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Sally Field

19

THE DEMOCRACY PROGRAM

172839

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FI004

September 11, 1983

FB 266
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MEMORANDUM

TO: Bruce Chapman
FROM: Allen Weinstein A.W.
SUBJECT: Presidential Signing--National Endowment for Democracy Bill

William E. Brock III
Chairman

Charles T. Manatt
Frank J. Fahrenkopf, Jr.
Co-Chairmen

Anthony Lake
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Vice-Chairmen

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Executive Board

Sarah Weddington*
Edward Weidenfeld*
Co-Counsel


Allen Weinstein*
Program Director
(*ex officio)

This is the memo we discussed at the CSIS Williamsburg "Grand Strategy" conference last weekend. Essentially, it proposes that the White House move decisively in the next day or two to have Senator Baker place the State, USIA authorization bill (in which the Endowment legislation is contained) on the calendar for early action, possibly even late this week. Cran Montgomery and others on the Senator's staff have indicated no opposition to this in discussions with Ken Duberstein's staff, and the Senator has a letter from the President (copy enclosed) indicating the Administration's strong interest in seeing the Endowment created at the earliest opportunity.

Once the legislation reaches the Senate floor, it will probably be opposed--but, we are told, without threat of filibuster--by Jesse Helms and several of his close associates. Leading the support for the legislation among Republicans will be Senators Lugar, Hatch, Percy, and others. The Democrats have organized effectively, I am told, so there should be at least a 3/4 majority of the Senate in support, possibly even more than 4/5.

Once passed, the President could take the occasion of the signing ceremony to demonstrate the degree of national cohesion around this historic bipartisan program which he stirred into existence. Coming now, at a time of international tension brought about by the Soviets' shooting down of the Korean plane, a signing ceremony contrasting our national commitment to democracy (with the full Democratic leadership of both houses and my board members all present along with Republican leaders) could have an especially meaningful impact upon both allied and Third World opinion.

If, however, the Administration dawdles and allows the bill to come up after divisive debate on the freeze and MX issues begins, then not only do we lose the "bipartisan moment" offered by the above opportunity, but we send a signal to our own foreign policy working community that --even in a period of keen concern for effective execution of foreign policy--we did not think sufficiently of the State, USIA authorization to move it through efficiently before the end of the fiscal year. I hope you will share these thoughts with your colleagues.



2100 Pennsylvania Ave., N.W.
Suite 818
Washington, D.C. 20037
(202) 293-9072

9/13/83 Memo to Kenneth Criss from Bruce Chapman also attached

THE WHITE HOUSE

WASHINGTON

September 13, 1983

MEMORANDUM TO KENNETH CRIBB

FROM: BRUCE CHAPMAN

JKC

Per our conversation, attached is a copy of the
National Endowment for Democracy Bill.

Attachment

THE WHITE HOUSE
WASHINGTON

July 19, 1983

Dear Howard:

As you are aware, the FY 84-85 State Department Authorization Bill (S. 1342) contains a set of proposals to create a National Endowment for Democracy and several related institutions. These proposals, sponsored jointly by the Republican and Democratic National Committees, the U.S. Chamber of Commerce, and the AFL-CIO represent a historic achievement of bipartisanship and are of vital importance to an expanded American leadership role abroad.

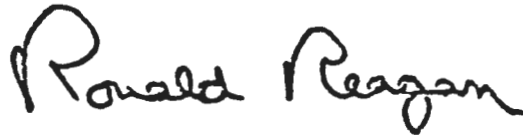
If enacted, the National Endowment for Democracy Act would allow our two major political parties, the business community and organized labor to undertake serious and responsible long-term programs in support of democracy and pluralism abroad. At present, our non-governmental involvement in the international political world -- except for the AFL-CIO training institutes -- is haphazard at best. Although political parties from virtually every democracy in the world are already engaged in developing party-to-party links and programs, for example, our parties remain passive observers for the most part. Yet such non-governmental contacts can enhance government-to-government relationships.

The amounts requested for these programs pale in comparison to the efforts of the enemies of democracy, free enterprise, and free trade unions. Yet there is no reason why we cannot assemble the resources to do the job. The private sector brings with it the practical experience of many Americans in the practice of democracy. There are public entities such as the VOA which, if strengthened, can contribute ever more effectively to the goals all Americans share.

I strongly urge, therefore, that our fellow Republicans in the Senate support the National Endowment for Democracy Act when it reaches the Senate floor. As leader of the free world, the

United States must bring to bear all of its resources in the ongoing global struggle for individual liberty and freedom. The National Endowment for Democracy will provide a vital new element in this leadership role, one that is not only overdue but worthy of our wholehearted support.

Sincerely,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, slightly stylized script. The first letter "R" is large and loops around the first part of the name. The last name "Reagan" is written in a similar cursive style, with a long, sweeping tail on the final "n".

The Honorable Howard H. Baker, Jr.
Majority Leader
United States Senate
Washington, D.C. 20510

Helping democracy abroad

By Frank J. Fahrenkopf Jr.
and Charles T. Manatt

During House debate this June over establishing the proposed National Endowment for Democracy, a liberal Maryland Democrat and a conservative California Republican both rose to describe their recent journey to Venezuela. Michael Barnes and Robert Lagomarsino, Democratic chairman and ranking Republican, respectively, of the House Western Hemisphere Affairs subcommittee, had traveled to Caracas as representatives of their political parties to confer with leaders of Venezuela's two major political parties. They described to the Venezuelans how US political parties, labor, and business intended to cooperate in helping democratic movements abroad through the coordinating mechanism of the bipartisan endowment. The enthusiastic response of our Latin American friends came as no surprise to us.

As co-chairmen of the research study that developed the endowment proposal, we know that from its earliest days, our "Democracy Program" — a unique collaboration of the Republican and Democratic parties with labor and business — has gained strong support from foreign observers in every corner of the world representing the spectrum of democratic political belief. The endowment would allow our nongovernmental institutions to help democratic friends and colleagues abroad, much as the political party foundations in the Federal Republic of Germany have developed widely acclaimed programs in five dozen countries since the early 1960s largely through government funding.

With support from both the Reagan administration and the bipartisan congressional leadership, our executive board and staff worked six months before agreeing on an interim report which proposed creating the endowment to fund (among other groups) four major grantees: separate Republican and Democratic Institutes for International Affairs (modeled after the German foundations), a Free Trade Union Institute, and a Center for International Private Enterprise.

No one-man band nor single ideology designed the endowment proposal.

By the time our proposals (in H.R. 2915) reached the House floor where the bill passed as amended, they had already been approved, after hearings, by both the House Foreign Affairs Committee and the Senate Foreign Relations Committee. One aspect of the bill met significant opposition in the full House. A majority of members rejected earmarking funds

for the two party institutes, "the most intriguing of these programs," according to the Washington Post, since the institutes "would help the American political parties reach out to their democratic allies abroad."

Opponents stressed two themes: budget deficits and the question of using public funds to support the international activities of American parties. Obviously, the \$5 million allotted to each party institute remains more a symbol to some legislators than a genuine element in curing the deficits.

