

Calendar No. 123

104TH CONGRESS }
1st Session

SENATE

{ REPORT
 104-95

**FOREIGN RELATIONS REVITALIZATION ACT
 OF 1995**

Mr. HELMS, from the Committee on Foreign Relations,
 submitted the following

R E P O R T

OF THE

COMMITTEE ON FOREIGN RELATIONS

TO ACCOMPANY

S. 908

together with

ADDITIONAL AND MINORITY VIEWS



JUNE 9 (legislative day, JUNE 5), 1995.—Ordered to be printed

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[To accompany S. 908]

The Committee on Foreign Relations having had under consideration an original bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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PURPOSES OF THE BILL

The Foreign Relations Revitalization Act of 1995 is intended to:

1. provide for the reorganization of the Department of State to maximize the efficient use of resources, eliminate redundancy in functions, and improve the management of the State Department.
2. assist congressional efforts to balance the United States federal budget by 2002;
3. ensure that the international affairs budget function shoulders an appropriate share of the reductions in United States Government spending necessary to eliminate the \$4,800,000,000,000 debt;
4. strengthen the coordination of United States foreign policy by clarifying the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;
5. abolish the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development and consolidate their functions and personnel into the Department of State no later than March 1, 1997;

The new Department of State proposed by this bill will reintegrate and redirect the functions currently performed by the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development within our core foreign policy apparatus. These functions comprise foreign policy tools, and are relevant to the extent they serve clear national interests. Without such a nexus, there is no justification for requiring the American taxpayer to support any government program. This reintegration seeks to make programs substantially more responsive to policy, ensuring that foreign affairs resources are expended wisely in support of the national interest. Current foreign affairs structures facilitate a dangerous dichotomy, which the nation cannot afford, between program and policy.

Much has been said and written about the epochal changes the world has seen in the last five years. Over the past half-century we met the test of the Cold War and prevailed through enormous application of spirit and treasure. The threats and opportunities of the next fifty years will be vastly different, both qualitatively and quantitatively. Less and less will the United States be able to rely on the buffers of geography for insulation from the vicissitudes of the world. Consequently, our ability to protect U.S. interests through our presence and programs overseas will have unprecedented bearing on this nation's well-being and prosperity.

The present U.S. foreign affairs structures were developed to meet specific challenges under specific circumstances. The new security challenges of the post-Cold War world, and a pressing need to rationalize expenditures, require that the U.S. modify yesterday's institutions to preserve a vigorous capability to advance U.S. interests overseas.

Over the past four decades, in response to the wisdom and perceived needs of the day, such key foreign policy functions as public diplomacy, foreign assistance and arms control have been spun off into separate bureaucracies. A constellation of foreign policy sat-

elite agencies emerged, the bureaucracies expanded and became entrenched, and many programs diverged increasingly from key U.S. foreign policy needs. Domestic agencies entered the foreign policy arena with myriad overseas programs at substantial cost. In short, U.S. engagement in the world reached an all-time high by the 1980s, but became increasingly inchoate and inefficient in the absence of any effective mechanism to coordinate U.S. activities and ensure they were harnessed to real national purpose.

The national interest requires action now to reintegrate and rationalize the increasingly disparate foreign policy functions in the U.S. government. Operations must be streamlined to provide coherent and cost-effective support of vital U.S. interests overseas. The U.S. cannot afford the opportunity cost, particularly at a time of diminishing resources, of the well-documented duplication and inefficiencies that exist in the competing and ill-coordinated fiefdoms that constitute the U.S. foreign affairs apparatus. The Secretary of State must be given the tools necessary to build and maintain a foreign policy apparatus responsive to the national need and efficient in its use of resources.

The spread of sophisticated conventional armaments and the proliferation of weapons of mass destruction, ballistic and cruise missile systems and dual-use technology loom as ever-greater threats to our national security. Restoring to the Department of State both the responsibility for this function and the substantial talent and expertise now at ACDA, will help ensure that related concerns are fully taken into account in foreign policy decision-making and implementation.

Americans expect their government to respond to humanitarian crises and emergency situations by helping alleviate the pain and suffering of refugees and other victims of unrest and natural disasters. A strong, well-coordinated response mechanism, including most functions currently carried out by the Office of Foreign Disaster Assistance, will be grounded in the Department of State.

The United States needs the ability to by-pass the heads of foreign governments when necessary and explain its policies and beliefs directly to foreign populations. This is the essence of public diplomacy, a function that should reside within, and be responsive to the primary foreign affairs organization. Advances in modern communications have largely filled the world informational gap our public diplomacy once sought to close, but the ability to communicate directly with foreign publics will remain an important tool for U.S. policy.

At the same time, management consolidation, both in Washington and overseas, holds the promise of tremendous resource savings. Indeed, much of the success of foreign affairs integration will hinge ultimately on creative, flexible and responsive management in the streamlined new Department. Secretary of State Warren Christopher has agreed on the importance of this crucial function, and it will be absolutely vital that future Secretaries make management among their highest priorities.

Personnel reform will be key to management success. The United States needs one foreign service, not three or six. An integrated foreign affairs department requires a unified foreign service, composed of well-trained, adequately supported professionals who see

as their most important functions safeguarding U.S. national security and promoting U.S. political, economic and commercial interests. All incoming officers should receive the same basic training; cross-functional assignments should be standard to assure versatility and responsiveness to service needs. Foreign Service Officers should possess expertise in a mixture of such areas as commerce and trade, management, public diplomacy, and regional affairs.

The Department of State, as the single agency charged with conduct of our foreign relations, must have a clear mandate for policy coordination of all U.S. international programs. Currently this mandate is diffused over thirty executive agencies which sometimes operate at cross-purposes. Successful foreign policy requires that U.S. ambassadors in the field be true policy managers, not ceremonial figures. An ambassador must have the clear responsibility, and the necessary political support from Washington, to coordinate effectively the totality of U.S. activities and U.S. staffing in a particular country. To make ambassadors authentic foreign policy managers is to create tremendous new pressures and incentives for any Administration to appoint only representatives with full professional qualifications who are capable of managing their important charge. Competence in a Chief of Mission will be essential to the effectiveness of a reinvigorated "country-team" system.

On January 27, Vice President Gore's office on Reinventing Government announced plans to eliminate duplication and consolidate administrative support activities in the foreign affairs agencies. Vice President Gore disclosed internal Administration discussions that rejected abolishing AID, USIA, and ACDA, but favored a \$5 billion savings over 5 years based on consolidation initiatives. Vice President Gore's press release stated: "It is anticipated the overall review of international affairs programs and agencies will result in savings of at least \$5 billion over five years and a substantially enhanced capacity to deliver more effective programs overseas and provide value to the American taxpayer." The media reported that Secretary Christopher's State Department had proposed a reorganization plan that integrated USIA, AID, and ACDA's functions into the Department of State. In this context, it was most difficult to imagine an Administration refusing to address a similar congressional reorganization initiative. The Committee attempted to acquire the details of the Administration's \$5 billion savings plan and consolidation without success. To date, the Administration has neither provided information on their proposal to save \$5 billion in taxpayer funds nor offered any initiative to save money in the fiscal year 1996 budget, despite constant Congressional urging.

On March 15, Chairman Helms, Senator Olympia Snowe and Chairman Ben Gilman of the House International Relations Committee unveiled the outline of a plan to restructure completely this nations' beleaguered foreign affairs apparatus. At its core, this reorganization seeks to abolish the Agency for International Development (AID), the U.S. Information Agency (USIA) and the Arms Control and Disarmament Agency (ACDA) by March 1, 1997. Since it was announced, this plan has met with constant opposition from the Administration, as testified to through direct correspondence with the Committee, testimony before the Committee, and well-publicized media accounts. Prior to the Chairman's announcement,

Committee staff briefed members of the Democratic staff on February 24 in detail about the plan. Approximately one week later, the Republican Committee staff briefed representatives of the NSC, OMB, and the Vice President's Office in detail about the plan. Several weeks later Committee staff met again with the Vice President's Office, without any response from the Administration. At both meetings the Committee stressed that this plan was to be seen as a "work in progress" and that suggestions for change would be welcomed.

The Vice President's Office essentially responded to the Committee that the decision to maintain the status quo needed no review—ACDA, AID and USIA were to remain as independent agencies. In the meantime, the Administration instructed its officials to neither work nor communicate with the Committee in its effort to draft the plan into legislative language. The Administration's stated policy was to "delay, derail, obfuscate" in order to "kill the merger * * * Official word is we don't care if there is a State authorization bill this year." Stating a preference for no authorization bill prior to any mark-up of legislation makes a mockery of the Administration's threat to veto consolidation legislation. Consistent with the Administration's avowed strategy, the Department of State never submitted an official legislative request to the Committee, as has been well established practice in years past. The bureaucracy closed ranks to ensure that during the drafting of the legislation, the Committee had access to only that information gathered during the course of normal oversight activities in years past.

This Committee's ultimate objective is to improve the effectiveness of the U.S. foreign affairs community and realize the substantial savings that would accrue through the abolition of three agencies—AID, ACDA, and USIA—and the merger of their most important functions into a reorganized Department of State.

At mark-up Senator Kerry offered an amendment that would consolidate the foreign affairs agencies but that neither mandated the cost-savings directed in the Chairman's mark nor abolished the above-mentioned agencies. After several weeks of discussions with Senator Kerry and his colleagues, the Committee draft was modified to give the President greatly enhanced flexibility to reorganize the State Department and the other agencies as he deemed appropriate.

The Committee bill provides the Secretary of State enormous latitude to determine the organizational structure of the State Department. This modification answers the concerns that more organizational prerogatives should remain with the Executive. Senator Kerry's constructive engagement in the consolidation debate constituted the lone expression of Executive branch concerns, since the Administration refused to participate in the debate. It is significant to note that the Administration also opposed the Kerry amendment, since it embraced the concept of consolidation.

For several months, the Congressional Budget Office was stymied in adequately assisting the Committee with cost estimates related to reorganization because the Administration refused to share relevant budget information with CBO. At a full Committee hearing on March 30, 1995 Chairman Helms sought to facilitate the Congressional Budget Office's work by posing a number of related

questions to the Director of AID, the Director of USIA, the Under Secretary of State for Management, and the Director of ACDA. Although these officials committed to providing answers to the Chairman, their responses proved wholly uninformative and inadequate (see Committee correspondence). Ultimately, the Congressional Budget Office was able to develop a proper economic model, and the Committee appreciates the time and effort spent on the cost impact evaluation.

The Committee legislation on reorganization has received solid support from five former Secretaries of State, the Majority Leader of the Senate and the Speaker of the House. Seldom before has such a comprehensive foreign policy reorganization effort been undertaken by a Congressional committee. The opportunity to achieve enormous cost savings through streamlining and eliminating duplication of functions is unparalleled. The plan will significantly increase the return on each foreign affairs dollar we spend. The Committee notes an interesting comment in an article in the *New Republic* from June 12, 1995: "Complacency about ideas and agencies that have clearly passed their prime is the real menace to a politically sustainable American internationalism."

FUNDING PROVISIONS

I. SUMMARY

The "Foreign Affairs Revitalization Act of 1995" is intended to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development by March 1, 1997. The personnel and responsibilities of those agencies would then be folded into the functions and responsibilities of the Secretary of State.

The bill is organized into two divisions: Division A, the "Foreign Relations Authorization Act, Fiscal Years 1996-1999" and Division B, "Foreign Affairs Reinvention Act of 1995".

Division A authorizes the activities of the Department of State through fiscal year 1999 and the activities of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development through their abolition in March 1997.

Division B requires the abolition of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development by March 1, 1997. By March 1, 1996, the President must submit a reorganization plan to the Congress on how the abolition of each agency will take place and the manner in which the functions and personnel of each agency will be folded into the Department of State. This bill requires the Secretary of State to establish five Under Secretaries of State: the Under Secretary of State for Policy; the Under Secretary of State for Export, Trade, Economics, and Business; the Under Secretary of State for International Security; the Under Secretary of State for Public Diplomacy; and the Under Secretary of State for Management. The Secretary of State must also create two Assistant Secretaries of State: Assistant Secretary for Arms Control and Non-proliferation Affairs and Assistant Secretary for International Ex-

changes, positions which would be responsible for many of the functions previously carried out by ACDA and USIA, respectively. This bill also provides authority to create eighteen other Assistant Secretaries of State and five positions that also may be compensated at the Assistant Secretary-equivalent level (Executive Level IV). Prior to transfer of the functions of each agency into the Department of State, each agency must make mandatory reductions in personnel levels based on the number of personnel employed at each agency on the date of enactment of this Act.

Within those parameters, the President and the Secretary of State may reorganize the Department in a manner which meets the needs of the Executive branch. In debate on the Committee bill, it was often noted that this reorganization treads on Presidential prerogative to reorganize as seen fit by the Executive Branch. The Vice President tried to reorganize the foreign affairs apparatus and decided to maintain the status quo when he encountered entrenched bureaucratic opposition to change. As was eloquently pointed out by Senator Richard Lugar regarding his experiences trying to reorganize the Department of Agriculture, it is questionable whether an Administration left with the mandate to reorganize on its own, would actually be able to follow through with the plan. The Committee bill provides a comprehensive example of one method by which the foreign affairs agencies could be reorganized while still allowing Congress to meet its balanced budget targets for the international affairs budget account.

II. DEPARTMENT OF STATE

The bill authorizes \$4,685,374,000 and \$4,513,959,000 for fiscal years 1996 and 1997, respectively. The President requested \$4,794,620,000 for fiscal year 1996, which does not include the Foreign Service Retirement and Disability account funds.

The purposes section in this report details the compelling case for reorganizing the State Department, strengthening its foreign policy coordinating role in Washington and in the field, and maintaining a vigorous, professional and well-trained foreign service.

However, the Committee believes that the reorganization must seek to change the Department's traditional culture to instill new regard for U.S. economic competitiveness as a cornerstone of national security. Similarly, the challenges of reorganization will impose new demands on the management function within State. In particular, utilization of new information technologies, and other management innovations, will prove indispensable to meeting these challenges.

This bill provides the State Department with important new authorities to rationalize a number of management practices, but the benefits to the taxpayer of these authorities will depend upon adequate prioritization of management issues in general in the Department.

The Committee notes regretfully that the Department of State has not submitted its authorization request to Congress for fiscal year 1996 and the President's request proposes to increase international affairs spending by \$950 million, a 6.6 percent increase from fiscal year 1995.

The Committee believes the President's budget request for United Nations peacekeeping is unreasonable considering the request is nearly \$1 billion less than costs incurred in fiscal year 1995 and considering that the current request to fund the U.N. peacekeeping effort in the former Yugoslavia is only for six months of the fiscal year. The U.N. Security Council, with United States support and encouragement, extended the UNPROFOR mandate on March 31, 1995. The Department of State estimates that the President's fiscal year 1996 request for \$445 million for assessed U.N. peacekeeping activities will fall short of covering actual costs by almost \$800 million. The Administration has refused to adjust its request to reflect accurately expected peacekeeping costs.

III. UNITED STATES INFORMATION AGENCY

The bill authorizes \$1,181,022,000 and \$1,100,200,000 for fiscal years 1996 and 1997, respectively. The President requested \$1,298,630,000 for fiscal year 1996.

In 1953, President Eisenhower determined that "a number of programs which implement our foreign policy have been scattered within the executive branch rather than being grouped together for the most efficient and economical administration." His solution at that time was to create a new, separate agency for the international information programs that were administered by the Department of State and the Mutual Security Agency to "provide real unity and greater efficiency." Thus, the United States Information Agency was established. In 1977, President Carter created the Agency for International Communication, consolidating USIA's international communications programs and the international educational and cultural exchange activities that were conducted by the Department of State's Bureau of Educational and Cultural Affairs. President Carter envisioned that this reorganization would "result in greater efficiency by unifying in Washington the management of programs which are already administered in a consolidated manner in the field." Then the Agency for International Communication was renamed USIA in 1982.

The public diplomacy function of the United States government has been examined frequently over the last forty years, and has often been the subject of experimentation. The challenges presented by the Cold War, especially impediments to the free flow of information in Communist societies, provided the impetus for USIA's creation and growth. However, in the post-Cold War era when technological advances in communication allow for instantaneous transmittal of information to many places in the world, it is neither cost-effective nor necessary to the U.S. interest to conduct public diplomacy through an autonomous bureaucracy.

The Committee firmly emphasizes that the function of public diplomacy is a vital one and should be maintained at a high level in the U.S. government. It is the Committee's belief that public diplomacy can be most effectively conducted through the primary foreign affairs agency, the Department of State, and should be regarded as an integral part of the overall U.S. diplomatic effort. Moreover, the focus of public diplomacy, as with all other government responsibilities, must be updated continuously in order to

meet the challenges of the next century, without concern for nostalgic attachments to programs devised to win the Cold War.

This bill eliminates the U.S. Information Agency and merges its international exchange, broadcasting and public diplomacy functions under the Department of State's new Under Secretary for Public Diplomacy. An office under the Under Secretary's office will be charged with identifying and coordinating the more than \$1.67 billion worth of international exchanges funded annually by over 30 federal agencies. That office will also make specific recommendations to eliminate the up to \$400 million in exchange programs that USIA feels are duplicative in the sense that they have identical goals and target identical areas of the world. The new structure would integrate international exchanges to ensure that they are tied into the ultimate objective of fulfilling the United States' foreign policy objectives. Savings are also expected from awarding exchanges on a competitive basis.

In March 1995, the United States Advisory Commission on Public Diplomacy issued a report entitled "Public Diplomacy for the 21st Century". In its report, the Commission suggested that proposals for restructuring public diplomacy in the U.S. government should meet two tests: do they acknowledge the centrality of public diplomacy in foreign affairs? Do they enable missions to be pursued more effectively at less cost? The Committee is certain that the reorganization of the U.S. foreign affairs apparatus envisioned in this bill meet both those challenges. First, the reorganization plan integrates the public diplomacy function squarely in the Department of State by mandating the establishment of an Under Secretary for Public Diplomacy. This ensures that public diplomacy issues will be afforded a high-level of consideration in the development of U.S. foreign policy. Second, in an era in which there is a strong commitment to reducing the federal deficit, the consolidation of U.S. foreign affairs agencies is the most effective means by which to ensure that program funds are protected from the drain required to support a bureaucracy that's duplicative in many functions. Only through consolidation will the missions of public diplomacy be pursued more effectively at less cost.

