan.

SEC. 636. SENSE OF CONGRESS RELATING TO SUPPORT OF MUTUAL DEFENSE ALLIANCES.

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

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends more than \$100,000,000,000 annually to provide the defense umbrella for the allies of the United States.

(3) The financial burden of mutual defense assumed by many NATO allies and Japan is not commensurate with their economic resources, and, as a result, the United States is

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14045

forced to bear a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national product on defense and Japan spends only 1.0 percent of its Gross National Product on defense.

(5) The greatest weakness in the ability of the United States to provide for the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(6) The level of Federal spending must be reduced in order to reduce the Federal budget deficit and revitalize the economy.

(7) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

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

(1) The President should enter into negotiations with countries which participate in mutual defense alliances with the United States, especially the member nations of the NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) The objective of such negotiations with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; and

(3) The President should report to Congress, within one year after the date of the enactment of this Act, on the progress of such negotiations.

(4) If, in the judgment of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

SEC. 537. LATIN AMERICAN AND CARIBBEAN DATA BASES.

(a) The Secretary of State, in consultation with the appropriate departments and agencies of the United States, may maintain data bases on the Latin American and Caribbean region. In developing these data bases the State Department shall be required to satisfy the following conditions:

(1) Any new contractual agreement entered into for purposes of this section shall be subject to full and open competition among qualified United States institutions with strong Latin American and Caribbean programs; and

(2) The Secretary of State shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

(b) Contracts made under subsection (a) shall be subject to the availability of appropriations.

SEC. 538. SECURITY OF CONSTRUCTION PROJECTS IN COMMUNIST CONTROLLED COUNTRIES.

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any provision of law shall be available for undertaking any

additional construction activity on any project planned or underway in any Communist-controlled country until 30 days after—

(1) receipt by the Congress of a detailed report submitted by the Secretary of State and approved by the Directors of the Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency, on any such project. Such report shall include—

(A) an evaluation of all security-related factors which must be and are being considered in the planning and implementation of such project; and

(B) how any existing and potential security-related issues and problems are being addressed in the planning and implementation of such project; and

(2) receipt by the Congress of a certification made by the President that appropriate and adequate steps have been taken to ensure that the project may proceed without undue risk that American security interests will be compromised thereby.

SEC. 539. REPORT TO CONGRESS.

Neither the Department of State, nor any other Executive department or agency engaged in negotiations with the government of any Communist-controlled country for the construction of diplomatic or other official facilities in such countries, shall make any binding commitments on behalf of the United States in regard to such projects, or similar projects of such country in the United States, until a report such as is described in section 538 shall be submitted to the Congress.

SEC. 540. PURCHASING AND LEASING OF OVERSEAS RESIDENCES.

(a) FINDINGS.—(1) The Congress finds that annual lease costs to the United States Government for leasing the official residences of United States Ambassadors, Deputy Chiefs of Missions, or other principal officers of the United States Government at the foreign mission posts of the United States exceeded \$132,000,000 in fiscal year 1987; and

(2) This amount represented an increase of 14.8 percent over the previous fiscal year; and

(3) Substantial savings to the American taxpayer could result from purchasing rather than leasing such residences where necessary; and

(4) Foreign governments prohibit the United States Government from purchasing such residences at 26 percent of the locations in which the United States maintains an official diplomatic post.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) The United States Department of State should make every effort to determine whether the purchasing rather than the leasing of the residences of the principal officers of the United States Government's overseas missions is in the best economic interest of the United States Government; and

(2) The United States Department of State should enforce a policy of fully reciprocal treatment toward foreign governments that prohibit the United States Government from purchasing foreign residential properties to house United States diplomatic personnel in their countries; and

(3) In its fiscal year 1989 budget presentations to the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives, the United States Department of State shall provide sufficient information on the advantages and disadvantages of purchasing rather than leasing such properties to enable the Congress of the United States to determine the specific amount of savings that would or would not be achieved by purchasing such properties.

The Department also shall make recommendations to the Congress on the purchasing and leasing of such properties.

SEC. 541. FOREIGN DIGNITARIES VISITS TO UNITED STATES CAPITOL.

It is the sense of the Senate that the Department of State, in arranging visits of foreign dignitaries to the Capitol, shall have in mind that ours is a republican institution which by long established practice, and as a matter of principle, conducts its affairs with a minimum of display. Individual Senators do not have official cars, do not have motorcycle escorts, do not have praetorian guards. The recurrent spectacle of screeching, self-important, heavily armed caravans of limousines, some decoys, bearing foreign visitors is discordant, disruptive, and scarcely a service to the visitors themselves. The Department of State is urged to consider that too unadorned automobiles and no motorcycles would ensure foreign visitors a warm welcome, and make clear to them that they are visiting the representative body of a democratic state, and not some despoiled castril of a fearful tyranny.

SEC. 542. REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS.

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

SEC. 543. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEES HIRING FREEZE.

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

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

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

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

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

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

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

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

S 14046

CONGRESSIONAL RECORD — SENATE

October 9, 1987

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

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

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

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

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

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

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

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

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

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

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

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

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

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

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union

and other members of the Soviet-bloc to end their abuse of secondment.

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

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

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

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

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

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

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

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

(6) the Soviet Union is hereby condemned for—

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

(B) its abuse of secondment, and

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

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

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

SEC. 544. AMBASSADOR AT LARGE ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that the Administration has failed to make Afghanistan a sufficient priority in the conduct of the foreign policy of the United States.

(b) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Ambassador at Large on Afghanistan who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES.—The Ambassador at Large on Afghanistan shall coordinate the

activities of the United States Government with respect to Afghanistan, shall be the point of contact for Congress on the Afghan issue, shall represent the United States in public diplomacy meetings and conferences abroad on the Afghanistan issue, shall maintain contact with the Afghan Resistance Alliance, shall serve as liaison with foreign governments and international organizations on issues and programs regarding the war in Afghanistan.

(d) DURATION OF POSITION.—The Department of State shall retain an Ambassador at Large on Afghanistan until the President certifies to Congress that the following conditions have been met—

(1) the complete withdrawal of all Soviet troops from Afghanistan;

(2) the independent and nonaligned status of Afghanistan;

(3) the self-determination of the people of Afghanistan;

(4) the return of Afghan refugees in safety and honor.

SEC. 545. SENSE OF CONGRESS REGARDING UNITED STATES POLICY TOWARD LEBANON.

(a) FINDINGS.—The Congress finds that: (1) After nearly 13 years of civil conflict and foreign intervention, the situation in Lebanon appears no closer to resolution.

(2) Through most of the last dozen years, the Lebanese have managed to continue economic activity sufficient to stave off economic collapse and provide its citizens with basic necessities.

(3) During the past year, however, the collapse in the value of the Lebanese pound from less than 40 to the dollar to nearly 300 has made the importation of wheat, rice, and other basic commodities prohibitively expensive.

(4) As a result, for the first time, the Lebanese are faced with the prospect of starvation.

(5) Hizballah and other radical elements are taking advantage of the current economic crisis by providing foreign supplied food. In so doing, they are winning converts to their cause and radicalizing the youth.

(6) It is in the interest of the United States to support the traditional Lebanese free enterprise system of distribution of food which until now has been able to compete successfully with these radical movements.

(b) It is the sense of the Congress that the United States should base its policy toward Lebanon on the following principles:

(1) Preservation of the unity of Lebanon.

(2) Withdrawal of all foreign forces from Lebanon.

(3) Recognition of and respect for the territorial integrity of Lebanon.

(4) Reassertion of Lebanese sovereignty throughout the nation and recognition that it is the responsibility of the Government of Lebanon for its safekeeping.

(5) Reestablishment of the authority of the Government of Lebanon throughout the nation is a prerequisite for a lasting solution to the problem of international terrorism emanating from Lebanon.

(c) It is the further sense of Congress that the provision of at least 200,000 tons of wheat and 30,000 tons of rice through Public Law 480, Title I and Section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. Provision of this assistance will meet the United States policy objective of strengthening the Central Government as well as helping alleviate a serious hunger problem.

SEC. 546. UNITED STATES DEPARTMENT OF STATE FREEDOM OF EXPRESSION ACT OF 1987.

(a) This section may be cited as the "United States Department of State Freedom of Expression Act of 1987".

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14047

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

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

SEC. 447. UNDER SECRETARY OF STATE FOR SECURITY, CONSTRUCTION, AND FOREIGN MISSIONS.

(a) The Congress finds that—

(1) serious deficiencies exist in the management and construction by the Department of State of buildings overseas;

(2) the security function has been plagued by an inability to anticipate threats or to respond to threats; and

(3) the operations of the Foreign Buildings Office have been characterized by cost overruns, delays, inadequacies of design, deficient construction supervision, and other management flaws.

(b) **ESTABLISHMENT OF POSITION.**—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "and an Under Secretary of State for Management" and inserting in lieu thereof "an Under Secretary of State for Budget and Administration, and an Under Secretary of State for Security, Construction, and Foreign Missions".