Interestingly enough, it was a cadre of Republican conservatives who pointed to the international record of the AFL-CIO's training institutes in using US government funds for decades in assisting local free labor movements battle communist unions on four continents. Now, with business joining the fray by developing comparable training programs, several GOP conservatives urged defeat of the amendment. (In Rep. Jack Kemp's words) in order "to send a signal to the people of the world who yearn for free enterprise and free labor that we mean what we say when we give speeches in support of democracy, human rights, and movements such as Solidarity in Poland and democracy in Central America or wherever." They were joined by several Democrats including Kika de la Garza, who appealed to the House to "plant a small seed of democratic institutions" and to "let the people who make it work" in this country help their counterparts elsewhere.

We believe that when Congress returns in September both the House and Senate will send that unmistakable signal to those who cherish democracy throughout the world by approving the entire National Endowment for Democracy proposal, including the party institutes. After that, the endowment and its grantees will have a chance to show Congress and the American people that timely, effective, and long-range programs of a nongovernmental nature can prove essential to our friends abroad. Allowing the political parties to help spread the message and methods of democracy in the world is long overdue. Even the skeptics will discover soon enough, to coin a phrase, that they have nothing to fear but fear itself.

Frank J. Fahrenkopf Jr. is chairman of the Republican National Committee. Charles T. Manatt is chairman of the Democratic National Committee. They are co-chairmen of the bipartisan Democracy Program.

[COMMITTEE PRINT]

April 26, 1983

SHOWING THE BILL APPROVED ON APRIL 25, 1983,
BY THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

98TH CONGRESS
1ST SESSION

H. R. 2915
Senate 1342

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ introduced the following bill; which was
referred to the Committee on _____

A BILL

To authorize appropriations for fiscal years 1984 and 1985 for
the Department of State, the United States Information
Agency, the Board for International Broadcasting, and the
Inter-American Foundation, to establish the National
Endowment for Democracy, and for other purposes.

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

1 TITLE 1--DEPARTMENT OF STATE

2 SHORT TITLE

3 SEC. 101. This title may be cited as the ''Department of
4 State Authorization Act, Fiscal Years 1984 and 1985''.

5 AUTHORIZATIONS OF APPROPRIATIONS

6 SEC. 102. The following amounts are authorized to be
7 appropriated for the Department of State to carry out the
8 authorities, functions, duties, and responsibilities in the
9 conduct of the foreign affairs of the United States and
10 other purposes authorized by law:

11 (1) For ''Administration of Foreign Affairs'',
12 \$1,479,713,000 for the fiscal year 1984 and
13 \$1,580,820,000 for the fiscal year 1985.

14 (2) For ''International Organizations and
15 Conferences'', \$602,343,000 for the fiscal year 1984 and
16 \$645,978,000 for the fiscal year 1985.

17 (3) For ''International Commissions'', \$23,207,000
18 for the fiscal year 1984 and \$27,503,000 for the fiscal
19 year 1985.

20 (4) For ''Migration and Refugee Assistance'',
21 \$344,500,000 for the fiscal year 1984 and \$326,400,000
22 for the fiscal year 1985.

23 (5) For ''United States Bilateral Science and
24 Technology Agreements'', \$1,700,000 for the fiscal year
25 1984 and \$1,700,000 for the fiscal year 1985.

1 PROTECTIVE SERVICES

2 SEC. 103. Of the amounts authorized to be appropriated
3 by section 102(1) of this Act, \$6,000,000 for the fiscal
4 year 1984 and \$6,300,000 for the fiscal year 1985 may be
5 used for the provision of protective services directly or by
6 contract in locations for which funds are not otherwise
7 available to provide such services, to the extent deemed
8 necessary by the Secretary of State in carrying out title II
9 of the State Department Basic Authorities Act of 1956
10 (relating to foreign missions), except that amounts used
11 under this section shall not be subject to the provisions of
12 section 208(h) of that Act.

13 PIRACY IN THE GULF OF THAILAND

14 SEC. 104. Of the amounts authorized to be appropriated
15 for ''Migration and Refugee Assistance'' for each of the
16 fiscal years 1984 and 1985, \$5,000,000 shall be used for
17 assistance to combat piracy in the Gulf of Thailand.

18 WORLD INTELLECTUAL PROPERTY ORGANIZATION

19 SEC. 105. The joint resolution entitled ''Joint
20 Resolution to authorize appropriations incident to United
21 States participation in the International Bureau for the
22 Protection of Industrial Property'' approved July 12, 1960
23 (22 U.S.C. 269f) is amended by striking out all after the
24 resolving clause and inserting in lieu thereof the
25 following: ''That funds appropriated to the Secretary of

1 State for 'International Organizations and Conferences'
2 shall be available for the payment by the United States of
3 its proportionate share of the expenses of the International
4 Bureau for the Protection of Industrial Property for any
5 year after 1981 as determined under Article 16(4) of the
6 Paris Convention for the Protection of Industrial Property,
7 as revised, except that in no event shall the payment for
8 any year exceed 5.0 percent of all expenses of the Bureas
9 apportioned among countries for that year.''.
10

NORTH ATLANTIC ASSEMBLY

11 SEC. 106. Section 5 of the joint resolution entitled
12 ''Joint Resolution to authorize participation by the United
13 States in parliamentary conferences of the North Atlantic
14 Treaty Organization'', approved July 11, 1956 (22 U.S.C.
15 1928e), is amended by inserting immediately after the first
16 sentence the following: ''In addition to the amounts
17 authorized by section 2, \$300,000 of the funds appropriated
18 for the Department of State for ''International
19 Organizations and Conferences'' for fiscal year 1984 shall
20 be for the expenses incurred by the United States group in
21 hosting the thirty-first annual meeting of the North
22 Atlantic Assembly.''.
23

ALLOCATION AUTHORITY

24 SEC. 107. (a) Section 8 of the State Department Basic
25 Authorities Act of 1956 (22 U.S.C. 2675) is amended to read

1 as follows:

2 ''SEC. 8. The Secretary of State may allocate or
3 transfer to any department, agency, or independent
4 establishment of the United States Government (with the
5 consent of the head of such department, agency, or
6 establishment) any funds appropriated to the Department of
7 State, for direct expenditure by such department, agency, or
8 independent establishment for the purposes for which the
9 funds were appropriated in accordance with authority granted
10 in this Act or under authority governing the activities of
11 such department, agency, or independent establishment.''.
12

13 (b) The amendment made by this section shall not apply
14 with respect to funds appropriated to the Department of
15 State before the date of enactment of this Act.