The Committee notes that this bill, when enacted, will fulfill every recommendation the Advisory Commission has made save one: to maintain USIA as an independent agency. As for the others, the Committee original bill abolishes budget earmarks for USIA, urges the upgrade of high-tech information centers, increases the evaluation of exchanges to address duplication in programs, encourages widespread interagency assignments (by folding the responsibilities and functions of three federal agencies into State, thereby allowing officers to serve in a variety of capacities), among others. Consolidation along the lines the Committee has proposed will ensure that public diplomacy is accorded a central role in the development and implementation of policy.

While the Committee as a whole supports U.S. government sponsored international exchanges, there is concern that the number of exchanges has proliferated dramatically in the last few years. USIA reported to the Committee that the U.S. government paid for at least \$1.67 billion in international exchanges in 1994 sponsored by twenty-eight federal agencies or organizations. The agency fur-

ther estimates that there is at least \$400 million in duplication of purpose between various programs. The agency's report follows:

Department of Defense	¹ \$507,000,000
U.S. Information Agency	350,000,000
U.S. Agency for International Development	300,000,000
Peace Corps	218,146,000
Department of Energy	100,000,000
Department of Health and Human Services	93,364,000
Department of Justice	² 30,000,000
Department of Commerce	17,534,000
National Science Foundation	17,000,000
Department of State	³ 10,000,000
National Endowment for the Humanities	8,500,000
Department of Education	5,842,000
Asia Foundation	⁴ 3,190,000
Woodrow Wilson International Center for Scholars	⁵ 2,000,000
Department of the Interior	1,845,000
Smithsonian Institution	1,800,000
Japan-U.S. Friendship Commission	1,250,000
National Endowment for the Arts	840,000
U.S. Institute for Peace	⁶ 708,000
Department of Agriculture	675,000
Inter-American Foundation	673,000
Department of Labor	400,000
Environmental Protection Agency	128,000
National Aeronautics and Space Administration	not available
National Endowment for Democracy	⁷ not available
Department of Housing and Urban Development	(⁸)
Library of Congress	(⁸)
Small Business Administration	(⁸)
Total	\$1,670,895,000

¹ FY 1993 funds; more recent figure unavailable. Programs include International Military Education and Training (IMET) (\$42.5 million) of which \$3.66m is for training in civil-military relations and military justice and professionalism; National Security Education (Boren) Act (\$150m trust fund); and Foreign Military Sales Training (\$314.5m). The latter is a non-appropriated program in which participating foreign governments pay all costs associated with a sale.

² CY 1993 figure includes the cost of equipment donation in addition to training.

³ Soviet-Eastern European Research and Training Act (Title VIII) for American participants.

⁴ FY1993 funds; more recent figure was unavailable. U.S. government funding provided principally through the Department of State.

⁵ FY1993 funds; more recent figure was unavailable.

⁶ FY1993 funds; more recent figure was unavailable.

⁷ NED democratic development grants to cooperating U.S. and foreign organizations can include funding for exchanges, but NED is not able to breakout the costs.

⁸ Exchange program limited to foreign visitors funded by outside sources.

Currently, the United States Information Agency is charged by Executive Order with the responsibility to track and monitor all U.S. government-sponsored international exchange programs. The Agency has encountered difficulties in performing this function adequately in recent years because of the difficulties in gathering information from Cabinet-level agencies. Once USIA's functions are transferred into the Department of State, the newly-created Under Secretary for Public Diplomacy will be in a better position to track the number and type of exchanges funded by the federal government every year.

IV. ARMS CONTROL AND DISARMAMENT AGENCY

The bill reported by the Committee includes funding for the salaries and expenses of the Arms Control and Disarmament Agency for fiscal year 1996 totalling \$22,700,000. The President's fiscal year 1996 budget request is \$76.3 million, of which \$25,137,000 is for salaries and expenses, \$17 million for Chemical Weapons Con-

vention implementation, and \$14 million for the Cobra Dane verification program.

An initiative to consolidate the Arms Control and Disarmament Agency within the Department of State is nothing new. In 1993, the Department of State proposed a detailed plan to abolish ACDA and transfer its functions and personnel into the Department, with cost savings assumptions of \$25.8 million annually. The Committee notes the CRS report April 22, 1993, "ACDA: Abolition, Reorganization, Costs, & Other Issues," highlighting the Department of State's plan. It is truly ironic that the Clinton Administration itself proposed to eliminate ACDA in 1992. However, the plan proposed by the Administration met with Congressional opposition and was never acted upon. In fact, Congress enacted legislation in an attempt to increase the responsibilities and authorities of ACDA in the policy formulation process. This legislative effort has proven to have been unsuccessful. The President and the Secretary of State continue to rely on the Department of State as the primary analyst on arms control and proliferation issues of major import. One particularly telling example is the Administration's response to the crisis over the nuclear program of the Democratic People's Republic of Korea. Rather than relying upon ACDA for initiative, the Department of State has been charged with the responsibility to negotiate with North Korea.

The Department of State recognizes the importance of non-proliferation issues and has contemplated, in times past, the establishment of an Assistant Secretary of State with responsibility for proliferation issues. Therefore, ACDA's transition into the Department of State could be handled smoothly, efficiently, and taking full advantage of much of ACDA's human talent and expertise.

The Committee recognizes that ACDA is not and has never served as the primary voice of arms control in the foreign-policy making community. During debate over the Arms Control Authorization Act for fiscal year 1990, the House of Representatives rejected explicitly the idea that ACDA would serve as the primary voice on arms control policy. It must be realized that the Arms Control and Disarmament Agency is not the sole repository of arms control negotiation and treaty verification experience. In fact, ACDA's roles are largely duplicative of the efforts of other actors. For example, since 1989, the On-Site Inspection Agency, not ACDA, has performed "on the ground" verification for all major arms control agreements. The Committee expects Cobra Dane to be maintained and operated by the Department of Defense which has the personnel and technical expertise necessary for its maintenance. Other agencies replicate other of ACDA's functions as well. The following table displays those agencies or departments with responsibilities corresponding to those undertaken by ACDA:

Agency or Department	Monitoring of the Arms Trade	Negotiation on Arms Control	Verification of Treaties
ACDA	S	P	S
JCS	S	S
Armed Services	P	S
DIA	P	S	S
CIA	P	S	S
DOE	P	P	P
NSC	S	S	

Agency or Department	Monitoring of the Arms Trade	Negotiation on Arms Control	Verification of Treaties
Department of State	P	P	S
NSA	S	P
NRO	S	P
OSIA	S	P

Note: "P" denotes a primary role and "S" a secondary role in the inter-agency process.

As the chart demonstrates, several thousand arms control experts are distributed throughout agencies and departments across the Federal government. With only 259 full-time positions, ACDA serves neither as the largest nor the most comprehensive voice for arms control in the Federal government. Indeed, 109 of ACDA's personnel hold positions which do not directly relate to arms control, such as in congressional and public affairs and administrative capacities. The elimination of ACDA will not adversely affect U.S. monitoring, negotiation, or verification capability. Instead, the Department of State will take up where ACDA has left off since the arms control expertise will be retained and incorporated. In many cases ACDA's former functions will be conducted by the same people in a new, more efficient office with a more comprehensive purview. Moreover, U.S. taxpayers will save at least \$250 million over the next ten years with this consolidation, and additional savings will accrue through the streamlining of the U.S. negotiating presence abroad—in Geneva, Vienna, and the Hague, for instance.

Proliferation and arms control will be more prominently considered when integrated with the over-arching decision-making process since the effectiveness and desirability of arms control are contingent upon its consideration in the broader foreign policy context. Because arms control and proliferation decisions will become the personal province of the Secretary of State, these issues will cease to be the unwanted step-children of the policy-making process. With such a responsibility, the Secretary of State will doubtless make every effort to ensure the non-proliferation of weapons of mass destruction and will seek to prevent destabilizing accumulations of conventional arms. Moreover, the consolidation of ACDA within the Department of State ensures that arms control will be given a voice at the Cabinet level and at the most senior level of the U.S. decision-making process. The elimination of ACDA will also reduce waste, duplication, and bureaucratic turf battles. Of primary importance, this consolidation will stream-line and strengthen the decision-making process for arms control.

V. AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill authorizes \$432,000,000 and \$389,000,000 for operating expenses for fiscal years 1996 and 1997, respectively; and \$35,000,000 and \$31,500,000 for the Office of the Inspector General for fiscal years 1996 and 1997, respectively. The President requested \$529,027,000 for operating expenses and \$39,118,000 for the Office of the Inspector General for fiscal year 1996.

A key component of the reorganization plan is the abolition of the U.S. Agency for International Development (AID) and the consolidation of its essential functions into the reinvigorated Department of State.

The Committee must address all spending issues within its jurisdiction in the context of the federal government's \$4.8 trillion debt. Severe budget constraints require that Congress limit funding of virtually every program, unless that program is clearly essential to the national interests of the United States.

The United States has been more generous than any other country in providing assistance to other countries. Since 1945, American taxpayers have provided more than \$450,000,000,000 in foreign aid. Because these foreign aid expenditures and the interests accrued thereon have been financed by borrowing, the actual cost to United States taxpayers has been nearly \$2,000,000,000,000.

The President's FY 1996 foreign aid budget request includes \$7.56 billion of funds to be managed by AID. Of that amount, \$3.28 billion are for Israel, Egypt, former Soviet Union nations and the new democracies of Eastern Europe. To manage \$7.56 billion, AID has 3,829 direct-hire employees out of a total of 9,362 full time employees and contractors. Of the direct-hire staff in FY 1996, 1,955, or 55 percent, will serve in Washington and the other 1,599 will serve overseas. Counting only U.S. nationals, the proportion of direct-hire employees in headquarters totals 67 percent since all foreign nationals serve overseas.

AID currently maintains missions in 90 countries. According to Vice President Gore's Reinventing Government task force, it costs taxpayers between \$150,000 and \$300,000—exclusive of salary—to keep one A.I.D. employee overseas.

The AID bureaucracy continues to consume larger amounts of the international affairs account (150) for its operating expenses. Considering that the Senate passed Budget Resolution calls for a \$17.3 billion cut over 5 years in the 150 budget function, the only way to reduce the cost of foreign aid programs is to cut bureaucracy. Below are AID's operating expenses since FY 1992:

<i>AID operating expenses (not including IG)</i>	
<i>Fiscal Year</i>	<i>Million</i>
1992	\$474
1993	512
1994	502
1995	518
1996 (request)	529

The Committee believes that providing development assistance is not vital to United States national security interests. Furthermore, the Committee believes that foreign aid has often proven ineffective in promoting economic independence and that it has been repeatedly wasted on frivolous programs or on special interests in Washington. Simply put, after more than 30 years of existence, AID has proven that many of these programs do not work. This failure caused a 1993 Clinton Administration task force on foreign aid reform to state that "despite decades of foreign assistance, most of Africa and parts of Latin America, Asia and the Middle East are economically worse off today than they were 20 years ago" (Wharton Report). The Committee believes, therefore, that AID has outlived its usefulness and should be abolished. Those functions and projects considered essential by the President and the Secretary of State will be continued within the new State Department.

The Committee has taken note of the numerous proposals to abolish the AID. In 1992, the President's Commission on the Management of AID Programs recommended abolishing AID, stating that "AID should be fully merged into the State Department and the Administrator designated an Under Secretary for Foreign Assistance." The Commission went on to state that "If support of U.S. foreign policy is the rationale for foreign assistance programs, AID probably belongs fully within the State Department, particularly at a time of rapid change in the world when maximum flexibility is required * * * Organizationally, merging AID with State would not be difficult to carry out * * *"

Similar proposals to abolish the current A.I.D. structure have been put forward by the Hamilton-Gilman Task Force (1989), the Phoenix Group, an association of former State Department and AID officials (1989), and The Independent Group on the Future of U.S. Development Cooperation in their "Reinventing Foreign Aid: White Paper on U.S. Development Cooperation in a New Democratic Era (1992)."

Creation of an International Development Foundation

As proposed by the Chairman if this Committee in March, the original foreign affairs reorganization plan included the creation of an International Development Foundation to assist the process of private sector economic growth in developing countries. This Foundation would have provided grants to U.S. and host country Non-Governmental Organizations (NGOs) and Private Voluntary Organizations (PVOs), including trade associations, educational institutions, credit unions, cooperatives, indigenous groups and others.

Abolition of the Agency for International Development and creation of an semi-independent foundation to administer development assistance has been proposed in a variety of studies on the future of foreign aid.

The goal of this Foundation was to have been to ensure continued insulation of development assistance programs from direct U.S. foreign policy considerations and to place more of the U.S. bilateral development decision-making directly in the hands of U.S. and host country Non-Governmental Organizations (NGOs) and Private Voluntary Organizations (PVOs).

There is general agreement that PVOs and NGOs serve as a more effective method of carrying out U.S. development aid and ensuring that it reaches those most in need. The Foundation's board of directors, on which up to three of the seven members could have been from the PVO community, would have ensured that the PVOs had a "seat at the table" when U.S. development priorities were established. Furthermore, the Foundation would have had a Chief Operating Officer, as recommended by President Bush's Commission on the Management of AID Programs (known as the "Ferris Commission"), to ensure accountability and strong management.

The Administration, especially the current Administrator of the Agency for International Development, stridently opposed the Foundation concept. Several members of the Committee also opposed the foundation concept. Republican member opposition and a serious lack of public support by the PVO community—which would have been the direct beneficiary of this Foundation—ulti-

mately insured that the Chairman would remove the Foundation from the consolidation proposal.

VI. AUTHORIZATION LEVELS AND BUDGET SAVINGS

NET BUDGET SAVINGS FOR THE FOUR-YEAR STATE DEPARTMENT AUTHORIZATION BILL

[In millions]

CBO Estimates	Fiscal year				Total— 4 year
	1996	1997	1998	1999	
Spending at the 1995 Funding Level Budget Authority	6,980	6,989	6,998	7,008	27,975
Authorization Budget Authority	6,586	6,230	5,822	5,678	24,316
Net Budget Savings Budget Authority	394	759	1,177	1,330	3,660

Congressional Budget Office estimated costs to the federal government are listed below:

[By fiscal year, in billions of dollars]

	1995	1996	1997	1998	1999	2000
Direct spending:						
Estimated Budget Authority	0	(¹)	(¹)	(¹)	(¹)	(¹)
Estimated Outlays	0	6	9	3	(¹)	(¹)
Spending subject to appropriations action:						
Spending under current law:						
Budget Authority/Authorizations ^{1 2}	6,979	249	259	268	277	284
Estimated Outlays	7,315	1,759	759	493	297	284
Proposed changes:						
Estimated Authorization Level ⁴		6,337	5,971	5,554	5,400	0
Estimated Direct Loan Obligations		1	1	1	1	0
Estimated Outlays		5,080	5,630	5,497	5,360	1,007
Spending under the bill:						
Estimated Authorization Level ^{3 4}	6,979	6,586	6,230	5,822	5,678	284
Estimated Direct Loan Obligations		1	1	1	1	0
Estimated Outlays ⁴	7,315	6,839	6,390	5,990	5,657	1,290

¹ Less than \$500,000.

² Amounts for fiscal years 1996 through 2000 are permanent authorizations subject to appropriations action.

³ The 1995 figure is the amount already appropriated.

⁴ Does not include increased obligational authority or outlays associated with the change in the scoring of lease-purchases required by section 121.

The Foreign Relations Revitalization Act provides significant cost savings while retooling the Department of State to meet the challenges of the 21st century. Total authorized levels for 1996 is \$6.356 billion, 1997 is \$6.034 billion, 1998 is \$5.617 billion, and \$5.463 billion in 1999.

The Senate Budget Committee set the stage for significant 150 function reductions providing overall budget authority of \$17.9 billion in FY 1996 and directing a \$17.3 billion budget authority reductions by the year 2000. This bill, coupled with the foreign relations authorization levels, will produce the Budget Committee targets.

The four-year authorization is designed to not only lock in the directed savings but provide reliable continuity over a complex reorganization period over two years and allow the Department of State to plan ahead for authorization levels adequate to meet operations and staffing needs in post-consolidation of 1998 and 1999. A four-year authorization bill does not diminish the Committee's ability to conduct oversight. Effective oversight does not always mean legislation. In fact, such a bill relieves the Committee and the Department of State of a biannual authorization process that some-

times consumes over a year of staff time. It should also provide more time for true oversight hearings, investigations, and member and staff briefings. Foreign assistance would continue to be a two year authorization and receive policy direction biannually. However, the day to day operations of the Department of State could benefit from longer term planning and would not be as vulnerable to the reoccurring policy disagreements that inevitably interrupt executive/legislative branch comity.

Elimination of duplication, administrative consolidation and staff reduction provide substantial cost savings. This bill saves \$3.58 billion over four years from consolidation and minor program reductions. CBO projects a \$4.8 billion savings over five years based on fiscal year 1995 expense projections, which is the amount Vice President Gore's Reinventing Government team projected in its press release. Staff reductions and agency elimination are key features of projected savings. USIA is directed to achieve a 25% staff reduction over two years, AID is directed to achieve a 50% staff reduction over two years, ACDA is directed to achieve a 8% staff reduction in one year and the Department of State is directed to reduce personnel by 9% over two years. The AID, USIA, and ACDA functions will be assumed by the Secretary of State in fiscal year 1997. After consolidation, Department of State shall reduce personnel by 3% in FY 1998 and similarly reduce personnel another 2% in 1999.

COMMITTEE CORRESPONDENCE

APRIL 20, 1995.