(c) **RESPONSIBILITIES.**—The Under Secretary of State for Security, Construction, and Foreign Missions shall be responsible for—

(1) the Bureau of Diplomatic Security (established by section 104 of the Diplomatic Security Act);

(2) the new building construction functions of the Office of Foreign Buildings (established to carry out the Foreign Service Buildings Act, 1926); and

(3) the Office of Foreign Missions (established pursuant to section 203 of the State Department Basic Authorities Act of 1956).

(d) **AUTHORITIES.**—The Under Secretary of State for Security, Construction, and Foreign Missions shall have the authority to prepare and submit a consolidated budget for the programs for which the Under Secretary is responsible and to develop and implement personnel systems for those programs, and to establish procedures for the procurement of goods and services for those programs including procedures to insure that the design and construction of new embassy buildings shall be performed under contract to United States construction firms.

(e) **REORGANIZATION.**—

(1) **PERIOD FOR IMPLEMENTATION.**—The Secretary of State shall complete implementation of the reorganization required by this section within 6 months after the date of enactment of this Act, including the transfer of personnel and funds to the Under Secretary of State for Security, Construction, and Foreign Missions.

(2) **PLAN FOR IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the steps to be taken in reorganizing the Department of State pursuant to this section, including a plan for a separate personnel system and career service for the Diplomatic Security Service.

(3) **ROLE OF PRIVATE SECTOR.**—Such report shall address the role of United States private industry in embassy design and construction, including specific steps to en-

hance that role, so that the efficiency and expertise of the private sector can be fully utilized consistent with security. Such report shall also include a detailed justification of the current staffing levels in the Foreign Building Office assuming a maximum appropriate use of the private sector in embassy design and construction.

(f) The provisions of subsections (a) through (e) shall enter into force on April 1, 1988, unless the following conditions are met—

(1) the Department of State submits to the Senate Foreign Relations Committee and the House Foreign Affairs Committee no later than February 1, 1988, a plan for restructuring the Department which would (i) accord higher priority to diplomatic security; (ii) improve coordination between the Bureau of Diplomatic Security and the Offices of Foreign Buildings and Foreign Missions; (iii) insure that the design and construction of United States embassies is performed by United States firms as provided by relevant law; and

(2) the Congress approves this restructuring plan, or a modification thereof, by joint resolution;

(g) For the purpose of expediting the consideration and enactment of a joint resolution referred to in subsection (f), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, and as highly privileged in the House of Representatives.

SEC. 448. TAIWAN.

(a) The Congress finds—

(1) economic vitality, educational advancement and social progress have created conditions favoring the furtherance of democracy in Taiwan; and

(2) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan; and

(3) the authorities on Taiwan are nurturing a transition toward more truly democratic and representative political institutions; and

(4) the lifting of Martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan.

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

(1) the United States Congress welcomes the democratic trends emerging in Taiwan and commend the progress that has been made recently in advancing democratic institutions and values; and

(2) the United States Congress encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

(3) the United States Congress requests American representatives to convey this nation's continuing support for a free and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

SEC. 449. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR CERTAIN FORMER CUBAN POLITICAL PRISONERS.

(a) **FINDINGS.**—The Congress finds that the following individuals, now in the United States, were members of Brigade 2506 and imprisoned in Cuba for 25 years following the Bay of Pigs Invasion: Ricardo Montero Duque of Union City, New Jersey, and the following five individuals of Miami, Florida: Ramon Bernardo Conte Hernandez; Jose Rafael Machado Concepcion; Nicolas Edigno Hernandez Mendez; Rogelio Milián Perez; and Pedro Armando Santiago Villa.

(b) **WAIVER.**—Notwithstanding section 316 of the Immigration and Nationality Act, no continuous residence or physical presence requirement shall apply to the eligibility for naturalization of the persons named in subsection (a).

SEC. 650. EMBASSY AGREEMENTS WITH SOVIET UNION.

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

(1) Soviet espionage agents have installed listening devices in the structure of the new American embassy in Moscow in blatant defiance of the spirit of the embassy agreements and certain recognized norms of international relations;

(2) this Soviet espionage effort has been so extensive and insidious as to require the virtual rebuilding of a large part of the new American embassy in Moscow, the construction of which has cost American taxpayers tens of millions of dollars;

(3) it is well known that Soviet espionage agents intend to use the new Soviet embassy in this country as a platform to conduct highly sophisticated electronic surveillance of the United States Government offices and even the private telephone calls of American citizens;

(4) the purpose of this surveillance can be none other than to undermine the national security of the United States and further the expansionist ambitions of the Soviet Union;

(5) the location of the new Soviet embassy at a site nearly 350 feet above sea level is ideal for this type of surveillance, having been offered to the Soviets at a time when electronic surveillance techniques and potentials were not fully understood in the West;

(6) subsection (b) of 22 U.S.C. 4305 specifically allows the Secretary of State to "require any foreign mission to divest itself of . . . real property . . . where otherwise necessary to protect the interests of the United States"; and

(7) Congress, through enactment of such subsection, has clearly expressed the desire that the Secretary exercise such authority when necessary to protect the vital security interests of the United States.

(b) **NEW AGREEMENT WITH SOVIET UNION.**—The President shall—

(1) void the current embassy agreements; and

(2) enter into negotiations for a new agreement under which the Soviet Union will move its new embassy to a site in the District of Columbia that is not more than 90 feet above mean sea level.

(c) **EMBASSY AGREEMENTS.**—For the purposes of this section the term "embassy agreements" means—

(1) the "Agreement between the United States of America and the Union of Soviet Socialist Republics on Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington", entered into force on May 16, 1969; and

(2) the "Agreement between the United States of America and the Union of Soviet Socialist Republics on Conditions of Construction of Complexes of Buildings of the Embassy of the United States of America in Moscow and the Embassy of the Union of Soviet Socialist Republics in Washington", entered into force on December 4, 1972.

SEC. 651. CHIEF OF MISSIONS SALARY.

(a) Section 401 of the Foreign Service Act of 1980 is amended by adding at the end of paragraph 401(a) the following "Such salary shall be full compensation for the services of the Chief of Mission, who shall not be eligible for additional compensation in the form of hardship differential or other incentive or performance pay supplements (other than danger pay)."

S 14048

CONGRESSIONAL RECORD — SENATE

October 9, 1987

(b) Subsection 302(b) of such Act is amended by inserting the word "and" between "may" and "least" in the second sentence of such subsection.

SEC. 551. SANCTIONS ON MEDIC-TRANSITING COUNTRIES.

(a) Section 802 of the Trade Act of 1974 is amended—

(1) in subsection (a)—
(A) by striking out "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (7);

(C) by amending paragraph (7), as so redesignated, to read as follows:

"(7) take the action described in paragraph (6) and any combination of the actions described in paragraphs (1) through (5)."; and

(D) by inserting after paragraph (3) the following new paragraphs:

"(4) limit by one-half the number of visas that may be issued for aliens born in that country for nonimmigrant status described in section 101(a)(15)(B) of the Immigration and Nationality Act;

"(5) take the steps described in subsection (d) to curtail air transportation between the United States and that country;

"(6) withdraw the personnel and resources of the United States from participation in any arrangement with that country for the pre-clearance of customs by visitors between the United States and that country; or";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "corruption by government officials and" after "preventing and punishing";

(B) in paragraph (2)(A), by striking out "and" at the end thereof;

(C) in paragraph (2)(B), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(D) by adding at the end thereof the following new clause:

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery."; and

(3) in subsection (c), by inserting "paragraph (1), (2), or (3) of" after "under"; and

(4) by adding at the end thereof the following new subsection:

"(d)(1)(A) The President shall notify the government of a country against which is imposed the sanction described in subsection (a)(5) of his intention to suspend the rights of any air carrier designated by the government of that country under the agreement between the United States and that country relating to air services to service the routes provided in the agreement.
(B) Ten days after the imposition of the sanction described in subsection (a)(5), the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the government of that country under the agreement to provide service pursuant to the agreement.
(C) Ten days after the imposition of the sanction described in subsection (a)(5), the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and that country pursuant to the agreement.
(2)(A) The Secretary of State shall terminate the agreement between the United States and that country relating to air services in accordance with the provisions of that agreement.
(B) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the government or nationals of that country from engaging in air transportation with respect to the United States.

"(1)(C) The Secretary of Transportation shall prohibit the takeoff and landing in that country of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.
(3) The Secretary of Transportation may provide for such exceptions from the prohibition contained in paragraph (1) or (2) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.
(4) For purposes of this subsection, the terms 'aircraft', 'air transportation', and 'foreign air carrier' have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)."
(b) The title heading of title VIII of the Trade Act of 1974 is amended to read as follows: "TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES".