16 RESTRICTIONS RELATING TO PALESTINIAN RIGHTS UNITS AND
17 PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE
18 LIBERATION ORGANIZATION

19 SEC. 108. (a) Funds appropriated for the Department of
20 State for ''International Organizations and Conferences''
21 may not be used for payment by the United States, as its
22 contribution toward the assessed budget of the United
23 Nations for any year, of any amount which would cause the
24 total amount paid by the United States as its assessed
25 contribution for that year to exceed the amount assessed as
the United States contribution for that year less--

1 (1) 25 percent of the amount budgeted for that year
2 for the Committee on the Exercise for the Inalienable
3 Rights of the Palestinian People (or any similar
4 successor entity); and

5 (2) 25 percent of the amount budgeted for that year
6 for the Special Unit on Palestinian Rights (or any
7 similar successor entity); and

8 (3) 25 percent of the amount budgeted for that year
9 for projects whose primary purpose is to provide
10 political benefits to the Palestine Liberation
11 Organization or entities associated with it.

12 (b) Funds appropriated for the Department of State for
13 ''International Organizations and Conferences'' may not be
14 used for payment by the United States, as its contribution
15 toward the assessed budget of any specialized agency of the
16 United Nations for any year, of any amount which would cause
17 the total amount paid by the United States as its assessed
18 contribution for that year to exceed the amount assessed as
19 the United States contribution for that year less 25 percent
20 of the amount budgeted by such agency for that year for
21 projects whose primary purpose is to provide political
22 benefits to the Palestine Liberation Organization or
23 entities associated with it.

24 (c) The President shall annually review the budgets of
25 the United Nations and its specialized agencies to determine

1 which projects have the primary purpose of providing
2 political benefit to the Palestine Liberation Organization.
3 The President shall report to the Congress on any such
4 project for which a portion of the United States assessed
5 contribution is withheld and the amount withheld.

6 (d) Subsections (a)(3) and (b) shall not be construed as
7 limiting United States contributions to the United Nations,
8 or its specialized agencies, for projects whose primary
9 purpose is to provide humanitarian, educational,
10 developmental, and other nonpolitical benefits to the
11 Palestinian people.

12 COUNSELOR OF THE DEPARTMENT OF STATE

13 SEC. 109. (a) Section 2 of the Act entitled "'An Act to
14 strengthen and improve the organization and administration
15 of the Department of State, and for other purposes'",
16 approved May 26, 1949 (22 U.S.C. 2653), is amended by
17 striking out "'Counselor of the Department of State and the
18 Legal Adviser who are'" in the second sentence and inserting
19 in lieu thereof "'Legal Adviser who is'".

20 (b)(1) Section 5314 of title 5, United States Code, is
21 amended by inserting immediately after the item relating to
22 the Under Secretaries of State the following:

23 "'Counselor of the Department of State.'".

24 (2) Section 5315 of such title is amended by striking
25 out "'Counselor of the Department of State.'".

1 (3) The amendments made by this subsection shall take
2 effect on October 1, 1983.

3 NATIONAL COMMISSION ON EDUCATIONAL, SCIENTIFIC, AND CULTURAL
4 COOPERATION

5 SEC. 110. (a) Section 5 of the joint resolution entitled
6 ''Joint Resolution providing for membership and
7 participation by the United States in the United Nations
8 Educational, Scientific, and Cultural Organization, and
9 authorizing an appropriation therefor'', approved July 30,
10 1946 (22 U.S.C. 287q), is amended by repealing the eighth
11 sentence.

12 (b) Of the amounts authorized to be appropriated by
13 section 102 of this Act for ''Administration of Foreign
14 Affairs'', \$250,000 for each of the fiscal years 1984 and
15 1985 shall be available only for the expenses of the
16 secretariat of the National Commission on Educational,
17 Scientific, and Cultural Cooperation.

18 ATTENDANCE OF CITIZENS OF THE TRUST TERRITORY OF THE PACIFIC
19 ISLANDS AT THE FOREIGN SERVICE INSTITUTE

20 SEC. 111. Section 701 of the Foreign Service Act of 1980
21 (22 U.S.C. 4021) is amended by adding at the end thereof the
22 following new subsection:

23 ''(c) Training and instruction may be provided at the
24 Institute for not to exceed 60 citizens of the Trust
25 Territory of the Pacific Islands in order to prepare them to

1 serve as members of the foreign services of the Federated
2 States of Micronesia, the Marshall Islands, and the island
3 of Palau. The authority of this subsection shall expire when
4 the Compact of Free Association is approved.''.
5

6 DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS

7 SEC. 112. (a) Section 203(a) of the State Department
8 Basic Authorities Act of 1956 (22 U.S.C.4303(a)) is
9 amended--

10 (1) in the second sentence by striking out
11 ''appointed by the Secretary'' and inserting in lieu
12 thereof ''appointed by the President by and with the
13 advice and consent of the Senate''; and

14 (2) by adding at the end thereof the following:
15 ''The Director shall have the rank of ambassador. The
16 Director shall be an individual who is a member of the
17 Foreign Service, who has been a member of the Foreign
18 Service for at least ten years, who has significant
19 management experience, and who has served in countries
20 in which the United States has had significant problems
21 in assuring the secure and efficient operations of its
22 missions.''.
23

24 (b) The amendments made by subsection (a) shall apply
25 with respect to any Director of the Office of Foreign
26 Missions who is appointed after the date of enactment of
27 this Act.

1 REPROGRAMMING NOTIFICATIONS

2 SEC. 113. Title I of the State Department Basic
3 Authorities Act of 1956 is amended by redesignating section
4 34 as section 35 and by inserting the following new section
5 34 after section 33:

6 ''SEC. 34. Unless the Committee on Foreign Affairs of
7 the House of Representatives and the Committee on Foreign
8 Relations of the Senate are notified 15 days in advance of
9 the proposed reprogramming, funds appropriated for the
10 Department of State shall not be available for obligation or
11 expenditure through any reprogramming of funds--

12 ''(1) which creates new programs;

13 ''(2) which eliminates a program, project, or
14 activity;

15 ''(3) which increases funds or personnel by any
16 means for any project or activity for which funds have
17 been denied or restricted by the Congress;

18 ''(4) which relocates an office or employees;

19 ''(5) which reorganizes offices, programs, or
20 activities; or

21 ''(6) which involves a reprogramming in excess of
22 \$250,000 or 10 percent, whichever is less, and which (A)
23 augments existing programs, projects, or activities, (B)
24 reduces by 10 percent or more the funding for any
25 existing program, project, activity, or personnel

1 approved by the Congress, or (C) results from any
2 general savings from a reduction in personnel which
3 would result in a change in existing programs,
4 activities, or projects approved by the Congress.''.
5

FOREIGN NATIONAL EMPLOYEES

6 SEC. 114. (a) Section 408(a)(1) of the Foreign Service
7 Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the last
8 sentence by inserting ''(A)'' immediately after ''provision
9 for'' and by inserting immediately before the period at the
10 end thereof the following: '', and (B) payments by the
11 Government and foreign national employees to a trust or
12 other fund in a financial institution in order to finance
13 future benefits for foreign national employees, including
14 provision of retention in the fund of accumulated interest
15 for the benefit of covered foreign national employees''.

16 (b)(1) Section 5944 of title 5, United States Code, is
17 repealed.

18 (2) The chapter analysis for chapter 59 of such title 5
19 is amended by striking out the item relating to section
20 5944.