Hon. JESSE HELMS,
*Chairman, Foreign Relations Committee, Dirksen Senate Office
Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for allowing me to comment on your proposal to reorganize America's foreign policy establishment.

It has long been clear to me that the Executive Branch is not well organized to conduct the country's foreign policy. Responsibility and authority over international affairs is too diffuse. The many voices purporting to speak on behalf of the United States serve to confuse foreign friends and foes alike.

What is needed is steadiness, coherence and precision in the articulation and implementation of policies. The dramatic developments in international affairs in recent years make this an ideal time for a fundamental reexamination of how our government's structures can be reformed to take into account the new era's opportunities and challenges.

A major objective of any reform should be to strengthen the President's ability to respond to these opportunities and challenges quickly and in a way best calculated to advance America's interests. Your proposal to abolish AID, ACDA and USIA is a bold step in this direction by centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President's senior foreign affairs advisor, the Secretary of State.

Combined with necessary stream-lining of the State Department, your plan would go a long way to preparing our country for the

more complicated and still dangerous world we will face in the next century.

I support your plan and commend you for putting it forward.

Sincerely,

HENRY A. KISSINGER.

OFFICE OF ALEXANDER M. HAIG, JR.,
May 4, 1995.

Hon. JESSE HELMS,
Chairman, Senate Committee on Foreign Relations,
Washington, DC.

DEAR JESSE: Bud Nance has asked for my opinion on the proposals which you have sponsored on the subject of foreign affairs reorganization. In my response of March 24, 1995 to Ben Gilman's request for my views on this issue, I noted that "it has been my long-held view that proliferation of organizations and agencies responsible for elements of U.S. foreign affairs but which operate outside of the Department of State are both wasteful of funds and manpower, pose risks with respect to the integration of U.S. foreign affairs and result in undesirable delays and inefficiencies."

Having reviewed the background information provided by your Committee on your proposal to strengthen the Secretary of State and make him the single voice in carrying out the foreign policy of the United States, I am pleased to lend my unqualified support to this initiative.

I heartily endorse the proposal to eliminate AID, USIA and ACDA and to place their functions within the Department of State thereby eliminating unnecessary duplication and enhancing the coordination of U.S. foreign policy. Such reorganization is long overdue and should contribute to greater effectiveness of the Department of State and the overall U.S. foreign policy-making and implementation process.

For your leadership on this important issue, you have my respect and best wishes.

Sincerely,

AL.

HOOVER INSTITUTION,
STANFORD UNIVERSITY,
Stanford, CA, March 15, 1995.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I have read and heard about your ideas for reorganization of the way much of our foreign affairs are to be managed. I write to express my support.

The ideas presented are bold and constructive. They would pull together the capabilities that are now scattered around the government and make our actions and responses far better coordinated. The result would be a more effective foreign policy on behalf of the interests of the United States; I believe it would also be less costly.

I hope, however, that you will continue with the name, State Department.

I have always felt that the importance of our ambassadors and the work of our embassies and consulates is vastly underrated. It is too easy to say that the communication and transportation revolutions have undermined their usefulness. The fact is that these are the sources of our best information about what is going on, and our best evaluations of the relative importance of different kinds of information. Also, as I can testify from personal experience, when action erupts somewhere, you are totally reliant on the quality of the people who are literally there.

The foreign affairs budget, including the CIA, needs to be thought through beginning from ground zero. The starting point is that practically every society in the world is more open than it used to be. When you add the communication and information revolution to the political change, you must realize that the vast bulk of what is important is available by open means. Covert collection of somebody's so-called secrets is extremely expensive. There is also a tendency to believe that something collected covertly is more important than information openly available. Since the reverse is almost always true, the result can be misleading analysis.

Therefore, I believe that we should fund embassies and consulates fully as they are the basic information collecting, reporting, and representing institutions. We should require a special case to be made for the use of highly expensive covert techniques and people. That would save a lot of money being spent by the CIA. Certainly there are times when you need special efforts and they will be done best and be most useful when they are explicitly wanted by those who intend to use the information. In other words, I believe the whole information system should be geared more to the consumer than is the present producer-dominated system and should recognize that the most important information can be obtained in an open way.

I also believe that sharp changes are needed in the philosophy underlying flows of assistance money to other countries and in the nature and operation of the big international economic organizations.

I would, therefore, urge you to consider steps such as the following:

Abolish the Arms Control Agency, the AID, and the U.S. Information Service. Task the State Department and others to pick the activities and people that are really needed and lodge them in the appropriate parts of the department, which itself could stand some streamlining. A hard look should be taken at the large amount of staffing in our embassies, not just by CIA but other departments as well. Of all the activities involved in the eliminated agencies, I would emphasize (a) the importance of the flow of information and ideas worked with by the U.S. Information Agency, (b) technical assistance to other countries along with movement of people back and forth as a means of exposing them to ideas and practices and as training, and (c) the vital need to address issues of nonproliferation. I believe that a consolidation of this kind would save a lot of money and, even more important, would lead to sharper and more productive work.

I would also push for changes in the international economic organizations. I made a start on recommendations for this in the enclosed talk I recently gave at the annual meeting of the American Economic Association (see especially pages 7 to 10) on whither the Bretton Woods institutions.

In connection with organizational reform designed to save money and improve effectiveness, you might take a look at the proposals put forward by President Nixon around 1972 or '73. These proposals were thought out with great care. They did not get much of a hearing since they were engulfed by Watergate. I believe there is much merit in the thinking underlying these proposals, even though some of the proposals themselves may be a little dated.

I admire what you are doing and regard this as a moment of great opportunity for our country. You have the tiller in your hands and I know you will steer us well.

With my warm personal regards.

Sincerely yours,

GEORGE P. SHULTZ.

HOUSTON, TX,
March 22, 1995.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR JESSE: I am writing to express my support for your efforts to revolutionize America's foreign policy apparatus, particularly your proposal to eliminate ACDÄ, USIA and AID and to transfer the essential functions of these agencies to a strengthened Department of State. I myself proposed that this be done in testimony to the House Committee on International Relations on January 12, 1995.

Your proposal is breathtaking in its boldness and visionary in its sweep. It represents the fundamental reorganization needed if we are to transform government institutions to meet foreign policy challenges of the twenty-first century.

While I have some questions about some of the particulars, I commend you for taking the initiative in this crucial area. I can only hope the Executive Branch will follow your lead.

With best regards.

Sincerely,

JAMES A. BAKER III.

STATEMENT BY LAWRENCE S. EAGLEBURGER AND BRENT SCOWCROFT
BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS

March 23, 1995.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: We appreciate the opportunity to appear before this Committee to discuss the reorganization of our foreign affairs agencies. As this committee knows, we come to this issue not as management experts, but with the experience born of having spent our careers in government working on foreign policy and national security issues. We believe

that the benefit of that experience has provided us with some insights, but also undoubtedly has imparted some prejudices. We intend to share the former with this committee, but must leave it to you to determine how much our perspectives have been affected by the latter.

We do not intend to address the details of any specific reorganization proposal in our opening statement, although we will do our best to do so in response to your questions. Let us instead confine ourselves to:

- explaining why we think the time is right to reorganize the way we make and conduct foreign policy;
- articulating some guidelines which we think ought to inform any reorganization plan; and
- providing examples which illustrate why—in light of these principles—we think the reorganization proposals being considered by this Committee are very much on the right track.

Why reorganize

No one can deny that there has been a proliferation of foreign affairs agencies and functions over the years. One result has been growing inefficiencies and increasingly wasteful duplication. But even more important, this proliferation of agencies occurred in response to security-related concerns which have since diminished or disappeared. Therefore, we are now encumbered by a plethora of programs which no longer are closely tied to, or clearly serve, U.S. national interests.

Why reorganize now

The proposition that the end of the Cold War and the collapse of the Soviet empire require a fresh look at how we conduct foreign policy probably requires no elaboration. But it is worth recalling that origins of the agencies being considered for abolition are all rooted in a world which no longer exists.

USIA and its subordinate agencies were designed to ensure that the American message was heard and the American way of life was clearly perceived through the din and fog of communist Cold War propaganda.

AID had its roots in a Truman initiative to stem the rise of communism after World War II.

ACDA was created to provide an institutional advocate for arms control when hostility rather than cooperation characterized relations between the two superpowers.

We need to ask ourselves, whether these institutions—born of the Cold War—still make sense today. If they do not, then we can save precious resources for more productive foreign affairs purposes by eliminating what has become wasteful duplication and, at the same time, improve organizational effectiveness by reintegrating programs that ought to be managed together.

But we need to go further and ask ourselves whether the functions these agencies perform still make sense today. And if they do not, then the functions themselves should be discontinued, rather than simply transferred to the State Department.

Strengthening foreign policy integration

Although we have serious reservations about how much the Congress should get into the business of legislating executive branch organization, we agree wholeheartedly with the premise of the reorganization proposals, namely that the Secretary of State should be the official who, after the President, has the primary responsibility for the formulation and conduct of our foreign policy. These proposals also have it right in their efforts to promote foreign policy integration by combining related and duplicative activities which are now dispersed among several agencies. And if an assessment leads—as we believe it should—to the conclusion that several functions should be radically reduced or abolished rather than simply transferred to State, then we should end up with an improved operation which will not overload the capacity of that—or any other—department.

But effective foreign policy integration will require efforts in three additional areas as well: inside the State Department itself, in the larger Washington interagency process, and overseas.

Improving Integration inside State. Creating separate bureaus and different officials to handle some of the specific issues for which the State Department will assume responsibility is a good way to ensure that these issues get the attention they deserve in the welter of competing priorities. This traditionally has been the rationale for the so-called “function” bureaus in State. But relying on these functional bureaus and officials to meld these priorities into policy and translate them into action probably would be a mistake. Rather than singling out such issues for special treatment, such an approach both conveys a sense that they are not part of the main business of diplomacy, and isolates them from the officials who are primarily responsible for carrying out policies in ways that affect other government’s behavior.

Effective integration inside the State Department, instead, must start with the regional assistant secretaries and their bureaus, simply because so much of our foreign policy still takes shape and is implemented in geographical terms, i.e., with respect to particular countries, regions, and governments. It could be argued, in fact, that the more important the issue—from trade promotion to public diplomacy—the more important it is that it be made an explicit and integral responsibility of each regional bureau.

Effective integration inside the State Department also requires that the Under Secretaries function as real line managers who are responsible for reconciling competing priorities within their respective areas of responsibility. Otherwise, too many disputes will be referred to the Secretary and the Deputy Secretary, who are bound to become overloaded as a result. This means that the division of labor among the Under Secretaries needs to cut across rather than reinforce the divisions which necessarily exist between the functional and regional bureaus. It also means that Under Secretaries must have authority over regional bureaus within their respective areas of substantive responsibility. For example, the Latin American bureau and the functional bureau with responsibility for counternarcotics probably should report to the same Seventh Floor official because counternarcotics is a major—but far from the only—issue we have with our Latin American neighbors.

Improving Integration in the Washington Policy Process. Moving to consolidate several foreign affairs programs inside the State Department will place an additional, and considerable, burden on that agency. It is, moreover, a department which is not now well suited, either by historical experience or current bureaucratic culture, to assume many of these new responsibilities. These realities mean that any plan to overhaul the foreign affairs system must be based on the premise that the President and the Secretary of State will make a conscious effort to select appointees—particularly at the Under Secretary level—who have had substantial managerial experience either within or outside government, and who have a demonstrated ability to think integratively effectively. Further, and crucially, any reorganization plan should give explicit attention and be prepared to devote real resources to training programs at the Foreign Service Institute (FSI), appropriate universities, or at some of the training institutions already funded by the U.S. Government.

But even if all of these measures are taken, and even if they all prove successful, effective foreign policy integration cannot be accomplished solely within the confines of the State Department. There are two related reasons for this.

First, it is simply unrealistic to believe that other agencies will regularly follow the lead of the State Department on “foreign policy” issues which also are within their purview and about which they feel strongly. It likewise is unrealistic to assume that senior State Department officials could effectively carry out the job of interagency coordination, even if they were given the formal responsibility and authority for doing so. No matter how effective and persuasive such official may be, they still will be seen by the leadership of other departments as advocates rather than disinterested umpires.

Second and related, there are—and will remain—areas of expertise in other departments which are key to the formulation and conduct of effective foreign policy. The Treasury Department for issues related to international economics, and the Defense Department for issues related to regional security and arms control, come immediately to mind. There is no realistic possibility of simply transferring those areas of expertise to the State Department because these competencies are central to the mandates of the agencies in which such experts now reside. Put simply, the Treasury and Defense Departments could not do their jobs if everyone whose responsibilities had foreign policy implications went to work for the State Department.

The simple fact is that even after consolidating, streamlining, and integrating now far-flung foreign affairs activities in the State Department, there will remain an irreducible number of extremely important foreign policy, international economic policy, and national security questions for which responsibility must be shared with other departments and agencies. The emergence of trade and other economic issues as central foreign policy priorities vividly illustrates the point. Thus, there can be no substitute for an effective, efficient interagency process which is coordinated by a strong National Security Council staff, even if all of the objectives of the reorganization proposals under consideration are realized.

Improving Integrating Overseas. Over the years, our overseas posts have come to reflect the same dispersion of foreign affairs functions and diffusion of authority as we have seen in Washington. One result is that our ambassadors increasingly are becoming little more than GSA-like landlords for the offices and staffs which a proliferating number of “domestic” agencies are sending abroad. Plans to strengthen the effectiveness and efficiency of our foreign affairs activities need to attend to this trend.

To some extent, consolidation of foreign affairs agencies and functions in Washington will produce corresponding benefits in the field. We believe, however, that it would be a mistake to deal with this problem by banishing expertise from the embassy’s country team—on issues ranging from counter narcotics and other law enforcement matters to trade and defense—simply because those who possess the requisite skills do not happen to work for the State Department when they are in Washington. Explicitly re-emphasizing the ambassador’s authority over personnel from other agencies—in part by making clear that they are not “representatives” from, and do not report to, these agencies—while they are serving in his or her embassy could help to enjoy the benefits of their skills while mitigating some of the problems. One concrete way to go beyond this rhetorical reaffirmation to reinforce the ambassador’s authority would be to “detail” personnel from other agencies to State while they are serving in our embassies abroad.

While we are on the subject of ambassadors and their authority, let us take the opportunity to add that we think it is a mistake to accord cabinet-rank to the American ambassador to the United Nations. In fact, doing so would seem to be directly contrary to the objectives of consolidating responsibility for foreign affairs inside the State Department and of making the Secretary of State the official responsible to the President for the formulation and conduct of foreign policy.

Recognizing that he or she has a larger public role and therefore may require a correspondingly different mix of skills, we nevertheless believe that our ambassador to the UN in New York should have the same status as our ambassadors in other key posts—from London to Bonn to Tokyo to Moscow—serving as the President’s personal representative and reporting to the President through the Secretary of State. And, like the ambassadors at our other key posts, representing the United States in the UN is a full time job. That ambassador cannot and should not also serve as Assistant Secretary for International Organizations, any more than we would ask our ambassador to Bonn or London to wear a second hat as Assistant Secretary for European Affairs.

Refocusing foreign assistance

Let us conclude by illustrating how these guidelines and principles might be applied to three specific areas of policy. We begin with the subject of foreign economic assistance.

We start from the premise that our bilateral foreign assistance programs should be directly related to specific, identifiable U.S. foreign policy interests. Programs devoted to goals such as “sustainable development,” however worthy one may deem such objectives to be, do not meet this test. They should be ended rather than sim-

ply transferred to the State Department or some other U.S. government institution. As a corollary, the Agency for International Development should be abolished. To the degree that the United States is prepared to continue to support economic development programs, it should channel its support through the World Bank, other international financial institutions, and NGOs, and facilitate foreign investment by the private sector.

The State Department should establish a process for allocating bilateral foreign assistance resources among recipients which parallels the process now in place for allocating security assistance. That is, a “functional” bureau should be responsible for constructing a global foreign assistance budget (much as the Bureau of Politico-Military Affairs now does for security assistance). That budget would then be sent to the regional bureaus which could propose adjustments and alternative allocations. Any differences which could not be resolved by the functional bureau and the regional bureaus would be referred to the responsible Under Secretary (much as disputes about security assistance allocations are now referred to the Under Secretary for International Security Affairs), and ultimately to the Secretary of State, who in any event should be responsible for approving the overall program and its major elements.

Rethinking public diplomacy

We believe that USIA in general, and VOA in particular, are prime examples not only of agencies—but of functions—whose *raison d'être* warrants a skeptical reappraisal. That is, we should be asking ourselves not only whether the functions now performed by an agency like the VOA should be transferred to the State Department, but also whether the functions themselves still make enough sense to be performed by any U.S. government agency.

We think that the need for a VOA—much less one that originates and broadcasts programming—is at least questionable in a world in which CNN is now reaching into virtually every corner of the globe and the need to counter a massive Soviet propaganda machine has disappeared. Perhaps more to the point, those who would advocate the continuation of a VOA function (if not of the VOA itself) bear the burden of proving that a VOA can compete against CNN-like networks and can have a discernible impact in the context of the spreading information revolution.

At the same time, we believe that there is a continuing—even a growing—need for “public diplomacy,” that is, for reaching beyond the foreign ministries and governments which have been our traditional foreign policy audiences to the groups, associations, movements, etc., that increasingly affect how the United States is viewed and how our foreign policy is likely to be received. For the reasons explained above, these public diplomacy efforts—like our bilateral foreign assistance activities—are more likely to be an effective, integral part of our foreign policy if they result from the interplay between a functional bureau with designated responsibility for public diplomacy and the regional bureaus which are primarily responsible for policy execution, and if this interplay is overseen by an Under Secretary who is the line manager for this area. The same process also could manage and rationalize the plethora of “international exchange” programs which are now administered

by a multitude of agencies, and which together probably run to well over \$1 billion a year.

The functional bureau in the State Department with responsibility for public diplomacy could be a reorganized Bureau of Public Affairs which sees its job not only in domestic but also in international terms. The overseas responsibilities of the United States Information Service, including the reading rooms, could become the responsibility of the embassies' public information officers under the direction of the ambassador.