SEC. 552. POLICY ON MIDDLE EAST PEACE CONFERENCE.
(a) FINDINGS.—The Congress finds that—
(1) The General Assembly of the United Nations recognized the sovereignty of the State of Israel through Resolution 181 of 1947 and the right of all Israeli citizens to live within secure and recognized boundaries through Resolutions 242 and 338 of 1973;
(2) The Government of the Soviet Union severed diplomatic relations with the State of Israel in 1967 and has opposed every recent initiative for direct, bilateral negotiations among the warring parties of the Middle East including the Camp David accords of 1979 and the Reagan plan of 1982;
(3) The Government of the Soviet Union has further demonstrated its lack of respect for the integrity of the Israeli state by systematically denying exit visas to Soviet Jews who wish to live and work in the State of Israel; and
(4) a permanent and equitable settlement of the Middle Eastern conflict can result only from agreements among the Arab and Israeli states.
(b) POLICY.—(1) It is the sense of the Congress that the Soviet Union should not even be given consideration as a possible participant in any conference, meeting, or summit on the Arab-Israeli conflict which includes nations other than those in the Middle East unless and until the Government of the Soviet Union has first:
(A) re-established diplomatic relations with the State of Israel at the ambassadorial level;
(B) publicly re-affirmed its acceptance of United Nations Resolutions 181, 242, and 338, and finally,
(C) substantially increased and maintained the number of exit visas granted to Jewish individuals and families within the Soviet Union who have applied for emigration to the State of Israel.
(2) It is the further sense of the Congress that in the event that the Soviet Union should perform these conditions, Soviet participation shall require the approval and joint invitation of the governments of Egypt, Israel, and Jordan.

SEC. 554. REPORT ON SECURITY OF UNITED STATES DIPLOMATIC OR OFFICIAL FACILITIES.
(a) The American Ambassador (or the highest ranking American official, when no Ambassador shall be present) to the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Rumania, Cuba, the People's Republic of China, Laos, Afghanistan, Nicaragua and

Yugoslavia shall submit to the Under Secretary of State for Management no later than October 1 of each year a report—
(1) on the security of the United States diplomatic and official facilities in such country and the existing or potential vulnerability of personnel attached to such facilities during the preceding year;
(2) describing any significant efforts by a foreign government or agent thereof to penetrate or compromise the security of the United States diplomatic or official facilities, or to recruit or manipulate any government employee with the aim of conducting espionage against the United States; and
(3) describing the security program or programs at such facilities for the upcoming year.
(b) The Under Secretary of State for Management shall, within ninety days after receiving the report described in subsection (a), transmit the report to the Congress, together with—
(1) an evaluation of the security program or programs described in subsection (a) to include a certification that the Under Secretary approves or disapproves of the program or programs; and
(2) any further statement, comments or recommendations he wishes to submit regarding the security of the United States diplomatic and official facilities and personnel which are the subject of the report.

SEC. 555. COMMISSION TO STUDY FOREIGN SERVICE PERSONNEL SYSTEM.
Section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) is amended by adding the following subsection:
(e) The Secretary, in consultation with the Committee on Foreign Relations of the Senate, and the exclusive representatives, shall appoint a commission of five distinguished members, at least four of whom shall have a minimum of ten years experience in personnel management. The Commission shall conduct a study of the Foreign Service personnel system, with a view toward developing a system that provides adequate career stability to the members of the Service, and shall by June 1, 1988, transmit its report and recommendations to the Secretary of State and Chairman of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
SEC. 556. AUDIT OF MERIT PERSONNEL SYSTEM OF FOREIGN SERVICE.
The Director of the Office of Personnel Management shall conduct an audit and inspection of the operation of the merit personnel system in the Foreign Service and report to the Congress, not later than June 1, 1988, as to any improvements in the merit personnel system that the Director deems necessary. The report of the Director shall pay particular attention to reports of racial, ethnic, sexual, and other discriminatory practices in the recruitment, appointment, assignment and promotion of Foreign Service employees.
SEC. 557. RECORD OF GRIEVANCES AWARDED.
Section 1107 of the Foreign Service Act of 1980 is hereby amended by adding the following new subsection:
(e) The Board shall maintain records of all grievances awarded in favor of the grievant in which the grievance concerns gross misconduct by a supervisor of the grievant. The Committee on Foreign Relations of the Senate shall be provided with a copy of the grievance decision whenever such supervisor is nominated for any position requiring the advice and consent of the Senate. Under appropriate procedures to safeguard confidentiality, the Board shall provide access to the entire record of any proceedings of the

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14049

Board to any Member of the Committee on Foreign Relations upon a request by the Chairman or Ranking Minority Member of such committee."

SEC. 56A. RELEASE OF YANG WEI

(a) FINDINGS.—The Congress finds that—

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his masters of science degree in microbiology in 1986;

(2) In May 1986 Yang Wei returned to China to marry Dr. Che Shaoli and arrange for funding for his continued studies under a PhD program at the University of Arizona;

(3) On January 11, 1987 while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau;

(4) Yang Wei has been held without charge or trial since January 11, 1987;

(5) Mr. Yang's wife, a student at Baylor Medical College in Houston, Texas, has been refused any information about her husband's whereabouts or condition by Chinese authorities;

(6) Mr. Yang's father, Yang Jue, and his mother Bi Shuyun, have been denied all contact with their son;

(7) The Chinese Criminal Procedure law of 1979, sections 92, 97, 125 and 142 provides for a maximum of four and a half months of detention without charge or trial and Yang Wei has now been held over six months, contrary to Chinese law;

(8) Yang Wei has not committed any crime under United States or Chinese law;

(9) Yang Wei and his wife only aspire to freedom and democracy;

(10) The treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities;

(11) Recently more than two thousand Chinese students signed an open letter to express their concern about recent political developments in their country.

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

(1) The People's Republic of China should immediately release Yang Wei;

(2) The United States should offer extended voluntary departure status to those Chinese students studying in the United States who can, on a case-by-case basis, demonstrate a well-founded fear of persecution.

SEC. 56B. COMPLIANCE WITH LAW REQUIRING REPORTS TO CONGRESS

(a) Within ninety days of the enactment of this Act, the Department of State shall submit to the chairmen and ranking members of the Senate Committee on Foreign Relations, the Senate Committee on Governmental Affairs, the House Committee on Foreign Affairs, and the House Committee on Government Operations, a report complying with the 1980 and 1984 requests of the Senate Committee on Governmental Affairs for a listing and description of all policy and supporting positions in the Department of State and related agencies. The report shall include a complete and thorough unclassified tabulation of the following:

(1) all Foreign Service officer positions subject to noncareer appointments;

(2) all positions in the Senior Foreign Service subject to noncareer appointment; and

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

(b) Notwithstanding any other provision of law, or of this Act, no funds authorized to be appropriated by this Act shall be obligated or expended unless the requirements described in subsection (a) have been fully and faithfully complied with.

SEC. 56A. FLEXIBILITY TO TRANSFER FUNDS BETWEEN SALARIES AND EXPENSES

Section 401(a)(4) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) is hereby repealed. Funds authorized to be appropriated by section 401(a)(1)(A) of that Act may be used for any "Salaries and Expenses" purpose, provided that use of funds for other than Diplomatic Security purposes shall be treated as a reprogramming.

SEC. 56I. DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "AMERICA THE WAY I SEE IT"

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

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

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

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

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

(C) make copies of that film available for purchase and public viewing within the United States. Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 56J. CERTIFICATION PROCEDURES FOR DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES AND INCLUSION OF SPECIFIC AGENCY COMMENTS

(a) Section 481(e) of the Foreign Assistance Act of 1961 is amended by striking out "March 1" and inserting in lieu thereof "February 15".

(b) Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(7) Each report pursuant to this subsection shall include specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs Service and the Drug Enforcement Administration, with respect to the degree to which countries listed in the report have cooperated fully with such agencies during the preceding year as described in subsection (h)."

(c) Section 481(h) of the Foreign Assistance Act is amended in subparagraph (A), by striking out "30" and inserting in lieu thereof "60".

SEC. 56K. LIMITATION ON THE USE OF A FOREIGN MISSION IN A MANNER INCOMPATIBLE WITH ITS STATUS AS A FOREIGN MISSION

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

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

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

"(b) TEMPORARY LODGING.—For the purpose of this section, the term 'residence' does

not include such temporary lodging as may be permitted under regulations issued by the Secretary.

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

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

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

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

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

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

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

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

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

SEC. 56L. ADMINISTRATION POLICY ON AFGHANISTAN

(a) FINDINGS.—The Congress finds that—

(1) Each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) Although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces," political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) In the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union;

(4) Despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

(b) REPORT TO CONGRESS.—(1) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction;

S 14050

CONGRESSIONAL RECORD — SENATE

October 9, 1987

(2) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that will be withheld from the Soviet Union, if they do not withdraw all troops from Afghanistan within a date that is three months after the date of the enactment of this Act;

(3) A detailed and comprehensive report in a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments; and

(4) A status report on the structure, coordinating and military success of the Afghan Freedom Fighter Alliance.

SEC. 565. IRAN HUMAN RIGHTS VIOLATIONS.

(a) FINDINGS.—

(1) The United Nations has passed nine resolutions condemning the violation of human rights in Iran;

(2) The United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities stressed in Resolution 1987-12 that to date, more than two-hundred thousand Iranians have been imprisoned, tortured or executed because of their beliefs;

(3) The United Nations Commission on Human Rights confirms seven thousand executions in Iran between 1978 and 1985, and attests that the actual number is probably much higher;

(4) Despite the persistent requests over the past six years by the United Nations and by many human rights organizations that the Iranian Government allow a special representative of the United Nations Security Council to inspect Iranian prisons and to determine the true extent of torture in Iran, such requests have been ignored by the Iranian Government;

(5) Executions, including executions of children and members of religious minorities, apparently still take place in Iran;

(6) The Khomeini government has brought the domestic economy of Iran to the brink of ruin by pouring the resources of the country into war making;

(7) Iran has rejected all proposals to end the seven year Iran-Iraq war;

(8) Iran has not responded positively to United Nations Security Council Resolution 598 which calls for an end to the Iran-Iraq war;

(9) The Khomeini government continues to attack and intimidate the other countries of the Persian Gulf region;

(10) It is known that the Khomeini government supports terrorism and has used hostage taking as an instrument of foreign policy.