CODIFICATION OF MERESMAN CASE

22 SEC. 115. Section 2103(f) of the Foreign Service Act of
23 1980 is amended by striking out ''determined in accordance
24 with chapter 8 of title I'' and inserting in lieu thereof
25 ''on the same basis as a member retired from the Senior

1 Foreign Service under section 607(c)(1), and section
2 609(a)(2)(B) shall be deemed to apply to such officer''.

3 INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY

4 SEC. 116. Title I of the State Department Basic
5 Authorities Act of 1956, as amended by section 113 of this
6 Act, is amended by redesignating section 35 as section 36
7 and by inserting the following new section after section 34:

8 ''SEC. 35. (a) The Secretary of State shall assign
9 responsibility for international communications and
10 information policy matters within the Department of State to
11 an appropriate Under Secretary of State (hereafter in this
12 section referred to as the 'Under Secretary'). Such
13 responsibilities shall include--

14 ''(1) directing the formulation and coordination of
15 executive branch policy on international communications
16 and information issues;

17 ''(2) overseeing and coordinating the functions of
18 executive branch agencies concerned with international
19 communications and information policy;

20 ''(3) exercising, on behalf of the Secretary of
21 State, the authority with respect to telecommunications
22 assigned to the Secretary by Executive orders,
23 determinating United States positions and the conduct of
24 United States participation in negotiations with foreign
25 governments and in international bodies, and

1 coordinating with other agencies as appropriate,
2 including the Federal Communications Commission;

3 '(4) chairing the Interagency Group on
4 International Communications and Information Policy; and

5 '(5) serving as principal adviser to the Secretary
6 and Deputy Secretary of State on the conduct of foreign
7 policy in the area of international communications and
8 information and coordinating as appropriate with the
9 other Under Secretaries of State on matters relating to
10 the responsibilities of those officers.

11 '(b) The Secretary of State shall establish, within the
12 Department of State, an Office of the Coordinator for
13 International Communications and Information Policy, headed
14 by a Coordinator who shall be responsible to the Under
15 Secretary. The Coordinator shall be appointed by the
16 President, by and with the advice and consent of the Senate,
17 and shall have the rank of ambassador at large. The
18 Coordinator shall be responsible for assisting the Under
19 Secretary in implementing the responsibilities respecting
20 international communications and information policy assigned
21 to the Under Secretary pursuant to subsection (a), and for
22 overseeing and coordinating the activities of the Department
23 of State and other executive branch agencies concerned with
24 international communications and information policy. On
25 behalf of the Under Secretary, the Coordinator shall--

1 ''(1) maintain continuing liaison with the bureaus
2 and offices of the Department and with other executive
3 branch agencies concerned with international
4 communications and information policy;

5 ''(2) chair such agency and interagency meetings as
6 may be necessary to coordinate actions on pending issues
7 to ensure proper policy coordination;

8 ''(3) support the work of the Interagency Group on
9 International Communications and Information Policy;

10 ''(4) coordinate the activities and assist as
11 appropriate interagency working level task forces and
12 committees concerned with specific aspects of
13 international communications and information policy;

14 ''(5) maintain liaison with the members and staffs
15 of committees of the Congress concerned with
16 international communications and information policy and
17 provide testimony before such committees;

18 ''(6) maintain appropriate liaison with
19 representatives of the private sector to keep informed
20 of their interests and problems, meet with them, and
21 provide such assistance as may be needed to ensure that
22 matters of concern to the private sector are promptly
23 considered by the Department or other executive branch
24 agencies; and

25 ''(7) assist in arranging meetings of such public

1 sector advisory groups as may be established to advise
2 the Under Secretary and ensure that the Under Secretary
3 is informed of the views of advisory groups which may
4 assist the Department and other executive branch
5 agencies in connection with international communications
6 and information policy issues.''.
7

8 TITLE II--UNITED STATES INFORMATION AGENCY

9 SHORT TITLE

10 SEC. 201. This title may be cited as the ''United States
11 Information Agency Authorization Act, Fiscal Years 1984 and
12 1985''.

13 AUTHORIZATIONS OF APPROPRIATIONS

14 SEC. 202. (a) There are authorized to be appropriated
15 for the United States Information Agency \$701,427,000 for
16 the fiscal year 1984 and \$861,039,000 for the fiscal year
17 1985 to carry out international communication, educational,
18 cultural, and exchange programs under the United States
19 Information and Educational Exchange Act of 1948, the Mutual
20 Educational and Cultural Exchange Act of 1961, and
21 Reorganization Plan Numbered 2 of 1977, and other purposes
22 authorized by law.

23 (b) Of the authorizations of appropriations contained in
24 subsection (a), authorizations of \$47,959,000 for the fiscal
25 year 1984 and \$179,426,000 for the fiscal year 1985, for the
acquisition and construction of radio facilities, shall

1 remain available until the appropriations are made, and when
2 those amounts are appropriated they are authorized to remain
3 available until expended.

4 FUNDS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY

5 SEC. 203. Of the amounts appropriated for the United
6 States Information Agency for each of the fiscal years 1984
7 and 1985, not less than \$31,300,000 shall be for a grant to
8 the National Endowment for Democracy (established pursuant
9 to title VI of this Act) for use in carrying out its
10 purposes.

11 FISCAL YEAR 1983 SUPPLEMENTAL AUTHORIZATION

12 SEC. 204. Section 302 of the United States Information
13 Agency Authorization Act, Fiscal Years 1982 and 1983, is
14 amended by striking out '\$559,000,000 for the fiscal year
15 1983' and inserting in lieu thereof '\$574,000,000 for the
16 fiscal year 1983'.

17 NOTIFICATION OF REPROGRAMMINGS AND GRANTS

18 SEC. 205. Title VII of the United States Information and
19 Educational Exchange Act of 1948 (22 U.S.C. 1476--1477b) is
20 amended by adding at the end thereof the following new
21 section:

22 'SEC. 705. (a) Unless the Committee on Foreign Affairs
23 of the House of Representatives and the Committee on Foreign
24 Relations of the Senate are notified 15 days in advance of
25 the proposed reprogramming, funds appropriated for the

1 United States Information Agency shall not be available for
2 obligation or expenditure through any reprogramming of
3 funds--

4 ''(1) which creates new programs;

5 ''(2) which eliminates a program, project, or
6 activity;

7 ''(3) which increases funds or personnel by any
8 means for any project or activity for which funds have
9 been denied or restricted by the Congress;

10 ''(4) which relocates an office or employees;

11 ''(5) which reorganizes offices, programs, or
12 activities; or

13 ''(6) which involves a reprogramming in excess of
14 \$250,000 or 10 percent, whichever is less, and which (A)
15 augments existing programs, projects, or activities, (B)
16 reduces by 10 percent or more the funding for any
17 existing program, project, activity, or personnel
18 approved by the Congress, or (C) results from any
19 general savings from a reduction in personnel which
20 would result in a change in existing programs,
21 activities, or projects approved by the Congress.