Reorganizing arms control

As noted above, the Arms Control and Disarmament Agency was established at the height of the Cold War when the hallmark of relations between the superpowers was deep mutual suspicion, if not outright hostility. In such an environment, the case for arms control arrangements—which are premised on at least a modicum of mutual interest and cooperation—was not likely to be made, and was even less likely to be listened to. ACDA was created in large part to be the institutional voice that made the “arms control case,” that is, to ensure that even in the Cold War environment, arms control opportunities which served U.S. interests were not overlooked and that arms control considerations were fairly weighed.

Precisely because arms control requires some level of cooperation, moreover, arms control during the Cold War—particularly U.S.-Soviet arms control—was more likely to make progress to the extent that it could be insulated and pursued apart from the overall superpower competition. The existence of an independent arms control agency facilitated that objective as well. Finally, as arms control agreements were achieved, ACDA assumed lead responsibility at the working level for managing their implementation, with respect both to verification and compliance.

The current functions of, and need for, ACDA should be examined against this historical backdrop. ACDA's policy responsibilities and the context within which they are performed have undergone major changes. Most obvious, of course, is the transformed security environment which has flowed from the end of the Cold War and of the Soviet Union itself. Perhaps less obvious is the change in the kinds of arms control issues with which we are now preoccupied.

Our arms control agenda now is filled with issues arising from the threat—or reality—of the proliferation of weapons of mass destruction. These proliferation issues typically do not benefit from being insulated from the political and security relationships in which they are embedded. On the contrary, our ability to address a wide range of proliferation threats effectively will derive directly from our ability to engage the underlying security and political issues and, in particular, to maintain and strengthen our current security relationships. And these are areas in which the State and Defense Departments, not ACDA, have both the responsibility and the expertise. In brief, ACDA—viewed as a policy agency—should be disbanded in the interests of improved policy integration and coherence.

The fate of ACDA as an operating agency—especially in its role for such things as overseeing the On-Site Inspection Agency (OSIA)—may be a closer call. On balance, however, efficiency and

streamlining considerations argue for abolishing ACDA and transferring responsibility for OSIA and similar activities to the Department of Defense which, in any case, already provides the vast majority of the personnel.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 30, 1995.

Hon. RICHARD M. MOOSE,
Under Secretary for Management, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: Thank you very much for testifying before the Foreign Relations Committee today.

We appreciate your thoughtful presentation and your agreeing to provide the Committee with the following information:

What critical functions of ACDA, AID, and USIA are so agency specific that they could not be successfully merged into the Department of State? Why?

How will our proposed consolidation, once achieved, affect the State Department's funding and FTE needs?

Identify and quantify the costs associated with eliminating duplicated positions necessary to carry out consolidation, including, but not limited to: RIFs, relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

What programmatic positions in the State Department are duplicated by others in USIA, AID or ACDA? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlayed by your agency on these positions?

Would you tell us what administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given your department targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if Congress directed a 10 percent reduction in 150 spending? And if Congress directed a 20 percent reduction?

We will further appreciate you providing that information by April 5, 1995.

Thank you.

Sincerely,

JESSE HELMS.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 6, 1995.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Under Secretary Moose has asked that we respond to your letter of March 30. Question-by-question replies to your specific questions are enclosed. As Under Secretary Moose noted in his testimony to your committee on that date, the Vice President has initiated a second phase in the National Performance Review to identify further reforms and efficiencies in government-wide operations. In addition, through the Department of State's Strategic Management Initiative, Secretary Christopher is pursuing an energetic review of the Department's administrative functions, overseas post structure, reporting process and other areas in order to help the Department sustain its leadership in the formulation and implementation of foreign policy.

We are confident that these reviews will lead to budget efficiencies and a more effective policy-making process, and we look forward to sharing our findings and recommendations with you. Please do not hesitate to contact us if we can be of any further assistance on this or any other issue.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Enclosure.

CRITICAL FUNCTIONS

Question 1. What critical functions of ACDA, AID, and USIA are so agency specific that they could not be successfully merged into the Department of State? Why?

Answer. As was announced by the White House on February 15, the Vice President concluded that "the core functions of USAID—sustainable development, USIA—public diplomacy, and ACDA—arms control are as important in the post-Cold War period as they were before and they can be most effectively carried out by independent agencies working closely with State Department offices." The Secretary of State fully agrees with and supports the conclusion that these critical functions should not be merged into the State Department.

We believe that encouraging sustainable development, providing humanitarian assistance, advancing public diplomacy and promoting arms control are essential missions of our foreign policy. In re-examining the strengths and purposes of each of the foreign affairs agencies that support our overall foreign policy, we have identified separate but complementary missions that are best pursued by leaner, more effective independent institutions under the overall foreign policy guidance of the Secretary of State.

FUNDING AND FTE CUTS

Question 2. How will our proposed consolidation, once achieved, affect the State Department's funding and FTE needs?

Answer. Until we can analyze the details of an actual legislative proposal, it would be difficult to determine how the far-reaching changes to organizations and programs, as provided in your press release of March 15, would affect operations at the State Department. We believe the impact on funding and positions (FTE) is likely to be substantial and hit us in ways we cannot anticipate.

We do know that we would be concerned about many questions, such as: Which programs, functions and personnel would be retained? How would personnel be integrated into one organization? What steps would we have to take to reconfigure office space, how long would that take and what would it cost? What would happen to field offices and posts overseas? How would our already inadequate information, financial and other corporate systems be adapted?

However, the savings and costs associated with implementation of the reforms being pushed on an accelerated basis by the Secretary's Strategic Management Initiative and by the Vice President's National Performance Review—it will be provided to the Congress upon completion.

RIFS AND OTHER PERSONNEL COSTS

Question 3. Identify and quantify the costs associated with eliminating duplicated positions necessary to carry out consolidation, including, but not limited to: RIFS; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

Answer. As I mentioned in an answer to a previous question it is not possible for us to provide detailed estimates subject to completion of the Strategic Management Initiative and NPR II reviews. However, with respect to the particular areas you have identified, the following factors and costs would have to be considered if such actions were required:

RIFs—Employees separated under RIF procedures are entitled to severance pay if they are not otherwise eligible for an immediate annuity. Depending on an individual's length of service, severance pay can be the equivalent of a full years salary for that employee. For example, in a Foreign Service RIF, older higher graded employees cost considerably more to RIF than do younger employees with less service. If a key goal of the consolidation effort is to reduce management positions, then it would most likely concentrate on the most expensive group of employees to RIF.

Relocation—The average cost to relocate an employee from overseas back to Washington or between two overseas posts is approximately \$24,000. In addition to costs associated with reassignment of employees, the Foreign Service also pays to move employees to their retirement location. The average cost of a retirement move is \$12,000 per employee. In the event a RIF of Foreign Service employees took place, we would have to make a similar payment for the movement of separated employees to their separation address.

Leave—Our experience shows that in addition to other costs associated with the separation of an employee, the lump sum payment for unused leave can be a substantial cost.

Retirement—Costs could include a potential refund of retirement contributions and additional outlays charged to the Foreign Service Retirement and Disability Fund.

Training—With the movement of employees and the requirement of employees to take on new or greater responsibilities there would be a training cost. It would manifest itself either through the cost associated with formal training or through lost productivity as an employee gains experience through on-the-job training.

Most of the costs associated with the elimination of positions would be one-time expenses.

DUPLICATED PROGRAMMATIC POSITIONS

Question 4. What programmatic positions in the State Department are duplicated by others in USIA, AID or ACDA? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlayed by your agency on these positions?

Answer 4. Since we believe that the missions of each agency are essential, unique and complementary, there is no simple formula for concluding that a certain category of personnel are duplicative and that a certain amount of funds are associated directly and uniquely with those personnel. The question of what is a “duplicated position” between our agencies is one that is under active consideration by the Vice President’s National Performance Review (NPR) team.

We do anticipate that in cooperation with the NPR, our agencies will identify some positions for elimination in the functional areas specified in the Vice President’s press release of January 27. I can also assure you that Secretary Christopher has asked me to ensure that our internal SMI teams similarly review our own operations in order to reduce unnecessary overlap within the Department, for example, between our regional and functional bureaus. However, specific estimates on FTE and dollars are currently unavailable but will be provided to the Congress upon completion of the Secretary’s Strategic Management Initiative and phase II of the Vice President’s National Performance Review.

ADMINISTRATIVE OVERLAP

Question 5. Would you tell us the administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Answer 5. As I indicated in my testimony on March 30, we are actively engaged in efforts to dramatically enhance cooperation in the Administrative service areas both in the U.S. and at our posts overseas. While it is not yet possible to put a “price tag” on the savings, I am confident that our efforts in this field will make support operations for all agencies overseas much more efficient and that over the long term these reforms will lead to streamlined staffing and some real savings.

At this point I would like to reiterate the areas where we do recommend that steps be taken to combine services.

Each of the foreign affairs agencies is proceeding vigorously with its own streamlining efforts. Based on instructions from the Vice

President, State representatives have been meeting with their counterparts from AID, ACDA, and USIA to review areas of possible overlap and duplication and to establish common administrative services.

Establishing common administrative support services among the agencies is the job of 12 working groups. They are examining "best practices", looking for economies of scale, establishing common rules and standards and, in all of this, putting the customer first.

STATE/USAID/USIA/ACDA have combined, or agreed to combine, 24 domestic administrative operations, ranging from printing services to computer security. I will submit more material about these changes in the coming weeks for the record. These include:

- Storage of Household Goods
- Foreign Language Training
- Area Studies Training
- Dependent Training and Orientation Programs
- Retirement Planning/Career Transition Services
- Drug Free Workplace
- Occupational Safety and Health Services
- Motor Pool Services (does not include USIA because it is not co-located)
- Electronic Voice Mail (does not yet include USIA because it is not co-located)
- International Mail Service
- Building Security Services (does not include USIA, which contracts from GSA)
- Shared CD-ROM Regulatory Information Services
- Domestic Telecommunications
- Computer Hardware/Software Purchase
- Personnel Policy Development
- Travel and Transportation Policy Development
- Security and General Briefings for Personnel Being Assigned Overseas
- Ridesharing
- Overseas Residential Furniture Purchase
- Printing Services
- Computer Security Services
- Medical Clearance Procedures for Assignment Overseas
- Co-location of Mainframe Computers (State and USAID)
- Family Liaison Services

In the training area the National Foreign Affairs Training Center (NFATC) trains employees of 44 federal agencies.

Furthermore, we are also working actively to expand on the cooperative efforts listed above. These include the following additional areas for potential common services, ranging from common security clearances to joint information systems development:

- Travel Management
- Co-location of Records Management Facilities
- Personal Property Claims Processing
- Common Building Access
- Security Clearances
- Officer Orientation Course
- Contracting

Simplified Travel Vouchers
 Printing and Reproduction
 Warehousing
 Systems Development

We will also increase the compatibility of all management information systems, e-mail, Internet and secure messaging. This effort will enable our organizations to work better together.

In a broader context, under the auspices of the President's Management Council (PMC), State/USIA/USAID, together with the FCS and several other departments and agencies, are currently examining the feasibility of combined administrative support units overseas.

This same PMC study is now reviewing the financing of overseas administrative support functions with the purpose of devising a financing mechanism which will be simple, transparent (including to the Congress) and equitable to all agencies. Placing our overseas foreign policy platform on such a sound footing is an essential aspect of our diplomatic readiness. This is a problem which Secretary Christopher is interested in resolving urgently.

The results of this review soon will be made available to the other foreign affairs agencies. It is the Department's hope that this process will identify other possible areas for administrative consolidation. The operating changes I have described will contribute their proportional part of the savings that the Administration committed to in the President's FY 1996 Budget.

The complexities in operating 266 posts in 163 countries are enormous. The practical demands on our administrative people are often overwhelming. But while administrative support arrangements are important, our management efforts are not an end in themselves. They matter because they support the programs of the State Department and all of the other Federal agencies that operate overseas. Our mission is to maintain our effective readiness to advance the interests of the American people worldwide.

BUDGET GUIDANCE

Question 6. Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given your department targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if Congress directed a 10 percent reduction in 150 spending? And if Congress directed a 20 percent reduction?

Answer 6. Guidance for Fiscal Year 1996 and the following four years is contained in the President's budget documents for Fiscal Year 1996. The guidance envisions reductions of 9 percent from FY 1996 request amounts in FY 2000. Absent further guidance, we cannot provide information on what Department of State activities or programs would be reduced if there were 10 percent or 20 percent reductions in function 150 spending.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 30, 1995.

Hon. BRIAN ATWOOD,
Administrator, Agency for International Development
Washington, DC.

DEAR BRIAN: Thank you very much for testifying before the Foreign Relations Committee today.

We appreciate your thoughtful presentation and your agreeing to provide the Committee with the following information:

What functions performed within your agency are not agency-specific, and therefore could be merged (for example, Management, Policy Planning/Coordination, Legislative/Public Affairs, General Counsel, Office of the Inspector General, Communications Systems, Personnel). How many full time equivalent personnel are employed in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

By how much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Identify and quantify the costs associated with eliminating these positions including, but not limited to: RIFs; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

What programmatic positions in your agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlaid by your agency on these positions?

Identify any bureaus, offices, positions that are too specific to your agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other agencies excluding the State Department?

What savings could be generated by combining all regional offices, thereby eliminating functional divisions? What costs would be incurred and for what duration?

What administrative functions within your agency did you recommend to the Vice President's Reinventing Government Office be consolidated, eliminated or transferred? How much money would your agency save by doing this?

Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration provided your agency any targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if Congress directed a 10 percent reduction in 150 spending? And if Congress directed a 20 percent reduction?

What savings in administrative overhead would be generated through the elimination of traditional AID administration of development assistance and creation of an International Development Foundation employing approximately 250 individuals? What costs would be associated with this transition when considering RIFs, severance pay, refunds of retirement contributions, and refunds for unused leave?

What savings could be generated by closing all overseas A.I.D. missions and either transferring all A.I.D. real property to the Department of State or selling the property and returning the receipts to the U.S. Treasury?

We will further appreciate you providing that information by April 5, 1995.

Thank you.

Sincerely,

JESSE HELMS.

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, April 5, 1995.

Hon. JESSE HELMS,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of March 30, 1995, giving me the opportunity to respond to your additional questions. The information you requested is as follows:

1. *Question.* What specific functions performed within your agency are not agency-specific, and therefore could be merged (for example, Management, Policy Planning/Coordination, Legislative/Public Affairs, General Counsel, Office of the Inspector General, Communication Systems, Personnel). How many full time equivalent personnel are engaged in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

Response. The organization of Executive Branch foreign assistance programs was studied at the beginning of the Clinton Administration and a decision reached that USAID should not be merged into the Department of State. Over the past two years, this Agency's reinvention has assured that all administrative and program functions directly support our core mission of providing sustainable development and humanitarian assistance; therefore, none could be effectively merged with State's. We expect, however, that the second phase of Vice-President Gore's National Performance Review, which includes a review of administrative functions of the foreign affairs agencies, will produce some efficiencies through shared, or common, operations. Once that review is complete, we will provide you with the results.

While some of the administrative functions performed by USAID have the same generic names as functions in State and elsewhere, they are basically different. Some examples are:

Both agencies have procurement (contracting) functions, but State procures mainly administrative goods and services for use by the Department, whereas most of USAID's procurement consists of contracts and grants for technical services and commodities which constitute assistance to recipient countries. The average size of USAID's individual procurements is much larger than those of State, and the expertise needed by contracting officers is quite different.

Both agencies have policy planning/coordination functions. State's is directed mainly at diplomatic and political strategies,

where USAID's involves strategic approaches to economic development assistance in a number of substantive areas such as economic growth, environment, democracy and population/health. The skills needed for the two functions differ markedly.

Even in the field of financial management and accounting, USAID's systems are designed to control and monitor the \$7.5 billion in assistance programs (including credit as well as grant activities) and support costs administered annually by the Agency. State's systems related to its own costs and expenses, which center on salaries and benefits for its domestic and overseas staff. Again, functions with the same title are quite different between the two agencies.

Given the basic difference in functions, there are no full-time equivalent personnel employed in "common" positions, and no funds are spent on such positions.

2. *Question.* By how much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Response. As indicated in the previous response, we do not believe there are overlapping functions between USAID and the Department of State, so savings would not be achieved by merging the two agencies. The members of the Ferris Commission, which examined USAID in 1992 and originally recommended that the Agency be merged with State, have recently agreed that merger would not be appropriate.

Question. Identify and quantify the costs associated with eliminating (sic) these positions including, but not limited to: RIFs; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

Response. As stated above, no positions would be eliminated because there are no clear overlaps. Therefore, no costs would be incurred.

4. *Question.* What programmatic positions in your agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlaid by your agency on these positions?

Response. We do not believe there are programmatic positions in USAID that are duplicated by the State Department. One area in which both agencies have important functions relates to Humanitarian Assistance, where USAID administers programs of disaster assistance and food aid while State is responsible for refugee and migration assistance. The National Performance Review is currently examining the international humanitarian assistance function, including organizational options, to ensure that it is carried out effectively and efficiently.

5. *Question.* Identify any bureaus, offices, positions that are too specific to your agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other agencies excluding the State Department?

Response. All of USAID's bureaus and offices are specific to the Agency and could not be effectively consolidated into State or into one of the other agencies.

6. *Question.* What savings could be generated by combining all regional offices, thereby eliminating functional divisions? What costs would be incurred and for what duration?

Response. On the assumption that regional offices refers to State and USAID regional bureaus, we believe that the bureaus of the two agencies have basically different functions and could not effectively be combined. The State bureaus are organized mainly to backstop embassies, to conduct the Washington side of diplomatic relations with foreign nations and to receive and review political and economic reporting. USAID bureaus backstop our field missions, review and monitor the Agency's overseas programs and administer regional and central assistance activities. Therefore, no savings (or short-term costs) would be realized.