(b) Now therefore, the Congress—

(1) Expresses concern for those citizens who against their will must endure war and unprecedented repression;

(2) Supports an official United States policy of completely halting the shipment of any kind of armament to the Government of Iran;

(3) Urges that the President continue to make every effort to cooperate with the other nations of the United Nations to bring about an end to government sponsored torture in Iranian prisons and to pressure Iran to permit inspection of Iranian prisons by an international delegation; and

(4) Expresses support for all efforts made through the United Nations Security Council to pressure the Khomeini government to accept peace and to end the carnage caused by the seven years of war.

SEC. 566. TERRORIST BOMBING IN HONDURAS.

(a) FINDINGS.—The United States Senate finds that—

(1) a terrorist bomb exploded on August 8, 1987, in the China Palace restaurant in Tegucigalpa, Honduras;

(2) the bomb was directed at American soldiers and did in fact wound American soldiers and an American contractor;

(3) the wounded American soldiers are identified as SFC Ronald W. Rodriguez (California), SFC Robin Jackson (New York), SFC Ian Holt (Colorado), SFC Direak McKeen (Illinois), and SFC David Lambert (Iowa), and the American contractor is Barry Stein (Florida);

(4) the United States military personnel were in Honduras assigned to Joint Task Force Bravo;

(5) Honduran authorities have named Alfonso Guerrero Ulloa as a suspect in this act of terrorism and have a warrant for his arrest;

(6) the Government of Mexico, contrary to accepted norms of international law on harboring terrorists, has granted asylum to Mr. Guerrero, and

(7) the United States Government has protested to the Government of Mexico.

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

(1) the United States Senate deplores the harboring of international terrorists, and

(2) the United States Government should call upon the Government of Mexico to turn Mr. Guerrero over to the Government of Honduras.

SEC. 567. CLOSING OF DIPLOMATIC AND CONSULAR POST IN ANTIGUA AND BARBUDA.

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

(b) EFFECTIVE DATE.—The prohibition contained in subsection (a) shall take effect sixty days after the date of enactment of this Act.

SEC. 568. REPORT ON SOVIET VIOLATION OF ABM TREATY.

Within thirty days of the enactment of this section, the President shall report to Congress (1) whether Soviet violation of the ABM Treaty and the complete failure after the ratification of such treaty to reduce or limit the increase of Soviet offensive intercontinental nuclear weapons systems jeopardize the supreme national interest of the United States and (2) whether the United States should accordingly withdraw from such treaty.

SEC. 569. PROHIBIT ACQUIRING HOUSE FOR SECRETARY OF STATE.

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

SEC. 570. PROHIBITION OF EXPULSION OF PERSONS SEEKING POLITICAL ASYLUM.

(a) SHORT TITLE.—This section may be cited as the "Miroslav Medvid Memorial Act of 1987".

(b) SUSPENSION.—Any United States national employed by the United States Government who orders the expulsion from the United States, its territories, possessions, or special maritime jurisdiction, of any person seeking political asylum from a Communist country, without the review and rejection of the person's claim by the Secretary of State and the Attorney General, if such person is so expelled, shall be suspended without pay for no less than 365 days.

(c) DUTIES OF SECRETARY OF STATE AND ATTORNEY GENERAL.—The duties and obligations of the Attorney General and Secretary of State provided for in this section may not be delegated.

(d) REPORTS TO CONGRESS.—

(1) Not later than forty-eight hours after an expulsion of a person seeking political asylum described in subsection (b), the Secretary of State shall prepare and transmit to the Chairman of the Committee on Foreign Affairs of the House of Representatives, and the Chairman of the Committee on Foreign Relations of the Senate setting forth the reasons for the rejection of such person's claim.

(2) No later than January 31 of each full year following enactment of this section, the Secretary of State shall prepare and transmit to the Chairman of the Committee on Foreign Affairs of the House of Representatives, and the Chairman of the Committee on Foreign Relations of the Senate, a report on the whereabouts and welfare of individuals who have been denied political asylum since such denial.

(e) PUBLICATION OF APPLICABILITY OF CRIMINAL PENALTIES.—Not later than 60 days after the date of enactment of this section, the head of each United States diplomatic mission or consular post in each Communist country shall cause to be publicly displayed at the principal entrance to such mission, in English and the official languages of the country in which the mission or post is located, a notice of the applicability of criminal and other penalties for conduct described in section 2 and copy of this section.

(f) DEFINITIONS.—For purposes of this section, the term "Communist country" refers to any country listed in section 620(f) of the Foreign Assistance Act of 1961, Nicaragua and Mozambique.

TITLE VI—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

SEC. 601. FINDINGS.

The Congress finds that—

(1) on December 19, 1986, the Forty-first Session of the United Nations General Assembly approved major reforms in the budget decisionmaking process, the administration, and the management of the United Nations;

(2) President Reagan characterized this achievement as "an historic step to adopt sweeping reforms of its organization and methods of operation";

(3) the United States Permanent Representative to the United Nations, Ambassador Vernon Walters, has stated that the adoption of these reforms is "the beginning, not the end, of a process of reforming and improving the United Nations in the interests of all its members";

(4) the cooperation of many other member states of the United Nations as well as the United Nations Secretary General was indispensable to this historic accomplishment;

(5) the United Nations (of which the United States is a member by treaty) was established for the purposes, as enunciated in the Charter, of maintaining international peace and security, developing friendly relations among nations based on respect to equal rights and self-determinations, achieving international cooperation in solving economic, social, cultural, and humanitarian problems, and promoting respect for human rights;

(6) the United Nations has also, on occasion, strayed from its original purposes and has served as a forum for irresponsible rhetoric and politicization, such as the adoption by the General Assembly in 1975 of Resolution 3379 equating Zionism with racism;

October 9, 1987

CONGRESSIONAL RECORD—SENATE

S 14051

(7) in spite of such grave lapses, the United States remains committed to the United Nations and the purposes of the Charter, not only as a member of the United Nations and one of its earliest leaders and supporters, but also as host to the United Nations headquarters;

(8) testament to the continued relevance of the United Nation's purposes and principles can be found in the President's addresses to the United Nations General Assembly, in which he declared that "the vision of the United Nations Charter—to spare succeeding generations this scourge of war—remains real" and that the United States, "which has always given the United Nations generous support, will continue to play a leading role in the effort to achieve its noble purposes"; and

(9) this is an appropriate time for the United States public and its representatives in Congress to participate in the ongoing United Nations reform process and to recommend means of making that institution more effective and responsible, consistent with the national interests of the United States.

SEC. 602. ESTABLISHMENT OF COMMISSION.

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

SEC. 603. PURPOSES OF THE COMMISSION.

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

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

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

(b) SPECIAL ATTENTION.—In carrying out its responsibilities under subsection (a), the Commission shall pay special attention to the following:

(1) The mechanisms and procedures within the United Nations system for peacekeeping and conflict-resolution and ways in which they may be expanded or improved, examining in particular the functions of the Secretary General, the role of the Security Council, the use of the International Court of Justice, potential third-party dispute-solving mechanisms (as in the establishment of a United Nations Mediation and Conciliation Service), the possible creation of standing United Nations peacekeeping forces or antiterrorism units, the role of United Nations institutions in factfinding, and potential verification and inspection services to assist in enforcing compliance with international arms control agreements.

(2) Formal and informal decisionmaking procedures in the United Nations system and recommendations to modify those procedures which have emerged from various interested parties, examining in particular the role of consensus decisionmaking, the feasibility and advisability of weighted voting (including the so-called "binding triad" formula requiring multiple concurrent majorities based on one-nation-one-vote along with population and contributions), the possible modification of the Security Council veto, and the relationship of the principles of universality and democracy to decisionmaking procedures.

(3) The cost-effectiveness and administrative efficiency of the United Nations system, examining in particular the recently adopted budgetary, management, and administrative reforms, the role of the major donors in budget decisionmaking, the prioritization of

programs, adjustments in assessments, potential alternative nongovernmental sources of revenue, salaries, benefits, hiring of consultants, contracts for goods and services, and appointment of staff in the Secretariat.

(4) The economic, social, humanitarian role of the United Nations system, examining in particular the optimum coordination of economic development programs, short-term and long-term response to crises and natural disasters, population health issues, refugee relief, the protection of the environment, narcotics control, the implementation of international human rights law, and the potential creation of a United Nations High Commissioner for Human Rights.

(5) United States participation in the United Nations system, examining in particular the strengths and weaknesses of United States performance, United States policy toward the International Court of Justice and international law, provisions in United States law relating to the United Nations system, ways in which the United States can better use the United Nations system to advance its national interests, the state of public opinion with regard to the United States role in the United Nations system, United States voluntary and assessed contributions, and the hiring of United States citizens in the United Nations system.