22 ''(b) In addition, the United States Information Agency
23 may award program grants for the fiscal years 1984 and 1985
24 only if the Committee on Foreign Affairs of the House of
25 Representatives and the Committee on Foreign Relations of

1 the Senate are notified 15 days in advance of the proposed
2 grant.''.
3

4 DISSEMINATION OF USIA-PREPARED INFORMATION TO FOREIGN
5 DIPLOMATS IN THE UNITED STATES

6 SEC. 206. Section 501 of the United States Information
7 and Educational Exchange Act of 1948 (22 U.S.C. 1461) is
8 amended--

9 (1) by inserting ''(a)'' immediately after ''SEC.
10 501.''; and

11 (2) by adding at the end thereof the following new
12 subsection:

13 ''(b) Notwithstanding subsection (a), information
14 described in that subsection (whether or not prepared for
15 dissemination abroad) may be made available, within the
16 United States, its territories and possessions, to foreign
17 diplomatic and consular officials accredited to the United
18 States Government or to the United Nations or any of its
19 related organizations. Any such official who receives
20 information under this subsection shall not make or allow
21 the further dissemination of such information within the
22 United States, its territories or possessions, except to
23 other foreign diplomatic or consular officials who are so
24 accredited.''.
25

26 DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM
27 ENTITLED ''THANKSGIVING IN PESHAWAR WITH KIRK DOUGLAS''

1 SEC. 207. (a) Notwithstanding the second sentence of
2 section 501 of the United States Information and Education
3 Exchange Act of 1948 (22 U.S.C. 1461)--

4 (1) the Director of the United States Information
5 Agency shall make available to the Administrator of
6 General Services a master copy of the film entitled
7 ''Thanksgiving in Peshawar with Kirk Douglas''; and

8 (2) upon evidence that necessary United States
9 rights and licenses have been secured and paid for by
10 the person seeking domestic release of the film, the
11 Administrator shall reimburse the Director for any
12 expenses of the Agency in making that master copy
13 available, shall deposit that film in the National
14 Archives of the United States, and shall make copies of
15 that film available for purchase and public viewing
16 within the United States.

17 (b) Any reimbursement to the Director pursuant to this
18 section shall be credited to the applicable appropriation of
19 the United States Information Agency.

20 TITLE III--BOARD FOR INTERNATIONAL BROADCASTING

21 SHORT TITLE

22 SEC. 301. This title may be cited as the ''Board for
23 International Broadcasting Authorization Act, Fiscal Years
24 1984 and 1985''.

25 AUTHORIZATIONS OF APPROPRIATIONS

1 SEC. 302. Subparagraph (A) of section 8(a)(1) of the
2 Board for International Broadcasting Act of 1973 (22 U.S.C.
3 2877(a)(1)(A)) is amended to read as follows:

4 '(A) \$120,140,000 for the fiscal year 1983,
5 \$115,702,000 for the fiscal year 1984, and \$121,371,000
6 for the fiscal year 1985; and''.

7 SALARY OF THE RFE/RL PRESIDENT

8 SEC. 303. (a) The Board for International Broadcasting
9 Act of 1973 is amended by adding at the end thereof the
10 following new section:

11 'SALARY OF THE RFE/RL PRESIDENT

12 'SEC. 12. Funds made available under this Act to the
13 RFE/RL, Inc., may not be used for the salary of the
14 President of RFE/RL, Inc., at an annual rate in excess of
15 the rate payable for level IV of the Executive Schedule
16 under section 5315 of title 5, United States Code.''

17 (b) The amendment made by this section applies with
18 respect to funds used for the salary of any President of
19 RFE/RL, Inc., who is appointed after the date of enactment
20 of this Act.

21 TITLE IV--INTER-AMERICAN FOUNDATION

22 SHORT TITLE

23 SEC. 401. This title may be cited as the 'Inter-
24 American Foundation Authorization Act, Fiscal Years 1984 and
25 1985''.

1 AUTHORIZATIONS OF APPROPRIATIONS

2 SEC. 402. Section 401(s)(2) of the Foreign Assistance
3 Act of 1969 (22 U.S.C. 290f(s)(2)) is amended in the first
4 sentence by striking out '\$12,000,000 for the fiscal year
5 1982 and \$12,800,000 for the fiscal year 1983' and
6 inserting in lieu thereof \$10,705,000 for the fiscal year
7 1984 and \$16,000,000 for the fiscal year 1985'.

8 TITLE V--THE ASIA FOUNDATION

9 SHORT TITLE

10 SEC. 501. This title may be cited as 'The Asia
11 Foundation Act'.

12 FINDINGS

13 SEC. 502. The Congress finds that--

14 (1) The Asia Foundation, a private nonprofit
15 corporation incorporated in 1954 in the State of
16 California, has long been active in promoting Asian-
17 American friendship and cooperation and in lending
18 encouragement and assistance to Asians in their own
19 efforts to develop more open, more just, and more
20 democratic societies;

21 (2) The Asia Foundation's commitment to
22 strengthening indigenous Asian institutions which
23 further stable national development, constructive social
24 change, equitable economic growth, and cooperative
25 international relationships is fully consistent with and

1 supportive of long-term United States interests in Asia;

2 (3) The Asia Foundation, as a private organization,
3 is able to conduct programs in response to Asian
4 initiatives that would be difficult or impossible for an
5 official United States instrumentality, and it is in a
6 position in Asia to respond quickly and flexibly to meet
7 new opportunities;

8 (4) in recognition of the valuable contributions of
9 The Asia Foundation to long-range United States foreign
10 policy interests, the United States Government has,
11 through a variety of agencies, provided financial
12 support for The Asia Foundation; and

13 (6) it is in the interest of the United States, and
14 the further strengthening of Asian-American friendship
15 and cooperation, to establish a more permanent mechanism
16 for United States Government financial support for the
17 on-going activities of The Asia Foundation, while
18 preserving the independent character of the Foundation.

19 GRANTS TO THE ASIA FOUNDATION

20 SEC. 503. (a) The Secretary of State shall make an
21 annual grant to The Asia Foundation with the funds made
22 available under section 504. Such grants shall be in general
23 support of the Foundation's programs and operations. The
24 terms and conditions of grants pursuant to this section
25 shall be set forth in a grant agreement between the

1 Secretary of State and The Asia Foundation.

2 (b) If funds made available to The Asia Foundation
3 pursuant to this title or pursuant to any other provision of
4 law are, with the permission of the head of the Federal
5 agency making the funds available, invested by the
6 Foundation or any of its subgrantees pending disbursement,
7 the resulting interest is not required to be deposited in
8 the United States Treasury if that interest is used for the
9 purposes for which the funds were made available.

10 FUNDING

11 SEC. 504. There are authorized to be appropriated to the
12 Secretary of State \$5,000,000 for the fiscal year 1983,
13 \$10,000,000 for the fiscal year 1984, and \$10,000,000 for
14 the fiscal year 1985 for grants to The Asia Foundation
15 pursuant to this title.