7. *Question.* What administrative functions within your agency did you recommended (sic) to the Vice President's Reinventing Government Office be consolidated, eliminated or transferred? How much money would your agency save by doing this?

Response. The National Performance Review undertook a detailed examination of USAID and the other foreign affairs agencies before deciding to recommend against consolidation of functions. USAID, however, has been engaged in administrative and organizational improvements since the beginning of the Clinton Administration. These include:

- A major headquarters reorganization in 1993 which streamlined operations in Washington, including the elimination of 90 management units;

- the closing of 21 overseas posts (with six more recently announced) which is concentrating our field programs in countries which most need economic aid and can make the best use of it;

- a cut of more than 1,200 staff to date (with 800 more planned in the coming year) as well as a 25% reduction in senior foreign service and senior executive service positions which have significantly lowered USAID's cost of operations; and

- the reengineering and redesign of the Agency's program and administrative processes and information systems, to be completed by October, 1995, which will permit USAID to operate more effectively and demonstrate results more clearly than in previous years while operating with fewer staff.

In addition, USAID is working with the other foreign affairs agencies to consolidate administrative functions in Washington and overseas where doing so will permit more efficient operations.

8. *Question.* Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration provided your agency any targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if Congress directed a 10 percent reduction in 150 spending? And if Congress directed a 20 percent reduction?

Response. Guidance for Fiscal Year 1996 and the following four years is contained in the President's budget documents for Fiscal Year 1996. The guidance envisions reductions of 9 percent from FY 1996 request amounts in FY 2000. Absent further guidance, we cannot provide information on what USAID activities or programs

would be reduced if there were 10 percent or 20 percent reductions in Function 150 spending. We believe that the levels requested by the President for Fiscal Year 1996 are the minimum appropriate to carry out the missions and functions assigned to this Agency.

9. *Question.* What savings in administrative overhead would be generated through the elimination of traditional AID administration of development assistance and creation of an International Development Foundation employing approximately 250 individuals? What costs would be associated with this transition when considering RIFs, severance pay, refunds of retirement contributions, and refunds for unused leave?

Response. It is not possible to answer this question without a better understanding of what functions would be assigned to an International Development Foundation and what functions currently administered by USAID would be carried on by agencies other than the foundation. If, for example, the foundation were assigned only the functions currently performed by USAID's Office of Private and Voluntary Cooperation, our central PVO coordination operation, a staffing level of 250 would represent a major increase and no savings would accrue.

10. *Question.* What savings would be generated by closing all overseas A.I.D. missions and either transferring all A.I.D. real property to the Department of State or selling the property and returning the receipts to the U.S. Treasury?

Response. Based on estimated FY 1996 costs, closing all overseas posts would save some \$300 million annually after all posts were completely closed. This includes about \$107 million in salaries and benefits for U.S. direct-hire staff assigned overseas, and assumes that these people would be terminated and not moved to Washington to carry out development activities. The savings are in gross terms, and do not take into account termination expenses such as contract and lease penalty clauses as well as RIF and other costs of firing U.S. and foreign national employees.

The current "book value" of USAID-owned overseas real property is \$45.6 million. This amount probably understates significantly the sale value of the property because it reflects the cost of land and buildings when they were procured. If some or all of the property were to be transferred to the Department of State, no income would accrue to the United States government.

Sincerely,

J. BRIAN ATWOOD.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 30, 1995.

Hon. JOHN D. HOLUM,
Director, U.S. Arms Control and Disarmament Agency, Washington, DC.

DEAR AMBASSADOR HOLUM: Thank you very much for testifying before the Foreign Relations Committee today.

We appreciate your thoughtful presentation and your agreeing to provide the Committee with the following information:

What functions performed within your agency are not agency-specific, and therefore could be merged (for example, Management, Policy Planning/Coordination, Legislative/Public Affairs, General Counsel, Office of the Inspector General, Communication systems, Personnel). How many full time equivalent personnel are employed in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

By how much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Identify and quantify the costs associated with eliminating these positions including, but not limited to: RIFs; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

What programmatic positions in your agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlaid by your agency on these positions?

Identify any bureaus, offices, positions that are too specific to your agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other agencies excluding the State Department?

What savings could be generated by combining all regional offices, thereby eliminating functional divisions? What costs would be incurred and for what duration?

Would you tell us what administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given any of you targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if we directed a 10 percent reduction in 150 spending? And if we directed a 20 percent reduction?

We will further appreciate you providing that information by April 5, 1995.

Thank you.

Sincerely,

JESSE HELMS.

UNITED STATES ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, DC.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I appreciated the opportunity to testify on March 30, 1995, before the Foreign Relations Subcommittee on International Operations on your proposal to consolidate the foreign affairs agencies. I am pleased to provide you this additional information about the U.S. Arms Control and Disarmament Agency

(ACDA) as requested in your March 30th letter and look forward to addressing the specifics of your proposal again before the Committee after legislation is introduced.

As you know, ACDA is a small agency of 251 employees with a core budget of \$45 million. Just last year, a bipartisan Congress enacted the Arms Control and Nonproliferation Act of 1994, which revitalized ACDA to address the nonproliferation challenges of the post-Cold War era.

The Vice President's National Performance Review on January 27, 1995 reaffirmed the Administration's clear confidence in the performance of ACDA and concluded that it is an essential vehicle for accomplishing the arms control and nonproliferation missions of the United States Government.

You and I share the view that our government is in need of reform and restructuring so that it works better and costs less. That is why in my sixteen months as Director, ACDA has followed the leadership of the Vice President and undertaken a number of reform and streamlining initiatives to eliminate lower priority missions and increase our effectiveness and efficiency.

Along these lines, ACDA has done the following: completed an agency-wide management review that identified reforms in 10 different areas ranging from the "tasking" process to truth in personnel evaluations; begun implementing a strategic plan that gauges performance by results rather than time or funds spent, meeting the standards of the Government Performance and Results Act several years ahead of schedule; reduced the layers of government, cutting the ratio of supervisors to front-line workers by about one-third; and, undertaken a broad streamlining effort, the fruits of which include dropping several lower-priority activities, and eliminating a quarter of our operating divisions.

Additionally, ACDA has taken strong steps to streamline and reduce costs overseas by reducing the number of apartments in Geneva from nine to three; consolidating ACDA's cashier function with State; reducing Foreign National employees from 35 to 20; and eliminating three armored cars and reducing the number of executive cars by 50 percent.

Phase II of the National Performance Review calls for continued streamlining, reinvention and additional savings in each of the foreign affairs agencies including ACDA. ACDA will accelerate its streamlining of operations in Washington and will further cut back overseas costs by looking at ways to use telecommunications and computer resources among others to improve efficiencies. We are also working closely with the Department of State to identify and eliminate unnecessary duplication and overlap in our substantive and policy activities. That process will be completed soon.

The foreign affairs agencies are also working together to establish more common administrative services. Between ACDA and State, much consolidation is already in place and will be expanded. Pursuant to the Vice President's decision, ACDA's substantive operations will provide better and closer support for the State Department. We will more directly serve as a resource for the Secretary of State and will continue to work under his overall foreign policy guidance.

The Vice President's National Performance Review directives will give taxpayers value for their money by producing less hierarchical, more efficient government. We are already achieving results through these initiatives and hope you concur that we should give these reforms an opportunity to be fully implemented.

Enclosed are answers to the questions submitted to ACDA following the hearing. If you have any further questions or need any additional information, please do not hesitate to contact me.

Sincerely,

JOHN D. HOLUM.

Enclosures.

Question No. 1. What functions performed within your agency are not agency-specific, and therefore could merge (for example, Management, Policy Planning/Coordination, legislative/Public Affairs, general Counsel, Office of the Inspector General, Communication systems, Personnel). How many full time equivalent personnel are employed in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

Answer. ACDA now shares certain functions (e.g. Inspector General, Overseas Communications) with the State Department. In addition to the common administrative services we already share with other agencies, the four foreign affairs agencies are addressing the consolidation of additional administrative support services under the direction of the Vice President's National Performance Review. To date the foreign affairs agencies have identified twelve areas of common support and have created equally as many task forces to address these services—who best performs them, which is the most economical venue without compromising efficiencies and effectiveness. The twelve areas currently being reviewed are: warehousing, records management, declassification, travel vouchering, travel management, shipping, printing, property claims, security, training, software development, and contracts.

Question No. 2. By how much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Answer. Savings may be possible in some support services, (eg. warehousing), however, the dollar savings, if any, would be small.

Question No. 3. Identify and quantify the costs associated with eliminated positions including, but not limited to: RIFs; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

Answer. Any costs associated with eliminating positions or consolidating functions will be identified as part of the ongoing National Performance Review. When completed, the results of the NPR will be provided to you.

Question No. 4. What programmatic positions in your Agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlayed by your Agency on these positions?

Answer. The National Performance Review is currently evaluating any unnecessary duplication between ACDA and State in the

areas of arms control and nonproliferation. We will notify you of these results as soon as they are available.

Question No. 5. Identify any bureaus, offices, positions that are too specific to your Agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other Agencies excluding the State Department?

Answer. As reflected in his January 27 announcement, the Vice President determined that it was not advisable to merge the Arms Control and Disarmament Agency, the Agency for International Development and the United States Information Agency into the Department of State. His review concluded that they are essential vehicles for the accomplishment of their specialized missions under the overall foreign policy guidance of the Secretary of State.

In preparing recommendations for the Vice President, the NPR considered and rejected consolidation and concluded that the reinvention activities being undertaken by all four of the agencies under the NPR would be the most cost effective and efficient way to operate in the post-Cold war environment.

Question No. 6. What savings could be generated by combining all regional offices, thereby eliminating functional divisions?

Answer. ACDA does not have regional offices, therefore there are no savings to be realized.

Question No. 7. Would you tell us what administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Answer. As part of the Vice President's review, ACDA, USIA, STATE, and AID are currently working together to identify and established common administrative areas. When completed we will notify you of the results. ACDA already participates in numerous cross-servicing arrangements with the Department of State for approximately 25 administrative services. ACDA also has cross-servicing arrangements with other agencies such as the General Services Administration which provides payroll and accounting support. With these arrangements, ACDA avoids duplicative infrastructure and minimizes operating expenses.

Question No. 8. Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given any of you targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if we directed a 10 percent reduction in 150 spending? And if we directed a 20 percent reduction?

Answer. Guidance for Fiscal Year 1996 and the following four years is contained in the President's budget documents for Fiscal Year 1996. The guidance envisions reductions of 9 percent from FY 1996 request amounts in FY 2000. Absent further guidance, we cannot provide information on the way ACDA activities of programs would be reduced if there were 10 percent or 20 percent reductions in function 150 spending. However, ACDA's FY 1996 budget request reflects bare-bones requirements and any further reductions would degrade the Agency's ability to perform its arms control, nonproliferation and disarmament missions.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 30, 1995.

Hon. JOSEPH D. DUFFEY,
Director, U.S. Information Agency, Washington, DC.

DEAR DIRECTOR DUFFY: Thank you very much for testifying before the Foreign Relations Committee today.

We appreciate your thoughtful presentation and your agreeing to provide the Committee with the following information:

What functions performed within your agency are not agency-specific, and therefore could be merged (for example, Management, Policy Planning/Coordination, Legislative/Public Affairs, General Counsel, Office of the Inspector General, Communication systems, Personnel). How many full time equivalent personnel are employed in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

By how much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Identify and quantify the costs associated with eliminating these positions including, but not limited to: RIFs; relocation; severance; refunds of retirement contributions; and, refunds of unused leave. For how long will such costs occur?

What programmatic positions in your agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlaid by your agency on these positions?

Identify any bureaus, offices, positions that are too specific to your agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other agencies excluding the State Department?

What savings could be generated by combining all regional offices, thereby eliminating functional divisions? What costs would be incurred and for what duration?

Would you tell us what administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given any of you targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if we directed a 10 percent reduction in 150 spending? And if we directed a 20 percent reduction?

We will further appreciate you providing that information by April 5, 1995.

Thank you.

Sincerely,

JESSE HELMS.

UNITED STATES INFORMATION AGENCY,
Washington, DC, April 6, 1995.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for the opportunity to provide additional information about the United States Information Agency. I have enclosed responses to the specific questions posed in your letter of March 30, 1995.

On February 13, we transmitted to your Committee a description of each organizational unit of USIA together with staffing and resource summaries. Additional details are available in the Agency's FY 1996 budget presentation, which was delivered previously.

I would underscore the Vice President's conclusion that an independent USIA remains one of the U.S. Government's critical foreign policy tools. We are committed to real change in the foreign affairs community and to doing our part to achieve significant savings. We can best accomplish these objectives as a separate agency working under the policy guidance of the President and the Secretary of State.

Over the past three years, USIA has been at the forefront of the reinvention effort and has followed a multi-year strategy for rational downsizing and budget cuts. We have submitted an FY 1996 funding request lower than the FY 1995 appropriation. Our FY 1996 request totals \$1.3 billion, a net reduction of \$121.1 million from the FY 1995 level.

We worked with Republicans and Democrats in the last Congress, including many of those on your Committee, to achieve the International Broadcasting Act of 1994. This consolidation of VOA, RFE/RL, WORLDNET, Radio and TV Marti, and the to-be-established Radio Free Asia will produce over \$400 million in savings and the elimination of over 1,200 broadcasting staff positions over the next four years, resulting in a leaner, more efficient global broadcasting service for the U.S. Government.

Last year, we also completed major policy and program restructuring in which we eliminated our magazine and exhibit divisions. We replaced our Policy and Program Bureau with a new, 30 percent smaller, Information Bureau which removes management layers.

Restructuring now underway in our Bureau of Management is expected to result in savings of over \$7 million and the elimination of 60 FTEs. Reflecting new trade and commercial priorities and opportunities to help solidify new democracies, we have refined our strategic approach to resource distribution abroad, converting libraries in developed countries to high-tech outreach facilities and joining forces with the U.S. Department of Commerce in key European and Asian markets to be more effective catalysts for U.S. communities to expand international ties.

Further, as the legislatively mandated coordinator of exchange programs throughout the Executive Branch, we have identified overlap and duplication in exchange and training programs now handled by more than two dozen departments and agencies. The Vice President has decided to incorporate this information as part of the second-phase NPR focus on potential savings in foreign affairs agencies.

USIA is not an instrument for any single U.S. department or agency. Our technology, programs, and personnel assist the President and many Executive Branch departments and agencies—as well as Members of Congress and state and local leaders—in pursuing the political, economic, security, and other national interests of the United States. An independent, reinvested USIA will continue to have the ability and the flexibility to manage the U.S. public dialogue abroad.

Sincerely,

JOSEPH DUFFEY,
Director.

USIA RESPONSES TO QUESTIONS FROM THE COMMITTEE ON FOREIGN
RELATIONS

Question. What functions performed within your agency are not agency-specific, and therefore could be merged (for example, Management, Policy Planning/Coordination, Legislative/Public Affairs, General Counsel, Office of the Inspector General, Communication systems, Personnel). How many full time equivalent personnel are employed in these positions that your agency has in common with the Department of State? What is the total dollar amount spent annually per department/office on these positions?

Answer. USIA's unique programs require support functions adapted to the special needs of carrying out our programmatic charter, and USIA's support personnel have expertise very closely attuned to these needs. As we reinvent and downsize many of these support functions, we do so in relation to the distinct requirements of our broadcasting, information, and exchanges programs. USIA's own process has, for example, yielded a ten percent cut in staffing in our Bureau of Management in FY 1996 alone, the first year of a multi-year reinvention of our support functions. We are also working with the other foreign affairs agencies as part of an ongoing REGO II review to identify ways of developing common administrative services domestically and overseas without undercutting the expertise needed to support USIA's programs. For example, the Vice President has already determined that the Inspector General functions in the Department of State and USIA should be merged and legislation to that end will be needed.

Question. How much will funding levels change in your agency for the reduced staff levels (FTEs) in these various departments/offices, after the functions are merged?

Answer. Given the special expertise required to support our programs, very limited savings would be generated from consolidation. We will, however, realize substantial savings through USIA's own process of reinvention of these support functions as well as through working in conjunction with other foreign affairs agencies to develop common administrative services where these can effectively—and at a reduced cost—provide the needed program support. We will report to you any changes in funding levels and costs associated with support functions that are identified upon completion of the interagency review.

Question. Identify and quantify the costs associated with eliminating these positions including, but not limited to: RIFs; reloca-

tion; severance; refunds of retirement contributions; and refunds of unused leave. For how long will such costs occur?

Answer. Because we cannot now predict how many positions could be eliminated and do not know what the timetable would be, we are unable to estimate the costs associated with eliminating these positions.

Question. What programmatic positions in your agency are duplicated by the State Department? How are these positions represented in your budget? How many full time equivalent personnel are employed in these positions? What is the total amount outlayed by your agency on these positions?

Answer. USIA's programmatic functions are not duplicated by the State Department. Our three program bureaus, charged by statute with unique responsibilities, and our specialized field operations are described in the following response.

Question. Identify any bureaus, offices, positions that are too specific to your agency for consolidating into the State Department. Of these offices, could any be combined with similar offices in one of the other agencies excluding the State Department?

Answer. USIA's programmatic bureaus and public diplomacy professionals at field posts around the world perform specialized, mandated functions too specific to be incorporated into the State Department. These operations are:

International Broadcasting Bureau

The International Broadcasting Bureau (IBB), established by the U.S. International Broadcasting Act of 1994, is responsible for carrying out all nonmilitary international broadcasting for the U.S. Government. The IBB's activities will be overseen by a bipartisan Broadcasting Board of Governors consisting of nine members: the Director of USIA and eight other members appointed by the President with the advice and consent of the Senate.

The IBB's broadcasting services include: the Voice of America (VOA), the WORLDNET Television and Film Service, Radio and TV Marti, Radio Free Europe/Radio Liberty, Inc. (RFE/RL), and the newly authorized Radio Free Asia. These services currently reach more than 140 million listeners weekly in their homes and in their languages. These listeners tune in for news of the United States, clear explanations of its policies, and information about their own countries.