(6) Strategies and actions for promoting the implementation of recommended reforms in the United Nations system and the United States role in the United Nations system.

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

SEC. 604. MEMBERSHIP OF THE COMMISSION.

(a) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 18 members, appointed as follows:

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

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

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

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

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

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

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

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

(c) COMPENSATION AND TRAVEL EXPENSES.—

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

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

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

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

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

SEC. 605. POWERS OF THE COMMISSION.

(a) IN GENERAL.—For the purpose of carrying out this title, the Commission may hold such hearings (subject to the requirements of subsection (b)) and sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to fulfill the purposes specified in section 603. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) MEETINGS.—

(1) MINIMUM NUMBER OF PUBLIC HEARINGS.—The Commission shall hold a minimum of five public hearings.

(2) OPEN MEETINGS.—Section 552b of title 5 of the United States Code shall apply with respect to the Commission.

(3) CALLING MEETINGS.—The Commission shall meet at the call of the Chairman of a majority of its members.

(c) DELEGATION OF AUTHORITY.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of any such Federal agency shall furnish such information to the Commission, to the extent authorized by law.

SEC. 606. STAFF.

(a) STAFF MEMBERS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, may—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule

S 14052

CONGRESSIONAL RECORD — SENATE

October 9, 1987

under section 5316 of title 5, United States Code:

(2) appoint and fix the compensation of such other staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) **DETAILING OF GOVERNMENT PERSONNEL.**—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out this title.

SEC. 607. REPORT.

The Commission shall transmit to the President and to the Congress a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, including minority views. This report shall be transmitted not later than eighteen months after the date on which all members of the Commission have been appointed.

SEC. 608. FUNDING FOR THE COMMISSION.

(a) **COMMISSION TO BE PRIVATELY FUNDED.**—The Commission may accept and use contributions from private United States sources to carry out this title. No Federal funds may be made available to the Commission for use in carrying out this title.

(b) **LIMITATION ON SIZE OF CONTRIBUTIONS.**—The Commission may not accept contributions from any single source which have a value of more than—

(1) \$100,000, or

(2) 20 percent of the total of all contributions accepted by the Commission.

(c) **COMMISSION APPROVAL OF CERTAIN CONTRIBUTIONS.**—The Commission may accept contributions having a value of \$1,000 or more from a single source only if more than two-thirds of the members of the Commission have approved the acceptance of those contributions.

(d) **DISCLOSURE OF CONTRIBUTIONS.**—

(1) **PERIODIC REPORTS TO CONGRESS.**—Every thirty days, the Commission shall submit to the chairman of the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a list of the source and amount of each contribution accepted by the Commission during the preceding thirty days.

(2) **FINAL REPORT.**—The source and amount of each contribution accepted by the Commission shall be listed in the report submitted pursuant to section 607.

SEC. 609. GENERAL ACCOUNTING OFFICE AUDITS OF THE COMMISSION.

The provisions of subchapter II of chapter 7 of title 31 of the United States Code (relating to the general duties and powers of the General Accounting Office) shall apply with respect to the programs and activities of the Commission, including the receipt, disbursement, and use of funds contributed to the Commission, to the same extent as those provisions apply with respect to other agencies of the United States Government.

SEC. 610. TERMINATION OF THE COMMISSION.

The Commission shall cease to exist sixty days after submitting its report pursuant to section 607.

TITLE VII—INDOCHINESE REFUGEE RESETTLEMENT AND PROTECTION ACT OF 1987**SEC. 701. SHORT TITLE.**

This title may be cited as the "Indochinese Refugee Resettlement and Protection Act of 1987".

SEC. 702. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the continued occupation of Cambodia by Vietnam and the instability of the gov-

ernments of Vietnam, Cambodia, and Laos have led to a steady flight of refugees from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) because of our past military and political involvement in the region, the United States has a continued, special responsibility to the persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) in view of this special responsibility, the United States has placed a special priority on the resettlement and protection needs of the Indochinese refugees;

(4) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand, have been the front line countries bearing tremendous burdens caused by the flight of these refugees, distinguishing themselves as the leaders of an unprecedented humanitarian response to the plight of Indochinese refugees;

(5) largely in response to a lessened commitment among resettlement countries to the refugees of the region, these countries of first asylum have recently taken steps to close refugee camps. Such camp closings would seriously undermine the continuation of a humane refugee policy and are inimical to the resolution of refugee problems in the region;

(6) the United States bears a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of unnecessarily slow and complex resettlement procedures; prolonged and often questionable adjudications in humanitarian parole, immigration and refugee cases; failure to implement effective policies for the region's "long-stayer" populations; failure to adequately monitor refugee protection and screening systems along the Thai-Cambodian and Thai-Laotian borders; a policy of allocating admissions numbers to "carryover" refugees approved in previous years rather than qualified new cases; and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure for refugees from that country, including Amerasians and long-held "re-education camp" prisoners;

(7) the United Nations High Commissioner for Refugees (UNHCR) shares responsibility for the hardening of attitudes in first asylum countries. The UNHCR should be pressed to upgrade its staff presence and level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region; to pursue voluntary repatriation possibilities, but only in cases where monitoring is available and the safety of the refugees assured; and

(8) given the serious protection problem in Southeast Asian first asylum countries, and the need to preserve first asylum in the region, the United States must renew its commitment to an ongoing, generous refugee resettlement and protection program for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved.

SEC. 703. CONGRESSIONAL FINDINGS ON INDOCHINESE REFUGEE PROCESSING.

The Congress finds that—

(1) there have been numerous diplomatic problems arising from inconsistent refugee processing by the Immigration and Naturalization Service, most recently with respect to processing of Cambodian refugees at Khao I Dang, and also to the processing of Louland Lao;

(2) there have been questionable documentation requirements of Indochinese refugees

by the INS, leading to unjust adjudications to the detriment of deserving refugee cases;

(3) there have been historical problems with INS staffing commitments in the region, frequently precipitating delays and necessitating the assignment of temporary duty officers who lack expertise in Indochinese refugee processing;

(4) while the overall approval rates of Indochinese refugees has been acceptable, it has been achieved at the expense of multitudes of rejected cases which are contributing to a growing "long stayer" population in the region;

(5) the INS is an immigration service and is not well-suited to the sensitive area of refugee processing, particularly as it involves the fulfillment of commitments made by the Secretary of State in the conduct of United States foreign policy; and

(6) given the longstanding problems associated with INS processing, dating back to the disturbing INS performance in 1982-83 which led to the issuance of National Security Decision Directive Number 93 and to new INS processing guidelines, the United States must consider the possibility of denying the INS any further role in the processing of refugees.

SEC. 704. REPORTING REQUIREMENT.

The President shall submit a report within 120 days of enactment of this Act assessing the merit of transferring the authority to admit all refugees under the Immigration and Nationality Act from the Attorney General to the Secretary of State.

SEC. 705. ALLOCATIONS OF REFUGEE ADMISSIONS.

(a) Given the existing connection between ongoing resettlement and the preservation of first asylum, and to provide a stable and secure environment for refugees while dialogue is pursued on other long-range solutions, including voluntary repatriation and local settlement, it is the sense of the Congress that—

(1) within the worldwide refugee admissions ceiling determined by the President, the President should allocate—

(A) at least 28,000 admissions from East Asia, first-asylum camps, and

(B) at least 8,500 admissions for the Orderly Departure Program, for each of the fiscal years 1988, 1989, and 1990; and

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam pursuant to paragraph (1)(B), a number of admissions allocated in a fiscal year under priorities II and III of the Program (as defined in the Department of State Bureau for Refugee Programs worldwide processing priorities) and the number of admissions allocated for Amerasians and their immediate family members under priority I, should be at least 1,500.

(b)(1) It is the sense of the Congress that Indochinese refugees who have lived in camps for three years or longer are of special humanitarian concern to the United States and should be considered as eligible for refugee processing. Under the leadership of the United States, renewed international efforts should be made to resettle these long-stayers, as proposed in the Report of the Secretary of State's Indochinese Refugee Panel in April, 1986.

SEC. 706. ALLOCATION OF EDUCATIONAL ASSISTANCE FOR THAILAND.

Section 105 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated to carry out this section, \$5,000,000 for each of the fiscal years 1988 and 1989 may be available for educational programs, projects, or activities along the Thai-Laotian border and the Thai-Cambodi-

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14053

on border which are carried out by Thai or other nongovernmental organizations in conjunction with relief organizations and civilian camp leadership."

SEC. 707. ALLOCATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR THAILAND.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) is amended by adding at the end thereof the following new section:

"SEC. 536. ALLOCATION FOR THAILAND.—(a) The Congress finds that many Thai residents of villages located near the border with Laos and Cambodia have been adversely affected by artillery shelling and refugee migrations.

"(b) Of the amounts authorized to be appropriated to carry out this chapter for the fiscal years 1988 and 1989, \$5,000,000 for each such fiscal year may be available to provide financial assistance for Thai villages affected by Indochinese refugee camps."