16 TITLE VI--NATIONAL ENDOWMENT FOR DEMOCRACY

17 SHORT TITLE

18 SEC. 601. This title may be cited as the ''National
19 Endowment for Democracy Act''.

20 ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

21 SEC. 602. (a) There is authorized to be established a
22 nonprofit corporation to be known as the National Endowment
23 for Democracy (hereafter in this title referred to as the
24 ''Endowment'').

25 (b) The Endowment will not be an agency or establishment

1 of the United States Government.

2 (c) The Endowment shall be subject to the provisions of
3 this title and, to the extent consistent with this title, to
4 the District of Columbia Nonprofit Corporation Act.

5 (d) The Endowment shall have its principal offices in
6 the District of Columbia.

7 PURPOSES OF THE ENDOWMENT

8 SEC. 603. (a) The purposes of the Endowment are--

9 (1) to encourage free and democratic institutions
10 throughout the world through private sector initiatives,
11 including activities which promote the individual rights
12 and freedoms which are essential to the functioning of
13 democratic institutions;

14 (2) to facilitate exchanges between United States
15 private sector groups (especially the two major American
16 political parties, labor, and business) and democratic
17 groups abroad;

18 (3) to promote United States nongovernmental
19 participation, especially through the two major American
20 political parties, labor, business, and other private
21 sector groups, in democratic training programs and
22 democratic institution-building abroad;

23 (4) to strengthen democratic electoral processes
24 abroad through timely measures in cooperation with
25 indigenous democratic forces;

1 (5) to support the participation of the two major
2 American political parties, labor, business, and other
3 United States private sector groups in fostering
4 cooperation with those abroad dedicated to the cultural
5 values, institutions, and organizations of democratic
6 pluralism; and

7 (6) to encourage the establishment and growth of
8 democratic development in a manner consistent both with
9 the broad concerns of United States national interests
10 and with the specific requirements of the democratic
11 groups in other countries which are aided by programs
12 funded by the Endowment.

13 (b)(1) The Endowment may only provide funding for
14 programs of private sector groups and may not carry out
15 programs directly.

16 (2) The Endowment may provide funding only for programs
17 which are consistent with the purposes set forth in this
18 section.

19 (c) The Endowment and its grantees shall be subject to
20 the appropriate oversight procedures of the Congress.

21 INCORPORATION OF THE ENDOWMENT

22 SEC. 604. (a) The following individuals shall serve as
23 incorporators of the Endowment and shall take whatever
24 actions are necessary to establish the Endowment under the
25 District of Columbia Nonprofit Corporation Act: Honorable

1 Dante B. Fascell, Honorable Charles Percy, Louis E. Martin,
2 Sally Shelton, Olin Robison, John Richardson, Jr., Charles
3 T. Manatt, Polly Baca Barragan, Frank Fahrenkopf, Lane
4 Kirkland, Albert Shanker, William Brock, Charles H. Smith,
5 Jr., Jay Van Andel, and Mrs. Legree Daniels.

6 (b) The Honorable Dante B. Fascell shall serve as
7 chairman of the incorporators and as interim chairman of the
8 Endowment until such time as a chairman is elected in
9 accordance with the bylaws of the Endowment.

10 BOARD OF DIRECTORS

11 SEC. 605. (a) The Endowment shall be governed by a Board
12 of Directors (hereafter in this Act referred to as the
13 ''Board'') composed of 15 members. The initial members of
14 the Board shall be the incorporators designated in section
15 604; and thereafter the Board shall be self-perpetuating,
16 with members to be elected in accordance with the bylaws of
17 the Endowment.

18 (b) Vacancies in the membership of the Board shall not
19 affect its powers.

20 (c) The members of the Board shall not, by reason of
21 their membership on the Board, be deemed to be officers or
22 employees of the United States. They shall, while attending
23 meetings of the Board or while engaged in duties relating to
24 such meetings or in other activities of the Board pursuant
25 to this Act, be entitled to receive compensation at the

1 daily equivalent of the rate payable for level V of the
2 Executive Schedule under section 5316 of title 5, United
3 States Code, and, while away from their homes or regular
4 places of business, they may be allowed travel expenses,
5 including per diem in lieu of subsistence, equal to that
6 authorized by section 5703 of title 5, United States Code,
7 for persons in the Government service employed
8 intermittently.

9 OFFICERS OF THE ENDOWMENT

10 SEC. 606. (a) The chief executive officer of the
11 Endowment shall be a president appointed by the Board. The
12 president of the Endowment shall administer the daily
13 operations of the Endowment, reporting to the Board under
14 guidelines and procedures to be established by the Board.

15 (b) The Endowment shall have such other officers and
16 employees as the Board may determine.

17 (c) Officers of the Endowment shall be appointed on such
18 terms, and for such terms or at the pleasure of the Board,
19 as the Board may determine.

20 (d) Officers of the Endowment may not receive any salary
21 or other compensation from any source other than the
22 Endowment during the period of their employment by the
23 Endowment.

24 NONPROFIT NATURE OF THE ENDOWMENT

25 SEC 607. (a) The Corporation shall have no power to

1 issue any shares of stock, or to declare or pay any
2 dividends.

3 (b) No part of the assets of the Corporation shall inure
4 to the benefit of any member of the Board, any officer or
5 employee of the Endowment, or any other individual, except
6 as salary or reasonable compensation for services.

7 RECORDS AND AUDIT OF THE ENDOWMENT AND THE
8 RECIPIENTS OF ASSISTANCE

9 SEC. 608. (a)(1) The accounts of the Endowment shall be
10 audited annually in accordance with generally accepted
11 auditing standards by independent certified public
12 accountants or independent licensed public accountants
13 certified or licensed by a regulatory authority of a State
14 or other political subdivision of the United States. The
15 audits shall be conducted at the place or places where the
16 accounts of the Endowment are normally kept. All books,
17 accounts, financial records, reports, files, and all other
18 papers, things, or property belonging to or in use by the
19 Endowment and necessary to facilitate the audits shall be
20 made available to the person or persons conducting the
21 audits; and full facilities for verifying transactions with
22 any assets held by depositories, fiscal agents, and
23 custodians shall be afforded to such person or persons.

24 (2) The report of each such independent audit shall be
25 included in the annual report required by section 609. The

1 audit report shall set forth the scope of the audit and
2 include such statements as are necessary to present fairly
3 the Endowment's assets and liabilities, surplus or deficit,
4 with an analysis of the changes therein during the year,
5 supplemented in reasonable detail by a statement of the
6 Endowment's income and expenses during the year, and a
7 statement of the application of funds, together with the
8 independent auditor's opinion of those statements.

9 (b)(1) The financial transactions of the Endowment for
10 each fiscal year may be audited by the General Accounting
11 Office in accordance with such principles and procedures and
12 under such rules and regulations as may be prescribed by the
13 Comptroller General of the United States. Any such audit
14 shall be conducted at the place or places where accounts of
15 the Endowment are normally kept. The representatives of the
16 General Accounting Office shall have access to all books,
17 accounts, records, reports, files, and all other papers,
18 things, or property belonging to or in use by the Endowment
19 pertaining to its financial transactions and necessary to
20 facilitate the audit; and they shall be afforded full
21 facilities for verifying transactions with any assets held
22 by depositories, fiscal agents, and custodians. All such
23 books, accounts, records, reports, files, papers and
24 property of the Endowment shall remain in possession and
25 custody of the Endowment.