The consolidation of U.S. Government broadcasting in the new IBB will have a significant budget impact. It will result in savings of over \$400 million over the 1994-97 period. This is not a one-time phenomenon but a structural change; the Bureau's 1996 operating level of \$395 million represents a reduction of \$92 million, or 19%, from the 1994 level of \$487 million. This restructuring will eliminate 1,268 positions (914 of them grantee employees) in FY 1996 alone. VOA direct broadcasts (shortwave and medium wave) to Eastern Europe, the former Soviet Union, and Afghanistan and RFE/RL shortwave broadcasts to Eastern Europe and the former Soviet Union are being reduced by one third.

Bureau of Information

The Bureau of Information (I Bureau), operating primarily under the authority of the Smith-Mundt Act of 1948, acquires, produces, and distributes information to USIS field posts abroad to support vital U.S. interests.

The I Bureau integrates all of USIA's short-term information and program tools. It provides instant and in-depth communications with influential audiences in other countries through the electronic information capabilities of the Agency's Wireless File, library and overseas resource centers, and Foreign Press Centers in Washington, New York, and Los Angeles. Moreover, the Bureau programs American speakers and specialists via overseas travel, electronic dialogues, telepress conferences, and interactive video dialogues.

The I Bureau was created as part of a major restructuring of the Agency and formally inaugurated in October 1994. The most immediate product of our reinvention, the Bureau is 30 percent smaller than the elements it replaced (a cut of more than 150 positions) and radically different in conception. Nothing remotely like it exists in the State Department.

Bureau of Educational and Cultural Affairs

The Bureau of Educational and Cultural Affairs (E Bureau) manages educational and cultural exchanges between the United States and other countries as authorized by the U.S. Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961 (the latter is commonly referred to as the Fulbright-Hays Act).

The E Bureau's major programs include: Academic Exchanges, such as the Fulbright scholarships, Hubert H. Humphrey Fellowships, and Congress-Bundestag Exchange Program; International Visitor Program; Citizen Exchanges; and Arts America. The Bureau also provides program and support costs for binational centers abroad, English teaching, student advising, and other educational activities. Grant costs for these exchange programs are funded separately in the Educational and Cultural Exchanges account.

The E Bureau works closely with two Presidentially appointed bodies: The J. William Fulbright Foreign Scholarship Board, which oversees the standards of academic exchange, and the Cultural Property Advisory Committee, which advises the Deputy Director as the U.S. Government's designated decision-maker on implementation of the 1983 UNESCO convention on illicit trade in stolen art and cultural property.

A complete restructuring of the E Bureau is scheduled for FY 1997. A formal advisory commission, the USIA Joint Partnership Council, and employee working groups will de-layer and streamline the organization.

Field operations

USIA Foreign Service Officers articulate, clarify, and advocate American policies as Press Attaches and spokespersons for the constituent agencies of U.S. diplomatic missions abroad. Working as members of Country Teams under Chiefs of Mission, they provide full information support to these agencies. They work with the mass media, including U.S. press abroad, as they attempt to bring

information about U.S. foreign policy initiatives to citizens of other nations. They ensure that foreign journalists, politicians, academics, businessmen, and others have access to American policy-makers and information through interactive media technology and overseas resource centers. They provide key decision-makers with full transcripts and official texts of all significant executive and Congressional statements, speeches, hearings, and press conferences.

Our officers overseas serve also as Cultural Attaches, Binational Center Directors, Exchange Officers, or English Teaching Officers—all promoting substantive contact between Americans and influential foreign audiences.

As part of Agency restructuring efforts, we have established strategic priorities and benchmarks for American and foreign staffing levels which will guide the sizing of our field operations from now on. In FY 1996 alone the cuts in our field posts will total \$8 million, including the elimination of 123 positions. We have also focused on eliminating or reducing high-cost leases, converting public access libraries in developed countries into high tech outreach centers, eliminating or privatizing post-produced one-country magazines, and not going ahead with costly separate centers (America Houses) in the New Independent States.

Question. What savings could be generated by combining all regional offices, thereby eliminating functional divisions? What costs would be incurred and for what duration?

Answer. While USIA's geographic areas superficially resemble the State Department's regional bureaus, their roles are entirely different. They cannot be combined without a major loss of effectiveness.

State's bureaus serve the needs of traditional government-to-government diplomacy. They are organized to analyze, formulate, and coordinate national policy toward their component countries. In addition, they provide day-to-day backstopping for U.S. embassies, consulates, and missions in the respective regions, and the conduct the Washington side of relations with nations of their regions.

USIA's area offices, on the other hand, support public diplomacy programs. They help design, inform, guide, and manage programs that engage foreign publics directly on a broad range of issues affecting U.S. interests. They are full-service operations, interacting daily with USIS posts in 147 countries. They work also with cabinet departments and agencies, private sector organizations, and NGOs in the U.S. to meet posts' program needs.

USIA's area offices add value as catalysts and coordinators, focusing often diverse Agency programs to serve U.S. national objectives. Programs, policy, resources, and management supervision all come together in our area offices, creating the synergy essential for successful and cost-effective innovation.

Any savings that could be achieved—which we doubt would be significant—through a consolidation of offices would not outweigh the resulting loss of effectiveness.

Question. Would you tell us what administrative functions within your agency you recommended be consolidated, eliminated or transferred? Would you tell us how much money would be saved by doing this?

Answer. In complying with the Vice President's instructions of January 27 for the four foreign affairs agencies to explore means of establishing common administrative practices, USIA representatives have participated in several inter-agency groups tasked with developing recommendations for greater efficiency and cost savings.

These reviews are proceeding and recommendations will be submitted to the Vice President's office. The subject areas include activities and administrative procedures in fields such as: telecommunications, systems software standardization, security, and overseas administrative support. Because the reviews are still in progress, it is premature to speculate on the potential savings for USIA elements. Nevertheless, we are convinced that savings and efficiencies will result.

Question. Has the Vice President's office, the Office of Management and Budget (OMB) or any other office in the administration given any of you targets for funding/budget reductions in 1996 or for the next 5 year budget cycle? What activities or programs would you reduce if we directed a 10 percent reduction in 150 spending? And if we directed a 20 percent reduction?

Answer. Guidance for FY 1996 and the following four years is contained in the President's budget documents for FY 1996. The guidance envisions reductions of 9 percent from FY 1996 request amounts in FY 2000. Absent further guidance, we cannot provide information on what USIA activities or programs would be reduced if there were 10 percent or 20 percent reductions in function 150 spending.

COMMITTEE ACTION

The following bills were referred to the U.S. Senate Committee on Foreign Relations and were considered in the preparation of this bill:

S.5, the Peace Powers Act of 1995, to repeal the War Powers resolution; to reenact sections 3 and 4 of the Act requiring the President to consult with Congress, and to report to Congress when U.S. armed forces are introduced into hostile situations in foreign lands, equipped for combat—among other situations; to direct the President to identify funding sources before making costly Security Council decisions to spend taxpayer money for more peacekeeping activities; and to clarify Congressional direction that the U.S. taxpayers will pay no more than 25% of assessed peacekeeping activities. S.5 was introduced by the Majority Leader of the Senate Robert Dole on January 4, 1995;

H.R.7, the National Security Revitalization Act, regarding the United Nations and U.S. participation in United Nations peacekeeping operations, received from the House of Representatives, read twice and referred to the Committee on Foreign Relations on February 22, 1995;

The Committee reported an original bill containing specific authorization requests from the Department of State and the United States Information Agency. It also includes original Committee language on the abolition of the Arms Control and Disarmament Agency, the Agency for International Development and the United States Information Agency, as well as provisions of the transition

and transfer of personnel and functions into the Department of State.

The Committee on Foreign Relations held one hearing on S.5 and H.R.7 and plans to hold another hearing on the repeal of the War Powers resolution:

March 21, 1995—Senator Robert Dole, Majority Leader, U.S. Senate; the Honorable Madeleine K. Albright, U.S. Permanent Representative to the United Nations; the Honorable Howard H. Baker, Senior Partner, Baker, Donelson, Bearman and Caldwell; the Honorable Jeane J. Kirkpatrick, Senior Fellow, American Enterprise Institute; Mr. Charles William Maynes, Editor, *Foreign Policy*; and Lt. Col. Robin L. Higgins, USMC, Widow, William R. Higgins, USMC, testified on the potential effects of the repeal of the War Powers Resolution, as well as the role of U.S. troops in United Nations peacekeeping operations.

The Committee on Foreign Relations held three hearings on the International Affairs budget and the draft Committee legislation:

February 14, 1995—the Honorable Warren Christopher, Secretary of State, testified on the President's international affairs budget request for fiscal year 1996.

March 23, 1995—the Honorable Lawrence Eagleburger, former Secretary of State, Partner at Baker, Donelson, Bearman and Caldwell; the Honorable Brent Scowcroft, former National Security Advisor, current President of the Forum for International Policy; the Honorable McGeorge Bundy, former Special Assistant for National Security Affairs, Scholar-in-Residence, Carnegie Corporation; the Honorable Fred Ikle, former Director of the Arms Control and Disarmament Agency, Center for Strategic and International Studies; Ms. Julia Taft, former Director of the Office of Foreign Disaster Assistance, President and CEO of InterAction-American Council for Voluntary International Action; and the Honorable Lannon Walker, Chairman, Senior Foreign Service Association, testified on the implications of reorganizing the United States foreign affairs apparatus to include the dismantlement of the Arms Control and Disarmament Agency, the Agency for International Development and the United States Information Agency and folding their functions and personnel into a more effective, streamlined Department of State.

March 30, 1995—Ms. Linda F. Powers, Vice President, Global Finance, ENRON Development Corporation; Dr. John D. Kasarda, Director, Kenan Institute for Private Enterprise; and Mr. John Sewell, President, Overseas Development Council offered alternatives to the Agency for International Development.

The Subcommittee on International Operations held two hearings at which representatives of four federal agencies testified on the draft committee bill:

March 30, 1995—the Honorable Richard M. Moose, Under Secretary of State for Management; the Honorable John D. Holum, Director, Arms Control and Disarmament Agency, the Honorable Joseph D. Duffey, Director, United States Information Agency; the Honorable J. Brian Atwood, Administrator, Agency of International Development; and the Honorable Jeffrey E. Garten, Under Secretary of Commerce for International Trade testified on the Administration's position on the implications of reorganizing the U.S. foreign affairs agencies. The Honorable Robert M. Kimmitt, Managing

Director, Lehman Brothers; Dr. William Schneider, Jr., President, International Planning Services, Inc.; and Mr. John Rhinelander, Partner at Shaw, Pittman, Potts and Trowbridge presented their views on the reorganization plan.

May 11, 1995—the Honorable Richard M. Moose, Under Secretary of State for Management; the Honorable Michael Nacht, Assistant Director, Strategic and Eurasian Affairs Bureau, Arms Control and Disarmament Agency; the Honorable Joseph D. Duffey, Director, United States Information Agency; and the Honorable J. Brian Atwood, Administrator, Agency for International Development appeared before the Committee upon request as a follow-up to the March 30 hearing and to testify on the draft Committee bill that was to be considered by the Committee on May 17, 1995.

On May 17, 1995, the Committee on Foreign Relations considered an original Committee bill, which was ordered reported favorably to the Senate floor on the same day. A majority of the Majority Members were present and voted in the affirmative. The Committee voted 10–8 to report the bill favorably. Ayes: Helms, Lugar, Kassebaum, Brown, Coverdell, Snowe, Thompson, Thomas, Grams and Ashcroft. Nays: Pell, Biden, Sarbanes, Dodd, Kerry, Robb, Feingold and Feinstein.

During Committee consideration of the bill, the following recorded votes were taken:

An amendment in the nature of a substitute proposed by Senator Kerry to replace Division B, providing for the abolition of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development, with a provision requiring \$2 billion in mandatory budget savings over four years. The Kerry amendment would direct the President to consolidate and reduce foreign affairs agencies but would allow the President to determine which agencies, if any, would be abolished. The amendment was defeated by a vote of 8 to 10. Ayes: Pell, Biden, Sarbanes, Dodd, Kerry, Robb, Feingold and Feinstein. Nays: Helms, Lugar, Kassebaum, Brown, Coverdell, Snowe, Thompson, Thomas, Grams and Ashcroft.

An amendment in the nature of a substitute proposed by Senator Pell to retain the Arms Control and Disarmament Agency as an independent agency and to remove all arms control and non-proliferation functions from the Department of State. The amendment was defeated by a vote of 7 to 10. Ayes: Pell, Biden, Sarbanes, Dodd, Robb, Feingold and Feinstein. Nays: Helms, Lugar, Kassebaum, Brown, Coverdell, Snowe, Thompson, Thomas, Grams and Ashcroft.

An amendment in the nature of a substitute proposed by Senator Sarbanes to retain the Agency for International Development as an independent agency. The amendment was defeated by a vote of 7 to 10. Ayes: Pell, Biden, Sarbanes, Dodd, Robb, Feingold and Feinstein. Nays: Helms, Lugar, Kassebaum, Brown, Coverdell, Snowe, Thompson, Thomas, Grams and Ashcroft.

An amendment in the nature of a substitute proposed by Senator Kerry to shorten the period of the authorization from four fiscal years to two fiscal years. The amendment was de-

feated by a vote of 8 to 10. Ayes: Pell, Biden, Sarbanes, Dodd, Kerry, Robb, Feingold and Feinstein. Nays: Helms, Lugar, Kassebaum, Brown, Coverdell, Snowe, Thompson, Thomas, Grams and Ashcroft.

An amendment proposed by Senator Sarbanes to strike the provision relating to claims of American exporters who shipped goods to Iraq. The amendment was defeated by a vote of 7 to 10. Ayes: Kassebaum, Pell, Sarbanes, Dodd, Kerry, Feingold and Feinstein. Nays: Helms, Lugar, Brown, Coverdell, Snowe, Thompson, Thomas, Grams, Ashcroft and Robb.

During Committee consideration of the bill, the following amendments were agreed to by voice vote:

An amendment proposed by Senator Kassebaum to extend the date by which the Arms Control and Disarmament Agency must submit a reorganization plan to March 1, 1996, and the date by which the Agency must be abolished to March 1, 1997.

An amendment proposed by Senator Brown to prohibit funds for a U.S. contribution to the International Natural Rubber Organization.

An amendment proposed by Senator Brown to prohibit funds for a U.S. contribution to the International Tropical Timber Organization.

An amendment proposed by Senator Feinstein to amend a provision in the original bill regarding the United Nations Fourth World Conference on Women to be held in Beijing in September 1995.

During Committee consideration of the bill, the following amendments were agreed to without objection:

An amendment proposed by Senator Helms amending existing provisions excluding aliens from entering the United States if they have been found to have confiscated property claimed by a national of the United States.

An amendment proposed by Senator Snowe requiring a General Accounting Office assessment of the cost-effectiveness and efficiency of international organizations to which the United States makes contributions.

An amendment proposed by Senator Kassebaum regarding the allocation of contributions to inter-American organizations.

An amendment proposed by Senator Feingold conditioning the sale or licensing of light arms to Indonesia until the Secretary of State determines and reports to congressional committees that there has been progress on human rights in East Timor and elsewhere in Indonesia.

An amendment proposed by Senator Feingold to urge universal adoption of the principles set forth in the Foreign Corrupt Practices Act of 1977 (Public Law 95-213) and to require a report containing proposals to end discrimination against U.S. exports in international business transactions.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

This Act may be cited as the "Foreign Relations Revitalization Act of 1995".

Section 2—Organization of act into divisions; table of contents

This Act is organized into two divisions:

Division A—Foreign Relations Authorization Act, Fiscal Years 1996–1999.

Division B—Foreign Affairs Reinvention Act of 1995.

DIVISION A—FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996–1999

Section 101—Short title

This division may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1996–1999”.

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Section 111—Administration of Foreign Affairs

Section 111(a) authorizes appropriations for the Administration of Foreign Affairs of the Department of State as follows:

(1) \$1,688,500,000 for the fiscal year 1996, \$1,612,000,000 for the fiscal year 1997, \$1,867,500,000 for the fiscal year 1998, and \$1,856,000,000 for the fiscal year 1999 for Diplomatic and Consular Programs;

(2) \$368,000,000 for the fiscal year 1996, \$373,000,000 for the fiscal year 1997, \$725,000,000 for the fiscal year 1998, and \$681,500,000 for the fiscal year 1999 for Salaries and Expenses;

(3) \$401,760,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for Acquisition and Maintenance of Buildings Abroad;

(4) \$4,500,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for Representation Allowances;

(5) \$6,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for emergencies in the Diplomatic and Consular Service;

(6) \$23,350,000 for the fiscal year 1996, \$23,000,000 for the fiscal year 1997, \$48,500,000 for each of the fiscal years 1998 and 1999 for Office of the Inspector General;

(7) \$125,402,000 for each of the fiscal years 1996 and 1997, \$132,000,000 for the fiscal year 1998, and \$135,000,000 for the fiscal year 1999 for the Foreign Service Retirement and Disability Fund.

(8) \$15,400,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the American Institute in Taiwan;

(9) \$8,579,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the Protection of Foreign Missions and Officials;

(10) \$32,800,000 for each of the fiscal years 1996 and 1997 and \$25,000,000 for each of the fiscal years 1998 and 1999 for Capital Investment Fund;

(11) \$5,000,000 for the fiscal year 1996 and \$3,000,000 for each of the fiscal years 1997, 1998, and 1999 for the Asia Foundation. While the Committee recognizes the effectiveness of the Asia Foundation on the ground in Asia, the Committee

expects the Foundation to pursue aggressively private donations to support its activities. The Committee recommends that the Asia Foundation allow USIA and later the Department of State to conduct international exchange programs conducted by the Asia Foundation in years when the U.S. Government was able to support the Foundation at a higher funding level.

(12) \$776,000 for the fiscal year 1996 and \$700,000 for each of the fiscal years 1997, 1998, and 1999 for Repatriation Loans.