SEC. 708. ALLOCATION OF INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR THAILAND.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training) is amended by adding at the end thereof the following new section:

"SEC. 546. ALLOCATION FOR THAILAND.—Of the amounts to be appropriated to carry out this chapter for the fiscal year 1988 and 1989, \$2,000,000 for each of such fiscal years may be available to train and deploy the Royal Thai Army to protect Indochinese refugees and those in refugee-like situations in Thailand."

SEC. 709. POLICY TOWARD PROTECTION OF REFUGEE CAMPS.

It is the sense of the Congress that the international community should increase its efforts to assure that Indochinese refugee camps are protected and that international observers and relief personnel should be present on a twenty-four hours a day basis at camp "Site 2" and any other camp where it is deemed necessary.

TITLE VIII—MUNITIONS CONTROL ACT OF 1987**SEC. 801. SHORT TITLE.**

This title may be cited as the "Arms Export Control Enforcement and Coordination Act of 1987".

SEC. 802. EXPORT LICENSES.

Section 38 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(g)(1)(A)(i) The Agency shall develop appropriate mechanisms to identify in connection with the export licensing process—

"(I) persons who have been indicted for or convicted of violations of this Act, the Export Administration Act of 1979, the Espionage Act, the Trading with the Enemy Act, the Foreign Assets Control Act, or

"(II) persons who have been indicted for or convicted of conspiracy to violate any of the statutes described in this subparagraph, and

"(III) persons who are ineligible to contract with or receive export or import licenses from any agency of the United States Government.

"(ii) The Agency shall require that each applicant for a license to export an item from the United States Munitions List shall identify in his application all parties to the proposed export.

"(B) If the Agency has reasonable cause to believe that an applicant or party to the export has violated any of the statutes cited in subparagraph (A) or has been indicted for violations of any of the statutes cited in subparagraph (A), the Agency may disapprove the application. The Agency shall consider

requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.

"(C) No person may be issued a license to export an item covered by the United States Munitions List if—

"(i) such person or any party to the export has been convicted of violating a statute referred to in subparagraph (A), or such person or any party to the export is at the time of the license review ineligible to contract with or receive export or import licenses from any agency of the United States Government, except as may be determined on a case-by-case basis by the Agency, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to contract and a finding by the Agency that appropriate steps have been taken to mitigate any law enforcement concerns; or

"(ii) such person is a foreign person, except in cases in which an export has been agreed to under Foreign Military Sales authority.

"(2) The Agency shall have the authority to require an export license for other authorization) for any item on the United States Munitions List before it is sold to, provided to, or taken possession by a foreign person or a person acting on behalf of a foreign person.

"(3) The President shall direct the Secretary of State, the Secretary of Defense, and the Secretary of Treasury to detail personnel with appropriate expertise to the Agency to assist in the initial screening of applications for export licenses under this section for the purpose of determining the need for further review of such applications for foreign policy, national security, and law enforcement concerns.

"(4) For purposes of this subsection—

"(A) the term 'Agency' means the United States Government agency charged with administration of this section;

"(B) the term 'foreign person' means any person who is not a citizen or national of the United States or a person lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and such term includes foreign corporations and their United States subsidiaries, international organizations, foreign governments, and any agency or subdivision of foreign governments, including diplomatic missions and embassies;

"(C) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities; and

"(D) the term 'party to an export' means any employee of, consultant to, or agent for the person requesting the export license who is involved in the sales or marketing of items covered by the United States Munitions List, any person that exports or causes to be exported the item or items being exported, and the end user of the item or items."

SEC. 803. REGISTRATION.

Section 38(b)(1) of the Arms Export Control Act is amended—

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

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

"(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. Reports on such concerns shall be made to the Agency as may be deemed necessary."

TITLE IX—INTERNATIONAL CHILD ABDUCTION ACT**SEC. 901. SHORT TITLE.**

This title may be cited as the "International Child Abduction Act".

SEC. 902. FINDINGS AND DECLARATION OF PURPOSES.

The Congress finds that—

(1) The international abduction or wrongful retention of children is harmful to their well-being.

(2) Persons should not be permitted to obtain custody of children by virtue of their wrongful removal or retention.

(3) International abductions and retentions of children are increasing, and only concerted cooperation pursuant to an international agreement can effectively combat this problem.

(4) The 1980 Hague Convention on the Civil Aspects of International Child Abduction establishes legal rights and procedures for the prompt return of children who have been wrongfully removed or retained, as well as for securing the exercise of visitation rights. Children who are wrongfully removed or retained within the meaning of the Convention are to be promptly returned unless one of the narrow exceptions set forth in the Convention applies. The Convention provides a sound treaty framework to help resolve the problem of international abduction and retention of children and will deter such wrongful removals and retentions.

(5) This title is designed to facilitate implementation of the Convention in the United States.

(6) The provisions of this title are in addition to and not in lieu of the provisions of the Convention.

(7) In enacting this title the Congress recognizes—

(A) the international character of the Convention; and

(B) the need for uniform international interpretation of the Convention.

(8) The Convention and this title empower courts in the United States to determine only rights under the Convention and not the merits of any underlying child custody claims.

SEC. 903. DEFINITIONS.

For the purposes of this title—

(1) "Convention" means the 1980 Hague Convention on the Civil Aspects of International Child Abduction;

(2) "United States Central Authority" means the agency of the Federal Government designated by the President, to perform on behalf of the United States the functions of Central Authority set out in the Convention and this title;

(3) "court" means any court of competent jurisdiction of a State, the District of Columbia, a territory or possession of the United States, or the United States;

(4) "Federal Parent Locator Service" means the service established by the Secretary of Health and Human Services pursuant to section 453 of the Social Security Act (42 U.S.C. 653);

(5) "person" includes any individual, an institution, or any other legal entity or body;

(6) "applicant" means any person who, pursuant to the Convention, files an application with the United States Central Authority or a Central Authority of any other party to the Convention for the return of a child alleged to have been wrongfully removed or retained or for arrangements for organizing or securing the effective exercise of rights of access pursuant to the Convention;

S 14054

CONGRESSIONAL RECORD — SENATE

October 9, 1987

(7) "petitioner" means any person who files a petition in court seeking relief under the Convention and this title;

(8) "respondent" means any person against whose interests a petition is filed pursuant to the Convention and this title;

(9) "authorities" as used in article 15 of the Convention includes public officials and courts;

(10) "rights of access" means visitation rights;

(11) "wrongful removal or retention" includes a removal or retention of a child prior to the entry of a custody order regarding that child; and

(12) "commencement of proceedings" as used in article 12 of the Convention, with regard to the return of children located in the United States, means the filing of a petition in accordance with section 904(b).

SEC. 904. ADMINISTRATIVE AND JUDICIAL REMEDIES.

(a) The courts of the States, the District of Columbia, and the territories and possessions of the United States, and the United States district courts shall have concurrent original jurisdiction with regard to actions arising under the Convention and this title.

(b) Any person seeking judicial relief under the Convention and this title may commence a civil action by filing a petition in any court described in subsection (a) within the jurisdiction of which a child is located at the time the petition is filed.

(c) Notice of an action for the return of a child pursuant to the Convention and this title shall be given in accordance with the applicable law governing notice in interstate child custody proceedings.

(d) A petitioner who seeks return of a child under the Convention and this title shall establish by a preponderance of the evidence that the child has been wrongfully removed or retained. A respondent who opposes return of the child has the burden of establishing by clear and convincing evidence that one of the exceptions set forth in the Convention applies.

(e) Full faith and credit shall be accorded by courts in the United States to the judgments of other courts in the United States ordering the return of a child pursuant to the Convention and this title or denying such return.

(f) The remedies established by the Convention and this title shall be in addition to remedies available under other laws or international agreements.

SEC. 905. PROVISIONAL REMEDIES.

(a) In furtherance of the objectives of the Convention and subject to the provisions of subsection (b), any court exercising jurisdiction over a petition filed pursuant to the Convention and this title, may, either directly or through an appropriate intermediary, take or cause to be taken provisional measures under Federal or State law, as appropriate, to protect the well-being of a child or to prevent the child's further removal or concealment prior to final disposition of the petition.

(b) No court exercising jurisdiction over a petition filed pursuant to the Convention and this title may order a child provisionally removed from a person having physical control of the child unless the applicable requirements of State law are satisfied.

SEC. 906. ADMISSIBILITY OF DOCUMENTS.

Any application to the United States Central Authority or petition to a court submitted in accordance with the terms of the Convention, together with documents and any other information appended thereto or provided subsequently, shall be admissible in court without the need for any legalization or authentication.

SEC. 907. UNITED STATES CENTRAL AUTHORITY.

(a) The President shall designate a Federal agency to serve as Central Authority for the United States.

(b) The functions of the United States Central Authority and cooperating State and local authorities and agencies are those ascribed to the Central Authority by the Convention and this title.

(c) The United States Central Authority shall have authority to issue regulations to implement the Convention and this title.

(d) The United States Central Authority shall have authority to obtain information from the Federal Parent Locator Service under section 463 of part D of title IV of the Social Security Act.

SEC. 908. COSTS AND FEES.

(a) No Federal, State, or local authority shall impose on the applicant any fee in relation to the administrative processing of applications submitted under this Convention.