1 (2) A report of each such audit shall be made by the
2 Comptroller General to the Congress. The report to the
3 Congress shall contain such comments and information as the
4 Comptroller General may deem necessary to inform Congress of
5 the financial operations and condition of the Endowment,
6 together with such recommendations with respect thereto as
7 he may deem advisable. The report shall also show
8 specifically any program, expenditure, or other financial
9 transaction or undertaking observed in the course of the
10 audit, which, in the opinion of the Comptroller General, has
11 been carried on or made without authority of law. A copy of
12 each report shall be furnished to the President and to the
13 Endowment at the time submitted to the Congress.

14 (c)(1) Each recipient of assistance under this section
15 shall keep such records as may be reasonably necessary to
16 fully disclose the amount and the disposition by such
17 recipient of the proceeds of such assistance, the total cost
18 of the project or undertaking in connection with which such
19 assistance is given or used, and the amount and nature of
20 that portion of the cost of the project or undertaking
21 supplied by other sources, and such other records as will
22 facilitate an effective audit.

23 (2) The Endowment, or any of its duly authorized
24 representatives, shall have access for the purpose of audit
25 and examination to any books, documents, papers, and records

1 of the recipient that are pertinent to assistance received
2 under this title. The Comptroller General of the United
3 States or any of his duly authorized representatives shall
4 also have access thereto for such purpose.

5 REPORT TO THE CONGRESS

6 SEC. 609. Not later than December 31 of each year, the
7 Endowment shall submit an annual report for the preceding
8 fiscal year to the President for transmittal to the
9 Congress. The report shall include a comprehensive and
10 detailed report of the Endowment's operations, activities,
11 financial condition, and accomplishments under this section
12 and may include such recommendations as the Endowment deems
13 appropriate. The Board members and officers of the
14 Endowment shall be available to testify before appropriate
15 committees of the Congress with respect to such report, the
16 report of any audit made by the Comptroller General pursuant
17 to section 608, or any other matter which any such committee
18 may determine.

19 FUNDING FOR THE ENDOWMENT

20 SEC. 610. (a) The Director of the United States
21 Information Agency may make grants to the Endowment with
22 funds appropriated to the Agency for the "Salaries and
23 Expenses" account.

24 (b) Funds so granted may be used by the Endowment to
25 carry out the purposes of this title, and otherwise

1 applicable limitations on the purposes for which funds
2 appropriated to the Agency may be used shall not apply to
3 funds granted to the Endowment.

4 ALLOCATION OF FUNDS

5 SEC. 611. Of the amounts made available to the
6 Endowment for each of the fiscal years 1984 and 1985 to
7 carry out programs in furtherance of the purposes of this
8 Act--

9 (1) not less than \$5,000,000 shall be for the
10 National Democratic Institute for International Affairs;

11 (2) not less than \$5,000,000 shall be for the
12 National Republican Institute for International Affairs;

13 (3) not less than \$13,800,000 shall be for the Free
14 Trade Union Institute; and

15 (4) not less than \$2,500,000 shall be to support
16 private enterprise development programs of the National
17 Chamber Foundation.

18 TITLE VII--SOUTH AFRICA

19 SHORT TITLE

20 SEC. 701. This title may be cited as the ''United States
21 Policy Toward South Africa Act of 1983''.

22 SUBTITLE 1--LABOR STANDARDS

23 ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES

24 SEC. 711. Any United States person who--

25 (A) has a branch or office in South Africa, or

1 (B) controls a corporation, partnership, or other
2 enterprise in South Africa,
3 in which more than twenty people are employed shall take the
4 necessary steps to insure that, in operating such branch,
5 office, corporation, partnership, or enterprise, those
6 principles relating to employment practices set forth in
7 section 712 of this Act are implemented.

8 STATEMENT OF PRINCIPLES

9 SEC. 712. (a) The principles referred to in section 711
10 of this Act are as follows:

11 (1) Desegregating the races in each employment
12 facility, including--

13 (A) removing all race designation signs;

14 (B) desegregating all eating, rest, and work
15 facilities; and

16 (C) terminating all regulations which are based
17 on racial discrimination.

18 (2) Providing equal employment for all employees,
19 including--

20 (A) assuring that any health, accident, or death
21 benefit plans that are established are
22 nondiscriminatory and open to all employees, whether
23 they are paid a salary or are compensated on an
24 hourly basis; and

25 (B) implementing equal and nondiscriminatory

1 terms and conditions of employment for all
2 employees, and abolishing job reservations, job
3 fragmentation, apprenticeship restrictions for
4 blacks and other nonwhites, and differential
5 employment criteria, which discriminate on the basis
6 of race or ethnic origin.

7 (3) Establishing equal pay for all employees doing
8 equal or comparable work, including--

9 (A) establishing and implementing, as soon as
10 possible, a wage and salary structure which is
11 applied equally to all employees, regardless of
12 race, who are engaged in equal or comparable work;

13 (B) reviewing the distinction between hourly and
14 salaried job classifications, and establishing and
15 implementing an equitable and unified system of job
16 classifications which takes into account such
17 review; and

18 (C) eliminating inequities in seniority and in-
19 grade benefits so that all employees, regardless of
20 race, who perform similar jobs are eligible for the
21 same seniority and in-grade benefits.

22 (4) Establishing a minimum wage and salary structure
23 based on a cost-of-living index which takes into account
24 the needs of employees and their families.

25 (5) Increasing, by appropriate means, the number of

1 blacks and other nonwhites in managerial, supervisory,
2 administrative, clerical, and technical jobs for the
3 purpose of significantly increasing the representation
4 of blacks and other nonwhites in such jobs, including--

5 (A) developing training programs that will
6 prepare substantial numbers of blacks and other
7 nonwhites for such jobs as soon as possible,
8 including--

9 (i) expanding existing programs and forming
10 new programs to train, upgrade, and improve the
11 skills of all categories of employees, and

12 (ii) creating on-the-job training programs
13 and facilities to assist employees to advance to
14 higher paying jobs requiring greater skills;

15 (B) establishing procedures to assess, identify,
16 and actively recruit employees with potential for
17 further advancement;

18 (C) identifying blacks and other nonwhites with
19 high management potential and enrolling them in
20 accelerated management programs;

21 (D) establishing and expanding programs to
22 enable employees to further their education and
23 skills at recognized education facilities; and

24 (E) establishing timetables to carry out this
25 paragraph.

1 (6) Taking reasonable steps to improve the quality
2 of employees' lives outside the work environment with
3 respect to housing, transportation, schooling,
4 recreation, and health, including--

5 (A) providing assistance to black and other
6 nonwhite employees for housing, health care,
7 transportation, and recreation either through the
8 provision of facilities or services or providing
9 financial assistance to employees for such purposes,
10 including the expansion or creation of in-house
11 medical facilities or other medical programs to
12 improve medical care for black and other nonwhite
13 employees and their dependents; and

14 (B) participating in the development of
15 -programs that address the education needs of
16 -employees, their dependents, and the local
17 community.