Section 111(b) authorizes the appropriation of such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates.

Section 111(c) restricts funds from being used to establish, build, rent, maintain, lease, purchase, or occupy United States offices in the Democratic People's Republic of Korea or the Democratic People's Republic of Korea offices in Washington, D.C., unless and until authorized by statute. Fiscal year 1996 funds for Acquisition and Maintenance of Buildings Abroad are not authorized to be appropriated until the President certifies to the appropriate congressional committees that no funds were expended for the opening of offices in FY95 unless the activities were authorized by statute.

Section 112—Migration and refugee assistance

Section 112(a) authorizes the appropriation of \$721,000,000 for Migration and Refugee Assistance for each of the fiscal years 1996, 1997, 1998, and 1999. These funds enable the Secretary of State to provide assistance and make contributions to international organizations such as the U.N. High Commissioner for Refugees and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

Not less than \$80,000,000 shall be made available in the fiscal year 1996 for assistance for refugees resettling in Israel from other countries. This grant helps finance programs of the Jewish Agency for Israel that assist in the absorption into Israeli society of Jewish refugees coming to Israel from certain other countries.

Not less than \$50,000,000 for each of the fiscal years 1996 and 1997 shall be made available for the Emergency Refugee and Migration Assistance Fund (ERMA) under section 2(c) of the Refugee and Migration Assistance Act of 1962. The State Department requested \$50,000,000 for fiscal year 1996 to replenish ERMA, which the President may use to meet unexpected urgent refugee and migration needs if the President determines it is important to the national interest. In fiscal year 1994, the President authorized \$81,000,000 in drawdowns from ERMA mostly to aid Rwandan and Burundi refugees. This depleted the account sufficiently to warrant replenishment in fiscal years 1996 and 1997.

Section 112(b) requires that funds appropriated pursuant to this section remain available until expended.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Section 121—Lease-purchase agreements

When the Department of State enters into lease-purchase agreements involving property in foreign countries pursuant to section

1 of the Foreign Service Buildings Act (22 U.S.C. 292), budget authority should be assessed on an annual basis over the period of the lease in an amount equal to the annual lease payments.

The Committee acknowledges that the severe resource constraints facing the Federal Government have limited the financial tools available to the Department of State for managing its real property requirements overseas. Through this relief from the current requirements for lease-purchases, the Department will be able to acquire more properties and diminish its reliance on the leasehold account which is perennially subject to unpredictable currency fluctuations worldwide.

This is the most efficient and cost-effective way to meet the State Department's overseas property requirements. It is also an approach that completely protects U.S. Government interests, especially since the Vienna Convention strictly limits U.S. financial liability in the event the U.S. terminates a contract early. All U.S. Government agencies would benefit from this section, which would save the U.S. taxpayer millions of dollars in future years.

In order to meet Budget Committee concerns, the authorization levels provided by this provision have been made subject to the availability of appropriations.

Section 122—United States Embassy building in Berlin, Germany

Expresses the sense of the Congress that the Secretary of State should utilize the United States government property in the vicinity of the Brandenburg Gate in Berlin, Germany, as a site to build the U.S. embassy. It further authorizes the Secretary to make any improvements necessary, as consistent with the authorities under the Foreign Service Building Act of 1926.

Section 123—Fees for commercial services

Amends Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) to allow fees, collected for commercial services provided to businesses, to remain available for obligation until expended. The Committee finds this to be a necessary management authority that will ensure the Department does not lose funds collected late in a fiscal year and that are not obligated by the end of that year. For budget purposes, this authority is also subject to the availability of appropriations.

Section 124—Reduction of reporting requirements

Amends Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g) to require the Secretary of State to provide the report on all leases entered into for the acquisition of real property to be submitted within 30 days after the end of each fiscal year rather than after the end of each quarter of the fiscal year.

Repeals Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426), which requires the President to submit to Congress a report on activities and agreements involving science and technology and foreign policy, as explained in section 503(b).

Section 125—Buying power maintenance account

Amends section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) to rescind the need for advance appropriations of transfers of expired, unobligated balances into the no-year Buying Power Maintenance Account, subject to compliance with congressional reprogramming requirements. Advance appropriations had made the transfer authority unworkable, but now the Department will be able to effect the transfer of expiring balances as envisioned in the original concept of the account.

Section 126—Capital investment fund

Amends section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) to allow the Capital Investment Fund to be used for the procurement and upgrade of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources. This amendment would allow the Department to pay for upgrades of existing systems and purchase hardware or software to insure interoperability of State Department information systems. This amendment also ensures that the amounts deposited into the Fund will remain available until expended and that such amounts will be available for the purposes defined in this section.

Section 135(e) is amended to eliminate as duplicative the requirement that subjects money in the Fund to congressional reprogramming requirements before it is obligated. The Department will follow reprogramming procedures when it proposes to transfer monies into the Fund and will explain potential uses of the Fund in its Congressional Presentation Documents.

Section 127—Administrative expenses

Amends Section 5 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605) to allow funds to be available directly to other personnel assigned to bureaus charged with carrying out this Act. This would eliminate the administrative difficulties of funding the administrative expenses from various appropriation accounts.

Section 128—Fee for use of diplomatic reception rooms

Amends Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) to authorize the Secretary of State to charge a fee for use of the Department of State diplomatic reception rooms. Such fees are deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and should remain available for obligation until expended.

Department of State Diplomatic Reception Room facilities (DDR) are used from time to time for receptions and dinners by non-governmental groups sponsored by a Departmental official when the event is affiliated with or in support of official U.S. Government business. The outside group is responsible for its own catering costs of events held outside of regular working hours. Such costs include overtime pay for security officers, elevator operators and similar charges. This authority may be exercised only to the extent or in the amount provided in appropriation acts.

Section 129—Contracts at posts abroad

Requires United States Government agencies performing functions at diplomatic and consular posts abroad to avoid duplicative acquisition actions, to the maximum extent practicable. Contracts awarded in accordance with the Competition in Contracting Act by an agency performing functions at diplomatic or consular posts abroad may be amended without competition to allow other such agencies to obtain the goods and services if the unit prices are not increased.

Section 130—Expenses relating to certain international claims and proceedings

Amends the Department of State Appropriation Act of 1937 (49 Stat. 1321 (22 U.S.C. 2661), as amended by section 142(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204), to allow the Department to accept in certain cases reimbursement for tribunal expenses, salaries and other ordinary expenses.

This section also amends section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) to enable the Department to use personal services contracts to obtain expert and other support services for international claims and proceedings. The Department would be able to hire an individual accountant or records manager to work on a particular project, rather than having to retain an accounting firm to perform the same task, usually at more than twice the cost. Authority may be exercised only to the extent to which funds are appropriated.

Section 131—Diplomatic telecommunications service

amends section 507 of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103-317) to require the Secretary to provide funding for the Diplomatic Telecommunications Service (DTS) to sustain current levels of support services for each succeeding fiscal year. This amendment further prohibits any reprogramming or transfers from such amounts in future years, as well as specifying the current and future makeup of the Diplomatic Telecommunications Service Program Office (DTS-PO) Board, since Congress currently receives notification procedures on transfers and reprogrammings, and has oversight authority with regard to the Board.

Section 132—Diplomatic telecommunications service program office

Congress finds that the Diplomatic Telecommunications Service Program Office (DTS-PO) has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network. However, the current management structure needs to be strengthened to provide a clearly delineated, single, accountable management authority for the DTS-PO and the DTS network.

This section designates the following officials to compose the DTS Policy Board, effective with fiscal year 1996: the senior management official and the senior information management official from each of the two agencies providing the greatest funding to the

DTS-PO; the Director and Deputy Director of the DTS-PO; a senior career information management official from the Department of Commerce, the United States Information Agency (Under Secretary for Public Diplomacy after abolishment of USIA), and the Defense Intelligence Agency; and a senior career information management official each from two other Federal agencies served by the DTS, each of whom shall be appointed on a rotating basis by the Secretary of State and the Director of the DTS-PO for a two-year term. The officials from two other Federal agencies serving on the DTS Policy Board as of September 30, 1995, shall continue to serve on the Board until September 30, 1996.

This section also sets forth the responsibilities of the officials on the Policy Board. The official from the Department of State is designated as the Executive Director of the Board and has the following duties: functions as the executive agent of the Board; carries out all policies of the Board for administration and operation of the DTS-PO and the DTS; and administers the day-to-day operation of the DTS-PO through the Director of the DTS-PO.

The Director and Deputy Director of the DTS-PO rotate every two years between the two agencies providing the greatest funding to the DTS-PO. The Director reports directly to the Executive Director of the DTS Policy Board. The Deputy Director of the DTS-PO is the other official of the two agencies providing the greatest funding to the DTS-PO, who is not currently providing the Director.

The provisions of this section supersede any other provision of law, regulation, or policy addressing or otherwise applicable to DTS-PO management structures.

The Committee understands there are ongoing negotiations, largely between the Department of State and the Central Intelligence Agency, regarding the leadership and purpose of the Diplomatic Telecommunications Service Program Office (DTS-PO). This section is not intended in any way to disrupt those negotiations.

The Committee expects to continue its oversight role on this issue and would hope that the agencies involved will work towards an interagency agreement on the future of DTS-PO. In the meantime, this section shall take effect and govern current operating procedures of the Office, until such time as the Committee needs to review the operability of the Office again.

Section 133—International Center reserve funds

Funds retained by the Secretary of State in the reserve for maintenance and security established pursuant to section 5 of the International Chancery Center Act (Public Law 90-533) may be deposited in interest bearing accounts, and the Secretary may retain for the purposes set forth in that section any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Otherwise, the Department could not earn or retain interest on monies in the fund and the fund would eventually be depleted. This authority is subject to availability of appropriated funds.

Section 134—Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas

Authorizes the use of interest on funds held under bilateral agreements for scientific, cultural and technical cooperation in effect as of the date of enactment of this provision to pay the administrative and programmatic expenses of the funds. The provision applies to appropriated funds that have been made available in fiscal years 1995 and prior under the Department of State's program of international environmental, scientific, and cultural cooperation.

Cooperation through international scientific, cultural, and technological (S&T) agreements may be structured by the establishment of a joint fund, containing contributions of both States, used for program purposes. Some of these agreements specify that funds may earn interest and that the interest may be retained for administrative or program expenses (e.g. the U.S.-Polish Agreement on Cooperation in Science and Technology). Utilization of such interest for administrative expenses associated with these programs constitutes an important component of the success of the programs, particularly in view of the decreasing availability of new funding. This proposal is similar to existing authorizations for retention and use of interest in the Enterprise Fund under the Support for East European Democracy Act of 1989 (P.L. 103-306). This authority is subject to availability of appropriated funds.

Section 135—United States diplomatic facilities in Kosova

Authorizes and encourages the President to establish an office and residence in Pristina, Kosova for use by United States diplomatic or consular personnel.

While State Department officials travel on occasion to Kosova, the long, mountainous drive hampers their effectiveness and ability to promote on a sustained basis U.S. support for human rights and autonomy for the Albanians of Kosova. The Committee notes with concern the increasing pressure on the Albanians in Kosova by Serbian authorities. According to the 1994 State Department Human Rights Report: Serbian "government officials carried out sanctioned extrajudicial killings, torture, brutal beatings, arbitrary arrest, and a general campaign to keep the non-Serb populations repressed * * * the Albanians of Kosova and the Muslims of Sandzak suffer the heaviest abuses." As a result, the Committee urges the President to establish a limited office and residence in Pristina to indicate U.S. concerns and promote U.S. interests.

Section 136—Antibribery study

This provision requires the Secretary of State, in consultation with the Secretary of Commerce, the Administrator of the Agency for International Development, the Director of the Central Intelligence Agency, and the Directors of the Trade and Development Agency, the Export-Import Bank, the Overseas Private Investment Corporation, to develop proposals and legislative recommendations to combat bribery in international business transactions.

American firms are prohibited from offering bribes by the Foreign Corrupt Practices Act of 1977. Our foreign competitors, however, are not barred by any such restrictions. The Committee believes this has created a trade barrier for American companies. The

response should not be to repeal the Foreign Corrupt Practices Act, but rather to institute universal acceptance of the standards set forth in FCPA.

The provision commends the Organization of Economic Cooperation and Development for its adoption of a May 1994 resolution which commits Member states to address the use of international corruption as a multilateral trade issue. The study asks for specific proposals from the Administration on how to pursue implementation of this resolution.

The provision also directs the Administration to include in the report a plan that will take into account, discuss, and analyze the laws which govern bribery of our ten primary trade competitors.

Finally, it requires an analysis of the feasibility of making available to American companies intelligence gathered by our embassies on what foreign competitors are offering in terms of bribes as contracts are being negotiated with foreign governments.

Section 137—Budget Act compliance

The authorities contained in the amendments made in sections 121, 123, 125, 128, 130, 133, 134, 148, 161, and 163 of this Act may not exceed appropriated amounts.

CHAPTER 3—PERSONNEL

Section 141—Authorized strength of the Foreign Service

Section 141(a) imposes specific limits on the total number of Foreign Service personnel and on the number of Foreign Service personnel who are members of the Senior Foreign Service as of September 30, 1996, as follows:

- (1) the Department of State may not have more than 8,700 Foreign Service Officers, of whom not more than 740 may be members of the Senior Foreign Service;
- (2) the United States Information Agency may not have more than 900 Foreign Service Officers, of whom not more than 155 may be members of the Senior Foreign Service;
- (3) the Agency for International Development may not have more than 900, of whom not more than 125 may be members of the Senior Foreign Service.

Section 141(b) restricts the total number of Foreign Service personnel and the number of members of the Senior Foreign Service as of September 30, 1997, as follows:

- (1) the Department of State may not have more than 8,500 Foreign Service Officers, of whom not more than 700 may be members of the Senior Foreign Service;
- (2) the United States Information Agency may not have more than 800 Foreign Service Officers, of whom not more than 140 may be members of the Senior Foreign Service;
- (3) the Agency for International Development may not have more than 650 Foreign Service Officers, of whom not more than 75 may be of the Senior Foreign Service.

Section 141(c) states that the total number of Foreign Service personnel as of September 30, 1998 for the Department of State, shall not exceed 10,150, of whom not more than 925 shall be members of the Senior Foreign Service.

Section 141(d) states that the total number of Foreign Service personnel as of September 30, 1999 for the Department of State, shall not exceed 10,250, of whom not more than 935 shall be members of the Senior Foreign Service.

Section 141(e) defines the term “members of the Foreign Service.”

Section 141(f)(1)(A) excludes Foreign Service personnel serving under noncareer limited appointments from (a) through (c).

Section 141(f)(1)(B) imposes specific limits on the total number of Foreign Service personnel serving under noncareer limited appointments, as follows:

(i) for fiscal year 1996, the Foreign Service contained in subsection (a) may not exceed 5 percent of the aggregate numerical limitation;

(ii) for fiscal years 1997, 1998, and 1999, the Foreign Service contained in subsection (a) may not exceed 7 percent of the aggregate numerical limitation.

Section 141(f)(2) encourages the Secretary of State to utilize Foreign Service personnel serving under noncareer limited appointments to perform duties relating to export promotion and trade; information management systems; and the provision of medical services.

Section 141(f)(3) allows the Secretary of State to terminate the appointment of any member of the Foreign Service serving under a noncareer limited appointment before the expiration of the appointment.

Section 142—Restriction on lobbying activities of former United States Chiefs of Mission

Amends Section 207 of title 18, United States Code, regarding “Restrictions on former officers, employees, and elected officials of the executive and legislative branches”, to also prohibit any person who serves in the position of chief of mission within the category of senior executive branch personnel who are restricted, for one year after they leave the chief of mission position, from knowingly making representations on behalf of someone with an interest in a matter that is before any officer or employee of the department or agency in which they served.

“Chief of mission” in section 142 has the same meaning as that used in section 102(3) of the Foreign Service Act of 1980 (P.L. 96–465). A career member of the Foreign Service assigned by the President as charge d’affaires or otherwise as the head of a mission is included within the definition of a “chief of mission.”

Section 142 clarifies that the same rules prohibiting lobbying or other representations knowingly made by senior personnel of the executive branch for one year after they leave office are applied to those persons who serve in the position of chief of mission.

Section 143—Foreign Service grounding in United States business

Expresses the sense of Congress that the Secretary of State should require the National Center for Humanities, Education, Languages, and Management Studies (previously the National Foreign Affairs Training Center, see section 152 in this Act) to significantly increase the emphasis on commercial activity, export pro-

motion, and trade in carrying out its core programs and should offer additional classes in such subjects.

The Committee believes that the ability of the U.S. to compete successfully in an open world market will be one of the critical guarantors of national security in the next century. It will be important, therefore, that officials assigned overseas to advance U.S. foreign policy interests be sensitive to, and well-versed in, issues related to export promotion and commercial activity.

Section 144—Foreign affairs administrative support

The Foreign Affairs Administrative Support Cost-Sharing System (FAAS) is the method by which the Department of State and other agencies share costs of the common administrative service platform necessary to provide all U.S. government employees with a place to live and work at U.S. missions overseas. FAAS distributes costs on the principle that the Department of State will provide and fund all of the core resources necessary to support its own people and programs overseas. Other agencies are financially responsible for costs of the incremental resources established to meet the administrative workload generated by their employees. This section authorizes the Secretary of State to establish, in consultation with the heads of the other United States Government agencies maintaining personnel overseas, a financial system to manage such reimbursements to the Department from other agencies.

The President must institute an interagency committee that consists of representatives from the U.S. Government agencies which maintain a significant number of personnel overseas and is headed by the Secretary of State. This committee would be responsible for implementing this financial system. The committee's rules and regulations must develop a method to resolve interagency disputes over the management of such compensation and assure all direct and indirect costs are fully recovered by the Department, including services such as the Community Liaison Officer, building operating expenses and local guards, and such other expenses as the committee determines necessary.

Such reimbursement will be deposited into a newly created Working Capital Fund at the Department of Treasury and the amounts in this account will be available without fiscal year limitation.