(b) Petitioners may be required to bear the costs of legal counsel or advisors, court costs incurred in connection with their petitions and travel costs for the returning child and any accompanying persons, except as provided in subsection (c) or (d).

(c) Subject to subsection (d), legal fees or court costs incurred in connection with proceedings under the Convention or this title shall be borne by the petitioner unless they are covered by payments from Federal, State, or local legal assistance or other programs.

(d) Any court ordering the return of a child under the Convention shall order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including court costs, legal fees, foster home or other care during the course of return proceedings, and transportation costs related to the return of the child, unless the respondent establishes that such order would be clearly inappropriate.

SEC. 909. COLLECTION, MAINTENANCE AND DISSEMINATION OF INFORMATION.

(a) Notwithstanding section 522a of title 5, United States Code and any other provision of law, the United States Central Authority may, under such conditions as it prescribes by regulation, receive from or transmit to any Federal, State, or foreign authority or person information for purposes related to the Convention. No information shall be disclosed by the United States Central Authority pursuant to this section, however, if such disclosure would contravene the national security or law enforcement interests of the United States or the confidentiality of census data.

(b) Requests for information under this section shall be submitted in such manner and form as the United States Central Authority may prescribe by regulation and shall be accompanied or supported by such documents as the United States Central Authority may require.

(c) Notwithstanding any other provision of law (but subject to subsection (d)), whenever the head of any department, agency, or instrumentality of the United States or of any State, territory, or possession of the United States receives a request from the United States Central Authority for information authorized to be provided to such Central Authority under this section, such individual shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality with a view to determining whether the information requested is contained in any such files or records. If such search discloses the information requested, such individual shall immediately transmit such information to the United States Central Au-

thority, except that if any information is obtained the disclosure of which would contravene national security or law enforcement interests of the United States or the confidentiality of census data, such information shall not be transmitted. The responding agency shall be obligated to advise the United States Central Authority immediately upon completion of the requested search.

(d) To the extent that information the United States Central Authority is authorized to obtain under the provisions of subsection (c) can be obtained through the Federal Parent Locator Service under the provisions of section 463 of the Social Security Act, such Central Authority shall use the procedure provided for under such section 463 in its efforts to obtain such information, and shall not request such information directly under the provisions of subsection (c) of this section.

(e) Nothing in this section shall be construed as permitting the United States Central Authority to obtain tax return information except as provided in section 6103 of the Internal Revenue Code of 1986 and section 453 of the Social Security Act.

(f) The United States Central Authority shall maintain appropriate records concerning its activities and the disposition of cases brought to its attention.

SEC. 910. INTER-AGENCY COORDINATING GROUP.

(a) The Secretary of State, the Secretary of Health and Human Services, and the Attorney General shall designate Federal employees and may, from time to time, designate private citizens to serve on an interagency coordinating group to monitor operation of the Convention and to provide advice on its implementation. This group shall meet from time to time at the request of the United States Central Authority. The agency in which the United States Central Authority is located is authorized to reimburse such private citizens for travel and other expenses incurred in participating at meetings of the coordinating groups at rates not to exceed those authorized for Federal employees under title 5 of the United States Code.

(b) The interagency coordinating group shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App. 1).

SEC. 911. AUTHORIZATION OF APPROPRIATION.

There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of the Convention and this title.

SEC. 912. AMENDMENT CONCERNING FEDERAL PARENT LOCATOR SERVICE.

Section 463 of the Social Security Act (42 U.S.C. 463) is amended—

(1) in subsection (b), by striking out "under this section" and inserting in lieu thereof "under subsection (a)"; and

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

"(c) The Secretary shall enter into an agreement with the Central Authority designated by the President in accordance with section 907 of the International Child Abduction Act, under which the services of the Parent Locator Service established under section 453 shall be made available to such Central Authority for the purpose of determining the whereabouts of any parent or child when such information is to be used to locate such parent or child for the purpose of carrying out its responsibilities under that Act. The Parent Locator Service shall charge no fees for services requested pursuant to this subsection."

SEC. 913. AMENDMENT TO THE INTERNAL REVENUE CODE.

Subparagraph (B) of section 6103(f)(16) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(f)(16)(B)) is amended by inserting

October 9, 1987

CONGRESSIONAL RECORD — SENATE

S 14055

before the period at the end thereof the following: "and for purposes of, and to the extent necessary in, locating individuals in connection with the abduction or wrongful restraint or retention of a child".

**TITLE X—DIPLOMATIC IMMUNITY
ABUSE PREVENTION ACT**

SEC. 1001. SHORT TITLE.

This title may be cited as the "Diplomatic Immunity Abuse Prevention Act".

SEC. 1002. CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) RECORDS.—(1) The Director shall develop and maintain records on each incident in which an individual with immunity from the criminal jurisdiction of the United States under the Vienna Convention who the Director reasonably believes has committed a serious criminal offense within the United States. Each such record shall include—

"(A) the identity of such individual;

"(B) the nature of the offense committed by such individual, including whether against property or persons;

"(C) whether such offense involved reckless driving or driving while intoxicated; and

"(D) the number and nature of all other criminal offenses committed in the United States by such individual.

"(2) The Director shall submit an annual report to the Congress on the incidents occurring during the preceding year. The report shall include the information developed and maintained under paragraph (1).

"(b) LOCAL LAW ENFORCEMENT INDIVIDUALS.—The Director shall take such steps as may be necessary—

"(1) to educate local law enforcement officials on the extent of the immunity from criminal jurisdiction provided to members of a foreign mission, and family members of such members, under the Vienna Convention; and

"(2) to assure that local law enforcement officials fully investigate, charge, and prosecute, to the extent consistent with immunity from criminal jurisdiction under the Vienna Convention, any member of a foreign mission, and any family member of such a member, who commits a serious criminal offense within the United States.

"(c) INFLUENCE OF LOCAL PROSECUTIONS.—

"(1) No officer or employee of the Department of State may seek to influence any investigation, charge, or prosecution by a State or local government of—

"(A) an alien who is a member of a foreign mission,

"(B) a family member of an alien described in subparagraph (A), or

"(C) any other alien,

not covered by immunity from the criminal jurisdiction of the United States under the Vienna Convention.

"(2) The Secretary may waive paragraph (1) with respect to an individual if the Secretary determines, and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after each such waiver, that such waiver is required by significant foreign policy considerations or the national security.

"(d) NOTIFICATION OF DIPLOMATIC CORPS.—The Director shall notify the members of each foreign mission of United States policies relating to criminal offenses (particularly crimes of violence) committed by such members, and the family members of such

members, including the policy of obtaining criminal indictments, requiring such members to leave the country, and declaring such members *persona non grata*.

SEC. 1003. REGISTRATION AND DEPARTURE PROCEDURES FOR INDIVIDUALS WITH DIPLOMATIC IMMUNITY.

Section 210 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4310) is amended—

(1) by inserting "(a)" after "SEC. 210."; and

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

"(b) The Director shall develop and implement registration and departure procedures for members of foreign missions, and the family members of such members, in order to identify those individuals in the United States with immunity under the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227)."

SEC. 1004. WAIVER OF DIPLOMATIC IMMUNITY OR DECLARATION OF PERSONA NON GRATA WHEN CHARGED WITH A SERIOUS CRIME.

(a) WAIVER.—When an individual who is entitled to immunity from the criminal jurisdiction of the United States under the Vienna Convention on Diplomatic Relations is believed to have committed a serious criminal offense (particularly a crime of violence), a summons for that individual to appear in court shall be issued. Thereupon the Secretary of State shall—

(1) request that the country such individual represents waive the immunity of that individual, or

(2) if such waiver is denied, immediately declare *non grata* such individual if there is a *prima facie* case against such individual which absent diplomatic immunity would lead to prosecution and thereby require that individual to leave the United States.

(b) COMMUNICATION TO IMMIGRATION AND NATURALIZATION SERVICE.—The Secretary of State shall notify the Commissioner of the Immigration and Nationality Service of each individual who voluntarily leaves, or is asked to leave, the United States because of that individual's alleged involvement in a serious criminal offense in order to prevent that person from reentering the United States.

(c) EXCLUSION OF ALIENS PREVIOUSLY INVOLVED IN A SERIOUS CRIMINAL OFFENSE COMMITTED IN THE UNITED STATES.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking out the period at the end of paragraph (33) and inserting in lieu thereof "; and" and

(2) by adding after paragraph (33) the following new paragraph:

"(34) Any alien with respect to whom the Secretary of State has notified the Commissioner of the Immigration and Nationality Service under section 4 of the Diplomatic Immunity Abuse Prevention Act because of that alien's alleged involvement in a serious criminal offense, except that such alien may be admitted to the United States—

"(A) with respect to any proceeding regarding such crime, or

"(B) if the Attorney General, in consultation with the Secretary of State, determines that admitting such individual into the United States is in the national interest."

SEC. 1005. AUTHORITY TO INSTITUTE AND MAINTAIN CRIMINAL PROSECUTIONS.

Section 5 of the Diplomatic Relations Act (22 U.S.C. 254) is amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a criminal proceeding, prosecution may be instituted and maintained provided that no measure is taken in derogation of the

diplomatically immune individual's inviolability or immunities from jurisdiction".