18 (7) Recognizing labor unions and implementing fair
19 labor practices, including--

20 (A) recognizing the right of all employees,
21 regardless of racial or other distinctions, to
22 self-organization and to form, join, or assist labor
23 organizations, freely and without penalty or
24 reprisal, and recognizing the right to refrain from
25 any such activity;

1 (B) refraining from--

2 (i) interfering with, restraining, or
3 coercing employees in the exercise of their
4 rights of self-organization under this
5 paragraph,

6 (ii) dominating or interfering with the
7 formation or administration of any labor
8 organization, or sponsoring, controlling, or
9 contributing financial or other assistance to
10 it,

11 (iii) encouraging or discouraging membership
12 in any labor organization by discrimination in
13 regard to hiring, tenure, promotion, or other
14 condition of employment,

15 (iv) discharging or otherwise disciplining
16 or discriminating against any employee who has
17 exercised any rights of self-organization under
18 this paragraph, and

19 (v) refusing to bargain collectively with
20 any organization freely chosen by employees
21 under this paragraph;

22 (C) allowing employees to exercise rights of
23 self-organization, including solicitation of fellow
24 employees during nonworking hours, allowing
25 distribution and posting of union literature by

1 employees during nonworking hours in nonworking
2 areas, and allowing reasonable access to labor
3 organization representatives to communicate with
4 employees on employer premises at reasonable times;

5 (D) allowing employee representatives to meet
6 with employer representatives during working hours
7 without loss of pay for purposes of collective
8 bargaining, negotiation of agreements, and
9 representation of employee grievances;

10 (E) regularly informing employees that it is
11 company policy to consult and bargain collectively
12 with organizations which are freely elected by the
13 employees to represent them; and

14 (F) utilizing impartial persons mutually agreed
15 upon by employer and employee representatives to
16 resolve disputes concerning election of
17 representatives, negotiation of agreements or
18 grievances arising thereunder, or any other matters
19 arising under this paragraph.

20 (b) The Secretary may issue guidelines and criteria to
21 assist persons who are or may be subject to this subtitle in
22 complying with the principles set forth in subsection (a) of
23 this section. The Secretary may, upon request, give an
24 advisory opinion to any person who is or may be subject to
25 this subtitle as to whether that person is subject to this

1 subtitle or would be considered to be in compliance with the
2 principles set forth in subsection (a).

3 ADVISORY COUNCILS

4 SEC. 713. (a) The Secretary shall establish in South
5 Africa an Advisory Council (1) to advise the Secretary with
6 respect to the implementation of those principles set forth
7 in section 712(a), and (2) to review periodically the
8 reports submitted pursuant to section 714(a) and, where
9 necessary, to supplement the information contained in such
10 reports. The Advisory Council shall be composed of ten
11 members appointed by the Secretary from among persons
12 representing trade unions committed to nondiscriminatory
13 policies, the United States Chamber of Commerce in South
14 Africa, and the South African academic community, and from
15 among South African community and church leaders who have
16 demonstrated a concern for equal rights. In addition to the
17 ten appointed members of the Advisory Council, the United
18 States Ambassador to South Africa shall be a member of the
19 Advisory Council, ex officio.

20 (b) The Secretary shall establish in the United States
21 an American Advisory Council to make policy recommendations
22 with respect to the labor practices of United States persons
23 in South Africa and to review periodically the progress of
24 such persons in carrying out the provisions of section 711
25 of this Act. The American Advisory Council shall be composed

1 of eleven members appointed by the Secretary from among
2 qualified persons, including officers and employees of the
3 Department of State, the Department of Commerce, the
4 Department of Labor, and the Equal Employment Opportunity
5 Commission, and representatives of labor, business, civil
6 rights, and religious organizations. The Secretary shall
7 publish in the Federal Register any recommendations made by
8 the American Advisory Council under this subsection.

9 (c) Members of the Advisory Council in South Africa and
10 of the American Advisory Council shall be appointed for
11 three-year terms, except that of the members first
12 appointed, three on each Council shall be appointed for
13 terms of two years, and three on each Council shall be
14 appointed for terms of one year, as designated at the time
15 of their appointment. Any member appointed to fill a vacancy
16 occurring before the expiration of the term for which the
17 predecessor of such member was appointed shall be appointed
18 only for the remainder of such term.

19 (d) The United States Ambassador to South Africa shall
20 provide to the Advisory Council in South Africa the
21 necessary clerical and administrative assistance. The
22 Secretary shall provide such assistance to the American
23 Advisory Council.

24 (e) Members of the Advisory Council in South Africa and
25 of the American Advisory Council shall serve without pay,

1 except that, while away from their homes or regular places
2 of business in the performance of services for the
3 respective Councils, members of the Advisory Councils shall
4 be allowed travel expenses, including per diem in lieu of
5 subsistence, in the same manner as persons employed
6 intermittently in the Government service are allowed
7 expenses under section 5703 of title 5, United States Code.

8 ENFORCEMENT; SANCTIONS

9 SEC. 714. (a) Each United States person referred to in
10 section 711 of this Act shall submit to the Secretary (1) a
11 detailed and fully documented annual report on the progress
12 of that person in complying with the provisions of this
13 subtitle, and (2) such other information as the Secretary
14 determines is necessary.

15 (b) In order to insure compliance with this subtitle and
16 any regulations issued to carry out this subtitle, the
17 Secretary--

18 (1) shall establish mechanisms to monitor such
19 compliance, including on-site monitoring of each United
20 States person referred to in section 711 of this Act at
21 least once in every 2-year period;

22 (2) shall make reasonable efforts within a
23 reasonable period of time to secure such compliance by
24 means of conference, conciliation, mediation, and
25 persuasion;

1 (3) shall, in any case in which the Secretary has
2 reason to believe that any person has furnished the
3 Secretary with false information relating to the
4 provisions of this subtitle, recommend to the Attorney
5 General that criminal proceedings be brought against
6 such person; and

7 (4) may conduct investigations, hold hearings,
8 administer oaths, examine witnesses, receive evidence,
9 take depositions, and require by subpoena the attendance
10 and testimony of witnesses and production of all books,
11 papers, and documents relating to any matter under
12 investigation.

13 (c) The Secretary shall, within 90 days after giving
14 notice and an opportunity for a hearing to each United
15 States person referred to in section 711 of this Act, make a
16 determination with respect to the compliance of that United
17 States person with the provisions of this subtitle and any
18 regulations issued to carry out this subtitle.

19 (d)(1) Any United States person with respect to whom the
20 Secretary makes a determination under subsection (c) or (f)
21 of this section either that the person is not in compliance
22 with this subtitle or any regulations issued to carry out
23 this subtitle, or that the compliance of the person with
24 this subtitle or those regulations cannot be established on
25 account of a failure to provide information to the Secretary