

May 8, 2001  
(House Rules)

**H.R. 1646 - Foreign Relations Authorization Act,**  
**Fiscal Years 2002 and 2003**  
**(Hyde (R) IL and Lantos (D) CA)**

The Administration strongly opposes H.R. 1646 as reported by the House International Relations Committee. This bill authorizes appropriations for FYs 2002 and 2003 primarily for the Department of State and the Broadcasting Board of Governors (BBG), and contains other foreign relations provisions. If the bill were presented to the President in its current form, he would veto it principally because it overturns the Administration's family planning policy (commonly known as the "Mexico City" policy) and would allow taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. The bill also includes a substantial number of provisions that interfere with the President's constitutional authorities and responsibilities with respect to foreign affairs.

The Administration recognizes and appreciates that the bill provides funding authorizations at levels generally in accord with the Administration's budget submissions, including the vitally important increases for embassy security to improve support for, and the safety of, U.S. Government personnel assigned abroad with their families.

The Administration strongly supports section 601 of the bill, which implements understandings on the need for substantial reforms at the United Nations. While H.R. 1646 codifies the reduced rates that the United States is assessed for U.N. peacekeeping and operating budgets, the Administration supports amending section 601(d) to allow the repeal of the 25 percent statutory cap relating to U.N. peacekeeping to begin in 2001 in order to avoid unnecessarily incurring additional arrears to the U.N. Absent such action, the United States is estimated to accrue new arrears in excess of \$75 million.

The Administration opposes the earmark authorization for UNESCO because the Administration has not yet reviewed the question of UNESCO membership. In addition, it is not part of the Administration's FY 2002 budget request.

The Administration will work with the Congress to eliminate from the bill objectionable provisions, including unproductive reporting requirements and earmarks, provisions that limit flexibility in the conduct of the Nation's foreign affairs and, above all, Sections 131-133, which would allow taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. In addition, the Administration will work with Congress to modify the limited number of appropriations authorizations that are significantly above the Administration's FY 2002 Budget request.

Provisions Inconsistent with the Constitution

Objectionable provisions that conflict with the constitutional authority granted to the President

include:

- Section 235, which seeks to direct U.S. policy toward Jerusalem, including directing the President to place the U.S. Ambassador in Israel in charge of the U.S. consulate in Jerusalem and eliminates funding for all State Department operations in Israel if the President fails to do so. In addition, the provision is not conducive to a constructive diplomatic outcome in a particularly sensitive and difficult negotiating environment.
- Section 304, which requires the Department of State to designate a Coordinator for Tibet to undertake certain diplomatic negotiations.
- Section 603, which directs the President to ensure that the U.S. speaks and votes a particular way on a foreign affairs matter at the United Nations.
- Section 814, which requires annual consultations with certain Taiwanese representatives.

#### Provisions Interfering with Effective Conduct of Foreign Affairs or Proper Management

- Section 233, which requires the State Department to reopen an embassy or consulate in Equatorial Guinea.
- Section 302, which requires the State Department to establish certain cumbersome processes for right-sizing of the Federal Government's overseas presence. The Administration has initiated a comprehensive effort on this issue and welcomes the Committee's support for rightsizing. It does, however, believe it should have discretion to organize this effort as appropriate.
- Section 305, which establishes a U.S. Special Envoy for Sudan Issues, and directs that officer in the conduct of that officer's work.
- Section 402, which authorizes the Secretary of State to establish private nonprofit entities that are not government instrumentalities, appoint the governing board of such entities, pay certain administrative costs, and solicit contributions for such entities.
- Section 813, which requires Taiwan to be treated as a non-NATO ally in transfers of defense articles or services under the Arms Export Control Act.

#### Pay-As-You-Go Scoring

H.R. 1646 would affect receipts and direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimate is under development.

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