SEC. 1006. REVIEW OF UNITED STATES POLICY ON DIPLOMATIC IMMUNITY.

The Secretary of State and the Comptroller General of the United States shall separately review the policy of the United States of providing privileges and immunities to foreign missions, the members of the mission, their families, the diplomatic couriers, and others which result in treatment which is more favorable than the treatment required to be provided under the Vienna Convention on Diplomatic Relations. Within 180 days after the date of enactment of this Act, the Secretary and the Comptroller General shall each submit separately to the Congress recommendations—

(1) for such changes as may be necessary in such United States policy so that such privileges and immunities do not exceed United States treaty obligations; and

(2) to promote the observance by foreign missions, the members of the mission, their families, the diplomatic couriers, and others of United States law.

SEC. 1007. REVIEW OF PROCEDURES FOR ISSUING VISAS TO DIPLOMATS TO THE UNITED STATES AND THE UNITED NATIONS.

In order to ensure conformity with the treatment accorded to United States diplomats by other countries, the Attorney General, in consultation with the Secretary of State, shall review the procedures, and make such changes in the procedures as may be necessary, for issuing nonimmigrant visas to the aliens described in subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)). Within 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress on the results of such review and describing the changes, if any, made in such procedures.

SEC. 1008. DEFINITION OF FAMILY MEMBERS.

Paragraph (2) of section 2 of the Diplomatic Relations Act (22 U.S.C. 254c) is amended to read as follows:

"(2) the term 'family' means—

"(A) the spouse of a member of the mission and his or her unmarried children under 21 years of age, who are not members of some other household, and who reside exclusively in the principal's household;

"(B) unmarried children under 23 years of age who are attending an institution of higher education on a full-time basis; and

"(C) under exceptional circumstance and with the express advance approval of the Department of State, other persons who are not members of some other household, who reside exclusively in the principal's household, and who are recognized by the sending State as members of the family forming part of the household."

SEC. 1009. MINIMUM INSURANCE COVERAGE.

Section 6(b) of the Diplomatic Relations Act (22 U.S.C. 254c(b)) is amended by adding at the end the following new sentence: "Such requirements shall provide that the minimum amount of insurance carried for injury resulting from the operation of any motor vehicle, vessel, or aircraft is \$1,000,000 per incident."

SEC. 1010. LIABILITY INSURANCE TO BE CARRIED BY DIPLOMATIC MISSIONS.

(a) REQUIREMENT.—Section 6 of the Diplomatic Relations Act (22 U.S.C. 254(c)) is amended by adding at the end thereof the following new subsection:

"(d) The Director of the Office of Foreign Missions shall, by regulation, establish, and take such steps as he deems necessary to ensure compliance with, liability insurance requirements which can reasonably be expected to afford adequate compensation for

S 14056

CONGRESSIONAL RECORD — SENATE

October 9, 1987

injury to person or property resulting from or arising out of the activities of a mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, other than liability relating to risks described in subsection (b)."

(b) **CONFORMING AMENDMENT.**—Subsection (a) of such section is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (d)".

SEC. 1011. PROCEDURES FOR CERTIFYING IMMUNITIES.

The Diplomatic Relations Act (22 U.S.C. 254) is amended—

(1) by redesignating sections "8" and "9" as "9" and "10", respectively; and

(2) by inserting after section 7 the following new section:

"**PROCEDURES FOR CERTIFYING IMMUNITIES**
 "SEC. 8. Certification to the Court of immunity from criminal prosecution of any individual summoned under the procedures established under section 4 of this Act who is entitled to immunity under the Vienna Convention on Diplomatic Relations, or under section 3(b) or 4 of this Act, shall be made only if the request has been made by the foreign minister of the sending state to the chief of the United States mission in the sending state and such request is transmitted to the Secretary of State."

SEC. 1012. DIPLOMATIC POUCHES.

The President shall—
 (1) take such steps as may be necessary to prevent the use of diplomatic pouches for the illicit transportation of narcotics, explosives, and weapons and any material used to foster terrorism into the United States; and

(2) seek in every appropriate forum the adoption of measures which will ensure that diplomatic pouches are not used to smuggle illicit narcotics, explosives, weapons, and any material used to foster terrorism.

SEC. 1013. DEFINITIONS.

For purposes of this title, the term—
 (1) "serious criminal offense" means any crime of violence, as defined in section 16 of title 18, United States Code, or reckless driving or driving while intoxicated or under the influence of alcohol or drugs; and

(2) "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227), entered into force with respect to the United States on December 13, 1972.

TITLE XI—ANTI-TERRORISM ACT OF 1987

SEC. 1101. SHORT TITLE.

This title may be cited as the "Anti-Terrorism Act of 1987".

SEC. 1102. FINDINGS; DETERMINATIONS.

(a) The Congress finds that—
 (1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;

(2) the Palestine Liberation Organization (hereafter in this title referred to as the "PLO") was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;

(3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;

(4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;

(5) the PLO covenant specifically states that "armed struggle is the only way to liberate Palestine. Thus it is an overall strategy, not merely a tactical phase";

(6) the PLO dedicated itself to the "continuing struggle in all its armed forms" at the Palestine National Council meeting in April 1987; and

(7) the Attorney General has stated that "various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror".

(b) Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.

SEC. 1103. PROHIBITIONS REGARDING THE PLO.

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this title—

(1) to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

(2) to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

(3) notwithstanding any provision of the law to the contrary, to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

SEC. 1104. ENFORCEMENT.

(a) The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of this section.

(b) Any district court of the United States for a district in which a violation of this title occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of this title.

SEC. 1105. EFFECTIVE DATE.

(a) Provisions of this title shall take effect 90 days after the date of enactment of this Act.

(b) The provisions of this title shall cease to have effect if the President certifies in writing to the President pro tempore of the Senate and the Speaker of the House that the Palestine Liberation Organization, its agents, or constituent groups thereof no longer practice or support terrorist actions anywhere in the world.

TITLE VI—EFFECTIVE DATE

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall take effect on its date of enactment.

THE CASE AGAINST TAX INCREASES

Mr. KASTEN. Mr. President, I call to the attention of my colleagues an excellent article by economics columnist Warren Brookes which appeared in the latest issue of Reader's Digest entitled "Don't Raise Taxes."

Mr. Brookes makes a compelling case against tax increases. He points out that the institutional incentives in Congress are skewed toward higher Federal spending. As a consequence, higher taxes lead to more spending and larger budget deficits.

Mr. President, I ask unanimous consent that the article be printed into the Record.

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

DON'T RAISE TAXES

(By Warren T. Brookes)

Americans have a right to be confused about the issue that opinion polls show is uppermost on their minds—cutting the massive federal deficit.

On Capitol Hill, Democrats have proposed a \$19.3-billion tax hike. In opposition are the Reagan Administration and lawmakers who argue that scaling back the growth of our \$1-trillion-plus federal budget is the only way to bring down the deficit.

Meanwhile, there is evidence of a growing suspicion that raising taxes will only increase spending by the politicians and do little or nothing to cut the deficit. Those suspicions are well-founded. A statistical study last may for Sen. William Roth (R., Del.) by Ohio University economists Lowell Gallaway and Richard Vedder reveals that since 1947 every \$1 of tax increase has coincided with \$1.58 in new spending—which is to suggest that tax increases have typically resulted in higher deficits.

Vedder and Gallaway explain: "Public officials are under pressure to boost funding for constituents. Raising taxes reduces their popularity. If taxes are to be raised, lawmakers tend to anticipate and compensate for this negative action by increasing government spending, thereby enhancing their popularity."

The two economists call this the "bait and switch tactic," in which "tax increases may be justified to the public as a means of deficit reduction, whereas the actual result will be to stimulate additional spending on programs favored by influential special-interest groups."

President Reagan knows exactly how this bait-and-switch approach works because he was the direct and all-too-willing victim of it in 1982 and again in 1984. Just seven months after he had told the nation, in the January 1982 State of the Union address, that "raising taxes won't balance the budget," the President was persuaded by his own aides to accept a \$98.3-billion, three-year tax hike called TEFRA (Tax Equity and Fiscal Responsibility Act of 1982).

In return for this, he was promised by Congress "three dollars in reduction of outlays for every one dollar of increased revenues." This was supposed to reduce the fiscal year 1983 deficit from a projected \$137 billion to \$115 billion. Instead, fueled in part by prospects of higher tax revenues to spend, the deficit soared to \$208 billion—driven up by a \$63-billion (8.4 percent) increase in spending, some \$51 billion more than the President had asked for.

In 1984 the President approved another "deficit reduction" package known as "son of TEFRA" or DEFRA (Deficit Reduction Act of 1984). Though it was a much smaller tax increase, it appeared to have the same effect. In 1985 deficit and spending levels rose to new, all-time highs.

As James Buchanan, a professor at George Mason University and winner of the 1986 Nobel Prize in economics, contends in his book *Democracy in Deficit*: elected politicians enjoy spending public monies for their constituents. Buchanan says this tendency was amplified by the Keynesian economic theory that deficits are beneficial during an economic downturn. But politicians made deficit budgets the norm, by ignoring