For years, the Department of State and other federal agencies that assign personnel overseas have debated the equity of the FAAS system in determining the costs of services and the quality and delivery of individual services. The Department funds more than 70% of the support platform's operating costs. The Department of State has opened 29 new posts in the last decade virtually without increases in overseas staffing numbers. According to the GAO, during the same period the U.S. official presence overseas has grown nearly 20%, spurred largely by the dramatic increase in assignment abroad of personnel of nonforeign affairs agencies. Data provided by the Inspector General makes clear that at some posts the employees on temporary duty ("TDY") status can effectively more than double certain agencies' full-time equivalent (FTE) presence.

The Committee believes that these issues clearly have enormous resource implications for the Department of State, and that a more equitable system of reimbursement for support costs could yield hundreds of millions of dollars in savings for the Department.

Section 145—Foreign Service reform

Section 145(a): Salaries—Under current law, a Foreign Service Officer appointed to an Executive position requiring Senate confirmation may elect to receive either his/her Foreign Service salary, based on rank, or the salary that corresponds to the confirmable position. In some cases that rank-based salary is higher, in other cases lower, than the salary of the position in question.

Section 145 ends this option, by requiring that Foreign Service Officers, as Officers commissioned by the President, receive in all such instances their regular salaries based upon rank and service.

Section 145(b): Presidential awards—Under current law, Foreign Service Officers may not be recommended for certain Presidential recognition for extraordinary service unless funds are available for the cash awards that accompany such recognition. The net effect may be to deny officers the recognition of their Commander in Chief, when warranted, if funds for performance pay are not available. This section would make it possible to confer a Presidential award without requiring an accompanying cash payment.

Section 145(c): Expedited Separation—This section requires the Secretary of State to develop and implement a plan to identify officers who are ranked by promotion boards in the bottom 5% of their class for any two of five years, and recommend such officers for separation from the Foreign Service. The Committee believes this management tool will be necessary to carry out the transition envisioned in Title XVII. It is hoped that this will help the Department to retain the best performers, while still meeting the required personnel reduction targets.

Section 145(d) amends the purposes of the Foreign Service Act of 1980 to include the unambiguous establishment of a single Foreign Service, by the Director General and under the direction of the President and Secretary of State. This section also requires that any agency using the authorities of the Foreign Service Act of 1980 do so in strict conformance with common standards and procedures set forth by the Director General at the Department of State.

The preceding section reflects the Committee's growing concern that various nonforeign affairs agencies have adopted, or sought to adopt, portions of the Act's authorities. The Committee believes that the whole of those authorities was intended solely to strengthen the Foreign Service as the forward-deployed instrument of the conduct of U.S. diplomacy. The authorities were never intended for piecemeal use for matters of administrative convenience. Accordingly, Section 145(d) is intended to help restore the integrity of the 1980 Act.

Section 146—Limitations on management assignments

Section 146 defines the term "management official."

The Foreign Relations Authorization Act for fiscal years 1994 and 1995 places restrictions on the movement of Foreign Service personnel between certain positions in the American Foreign Serv-

ice Association (the foreign service officers' professional organization and labor/management representative) and management jobs in the Foreign Service. The intent of the Act was to avoid possible conflict of interest problems. However, the definition of "management official" was sufficiently broad as to apply to a number of positions that carry no responsibilities for labor-management relations or the formulation of personnel policies and programs.

Section 146 exempts from the restrictions above chiefs of mission and their deputies, administrative and personnel officers abroad, and other individuals not involved in labor-management relations or in formulating Department personnel policy.

Section 147—Report on promotion and retention of personnel

The Foreign Service Act of 1980 requires the Secretary to submit an annual report to Congress providing, inter alia, upper and lower limits planned by State (and other agencies using the Foreign Service Act) for recruitment, advancement, and retention. In several instances, this report was not forthcoming in a timely manner, and on occasion the Committee has had doubts as to the thoroughness of the information provided. Section 147 requires the Inspector General to comment, biannually, on the adequacy of the Secretary's report. These comments should be transmitted to the Congress with the report in question. The Committee notes the prospective nature of certain information required in this report.

Section 148—Recovery of costs of health care services

Amends section 904 of the Foreign Service Act of 1980 to authorize the Department of State to recover and retain the costs incurred by the Department for health care services provided to eligible employees and their families and to other eligible individuals. This would permit the Department to recover and retain such costs from third-party payers, and to recover directly from the employee if the employee chooses to be uninsured.

The Department's estimate of operating costs for overseas health units for fiscal year 1993 was approximately \$19 million (including salaries, post entitlements, Regional Medical Officer travel, and prescription medicines) and the Department contributes over \$15 million per year toward health insurance premiums for insurance that is not consistently used by its overseas employees. In some instances, the Department pays twice for certain health care costs of its employees posted abroad. This amendment would rectify this situation.

Section 148(a)(1) amends section 904(a) of the Foreign Service Act to permit the Secretary to designate certain persons who are not United States Government employees or family members to receive health care services abroad on a fee-for-service basis.

Section 148(a)(2) amends section 904(d) of the Foreign Service Act, which authorizes the Secretary to pay the cost of medical treatment for eligible individuals. The proposed amendment would make section 904(d) subject to a new fee-for-service program described in new subsections 904 (g) and (h).

Subsection 904(g)(1) authorizes the Department to recover the cost of health care services incurred by the Department from third-party payers to the same extent that the covered beneficiary would

be eligible to receive reimbursement from the third-party payer for such expenses.

Paragraphs (2) and (3) of subsection (g) provide that if the insurance contract requires a deductible or copayment, the Department absorbs that cost so that neither a covered employee nor the third-party payer is required to pay the deductible or copayment amount.

Paragraphs (4) and (5) of subsection (g) recognize the unique circumstances at government health care facilities at posts abroad. Paragraph (4) would prohibit third-party payers from refusing to reimburse the Department based on provisions in the insurance contract excluding from coverage care provided by a government entity, to an individual who is not required to pay a deductible or copayment or by a provider with which the third party payer has no participation agreement. Paragraph (5) provides that no contractual provision can prevent recovery by the United States under this section. This provision will insure coverage for care provided by Registered Nurses, whether or not they are under the direct supervision of a physician.

Subsection 904(g)(6) subrogates the United States to the beneficiary's rights against the third-party payer.

Subsections 904(g) (7) and (8) direct the Secretary to prescribe regulations for the implementation of these subsections, including regulations regarding the computation of "reasonable costs" of health services. A third-party payer is permitted to review an employee's health records to verify that the care for which reimbursement is sought was provided, and to verify that the care meets the criteria of the insurance contract (except for those criteria affected by subsections 904(g) (2) and (4)).

Subsection 904(g)(9) authorizes the Department to deposit any amounts collected under 904(g) or 904(h) as an offsetting collection to any Department of State appropriation.

Subsection 904(g)(10) defines terms "covered beneficiary," "services," and "third party payer," which excludes managed care plans, which are designed to provide care directly, and would be unusable abroad.

Subsection 904(h) provides, that in the case of a person who is not a "covered beneficiary" as that term is used in this section, but for whom the Department incurs costs for health care services, the Department may collect the reasonable costs of services provided, and may take appropriate legal actions to settle claims.

Subsection 148(b) would delay the effective date of the new authorities provided by subsection 148(a) to fiscal year 1997, in order to give the Department sufficient lead time to implement the new fee-for-service plan.

This authority may be utilized to the extent that appropriations are made available.

Section 149—Nonovertime differential pay

Amends 5 U.S.C. 5544(a) to allow the Secretary of State to substitute another day in lieu of Sunday for purposes of Sunday premium pay in countries where the normal workweek includes Sunday. Sunday premium pay (an additional 25% of a day's basic pay) is paid to eligible employees under Title 5 when they work on Sunday as part of their regular (not overtime) schedules. It is paid pri-

marily in 16 Islamic countries where Sunday is part of the normal work week. This authority would allow the Secretary of State to recognize the officially recognized day of rest and worship, rather than Sunday, as the day for which employees would be eligible for premium pay in keeping with the customary business week of the host country. Approximately \$750,000 was spent in 1994 by the Department alone to provide Sunday premium pay at 16 Islamic posts. The Department acknowledges that commissioned foreign service officers are not eligible for premium pay. Eligible recipients include junior officers and specialists, information management personnel and watch staff.

Section 150—Access to records

Amends section 1108 of the Foreign Service Act of 1980 to allow the Inspector General at his or her discretion to furnish records or information as requested by the Grievance Board only if the Inspector General decides that there is no confidentiality requirement or other law enforcement reason which would bar release. This amendment further clarifies that the Office of Inspector General records are not “agency records” subject to discovery by grievants.

Section 1108 of the Foreign Service Act cannot be construed to apply to OIG documents. Any coerced disclosure of OIG investigative records on the part of the Grievance Board would at a minimum erode the appearance of the OIG investigative independence. If the Board disclosed OIG documents, the actual conduct of OIG investigations would have devastating consequences. Persons would not be as forthright in their reporting of waste, fraud, and abuse in the Department of State if they knew that their allegations could be disclosed to the Grievance Board and investigative deliberations could be swayed by the fear of a directed disclosure to the Grievance Board.

Section 151—Training

Section 151 amends section 701 of the Foreign Service Act of 1980, which addresses the Department’s authorities and responsibilities with respect to training. Subsection 701(e)(1) authorizes the Secretary to provide appropriate training at the Foreign Service Institute to employees of United States companies that do business abroad, and to family members of such employees, when such training is in the national interest.

U.S. firms have submitted numerous inquiries regarding the possibility of their employees attending or auditing classes at the Foreign Service Institute in order to broaden the employees’ knowledge of key foreign markets and prepare them and their families for successful cross-cultural living abroad. Because one of State’s foreign policy goals is to enhance American business opportunities abroad, and, consequently, one of the Institute’s goals is to help U.S. Government employees understand the needs of U.S. corporate representatives in this pursuit, the Department believes that private sector representation in some FSI classes would offer a unique opportunity to train government and corporate employees in the same classroom setting and to broaden the understanding of the problems and opportunities each may face in pursuing their goals overseas. Forging linkages between the private and public sectors in

training would result in better partnerships between the United States Government and American business to work towards common goals and objectives.

Training of family members of corporate employees who may be assigned abroad would assist coordination between U.S. embassies and the private American community at post, particularly as it relates to crisis management.

Subsection 701(e)(2) authorizes the Secretary to provide job-related training to employees of companies under contract to the Department of State, who are performing services to the Department in the United States. This would give the Department the flexibility to provide training to certain employees of third-party contractors through government facilities when it is deemed in the best interest of the U.S. Government. While there would be no reduction in the expectation that the contracting firm would provide qualified workers, there are instances where changing technology or unique factors in the federal work environment would require training in order to obtain the optimum performance from contract employees. Such training might include: word processing, PC training, employee orientation seminars, customer service, and training in USG-specific subjects such as the Non-Expendable Property Accounting (NEPA) system, or passport/visa processing.

Subsections 701(e) (3) and (4) provide that any training under section 151(e) would not include training in foreign languages, and would be on a reimbursable or advance-of-funds basis. Reimbursements or advances would be credited to the currently available applicable appropriation account.

Subsection 701(e)(5) authorizes such training only if it does not interfere with the institution's primary mission of training employees of the Department and other U.S. Government agencies.

Subsection 701(f)(1) authorizes the Secretary to provide special foreign language training programs for Members of Congress on a reimbursable basis. This training may take place at the institute or in Senate and House facilities.

Subsection 701(f)(2) provides that nonexecutive branch members may take part in foreign language training programs offered by the institution, on a reimbursable basis, when space is available in a previously scheduled language class. No additional expense would be incurred by the Department in providing such training.

Section 152—Redesignation of National Foreign Affairs Training Center

Redesignates the National Foreign Affairs Training Center as the National Center for Humanities, Education, Languages, and Management Studies.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

Section 161—Fee for diversity immigrant lottery

Allows the Secretary of State to establish a fee to be paid by each immigrant issued a visa under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) and to retain this new fee for Department operations. Any retained fees would remain available for obligation until expended and would not be subject to the

burdensome accounting requirements imposed on most consular transactions abroad, so that modern accounting methods can be used.

The administration of the diversity immigrant visa lottery has cost the Department of State, and through it the American taxpayer, almost \$2.8 million annually. Diversity lottery registrants have not been asked to pay a fee to register. This is in contrast to the situation with most other immigrant visas, where a petition and a cost-based petition fee of \$75–\$80 are filed with INS on behalf of the applicant. Section 161 ensures that the winners of the lottery, rather than American taxpayers, cover the full cost of the administration of the lottery. It is not practicable for the Department to collect a lottery fee from all registrants; this would make the program even more costly to operate, since all of the millions of envelopes submitted would then have to be opened, rather than only the envelopes of the lottery “winners”. This authority may be utilized subject to the availability of appropriated funds.

Section 162—Fee for execution of passport applications

Permits the Secretary of State by regulation to authorize the United States Postal Service to retain passport execution fees directly rather than being sent through the Department of State to the U.S. Treasury. This will save the Department of State (and the Postal Service) significant resources required by the reconciliation procedures connected with multiple transfer of these funds. It would be an important step toward streamlining a reimbursement process that is not inefficient.

Section 163—Fees for machine readable visas

Under 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236 and 8 U.S.C. 1351), the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and non-immigrant visas. Section 163 authorizes the Secretary of State not to exceed \$150,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 when collecting such fees or surcharges. This authority may be utilized subject to the availability of appropriated funds.

Section 164—Children adopted abroad

The use of the terms “legitimate” and “illegitimate” on international adoption papers produced unnecessary difficulties in finalizing an adoption of a foreign child by an American family. This section replaces the legitimate/illegitimate distinction with a born in wedlock/born out of wedlock distinction, which would permit otherwise eligible adoption cases to be handled quickly. There is an increasing trend in countries around the world to declare all children to be legitimate, whether born in wedlock or out of wedlock. Consequently, distinctions in U.S. immigration law between legitimate and illegitimate children is confused.

Section 165—Consular officers

The five amendments in this section permit U.S. citizen employees abroad who are not consular officers to perform additional consular functions, including the issuance of certificates of birth abroad, the authentication of foreign documents, the administration of nationality provisions in Title III of the Immigration and Nationality Act and the administration of oaths for patent purposes.

Section 127 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended by section (1)(mm)(2) of Public Law 103-415, authorized the Secretary of State to designate U.S. citizen employees abroad other than consular officers to perform notarial and passport services, thereby permitting more effective use of both consular officers and non-consular officer employees abroad, and creating the opportunity to improve service to the public notwithstanding consular officer staffing shortfalls. Section 165 will permit yet further improvements in the efficiency of consular staffing abroad.

Section 166—Exclusion from the United States for membership in a terrorist organization

Closes a loophole in U.S. visa laws opened up by the Immigration Reform Act of 1990 by amending the Immigration and Nationality Act to deny a U.S. visa to a member of a terrorist organization or who actively supports or advocates terrorist activity. A terrorist organization is defined as an organization that engages in, or has engaged in, terrorist activity as determined by the Attorney General, in consultation with the Secretary of State.

Section 167—Incitement as a basis for exclusion from the United States

Amends section 212 of the Immigration and Nationality Act by adding as an additional basis for exclusion those who have advocated terrorism, incited targeted racial vilification or who have advocated the death or destruction of U.S. citizens, U.S. government officials or the overthrow of the U.S. government.

This change to current law will increase the ability of State Department consular officers to exclude advocates of terrorist actions against the United States and against United States citizens. In addition, it permits the exclusion of those non-U.S. citizens who engage in targeted "hate speech" designed to vilify a particular race thereby legitimizing terrorist actions against members of that race.

The Committee notes that there have been prominent cases recently in which internationally-known leaders of overseas religious sects have advocated violent death or destruction for specific races or for United States citizens or government officials, the most notable of which was Sheik Ghannouchi of Tunisia. The State Department has repeatedly stated the difficulty of excluding such aliens under existing law, since their links to actual terrorist acts may be attenuated. Nonetheless, the Committee recognizes that those who advocate violent terrorist actions and incite their followers to initiate terrorist actions often bear as great a responsibility as those who actually build bombs or plan the details of a terrorist attack.

The Constitution of the United States protects the rights of Americans and people who reside in America only. Those who advocate terror, murder, or mayhem are not protected by the First Amendment and they do not deserve entry into the U.S.

Section 168—Exclusion from the United States of aliens who have confiscated property claimed by United States persons

Amends section 212(a) of the Immigration and Nationality Act (INA) to deny entry into the United States of any alien determined by the Secretary of State to have confiscated, otherwise directed or overseen the confiscation of, or converted for personal gain, property the claim to which is owned by a national of the United States, or to have trafficked in such confiscated property.

Section 212(a) of the INA lists grounds upon which aliens will be excluded from the United States. This INA provision is the basis for denying visas, or if visas are not required, entry into the United States, to aliens who fall under one or more of the listed categories. Section 168 of this Act adds another ground for exclusion to the list: confiscation without compensation of property owned by a national of the United States or disposing, profiting or otherwise benefitting from such confiscation without the authorization of the national of the United States who holds a claim to the property.

Section 168 reflects the Committee's frustration with and continuing concerns about the lack of progress in resolving property claims overseas of American citizens. This is especially the case with respect to a number of outstanding property claims in Western Hemisphere nations. Currently, there are no sanctions on foreign government officials or private individuals who either confiscate or exploit a property the claim to which is owned by a national of the United States.

The Committee has been informed that denying visas to foreigners wishing to enter the United States provides significant leverage to U.S. officials in urging foreign governments and individuals to either return the property or make prompt, adequate, and just compensation to American claimants.

The Committee's intent in using the phrase "governmental authority" in the definition of "confiscated property" is to cover all levels of government, from the local and municipal level, to the state, provincial, or departmental level, to the national or federal level. This includes any person acting under actual or apparent authority, or color of law, of any foreign nation.

All debts are certainly property, but the Committee is sensitive to property disputes overseas resulting from commercial transactions. The issue is when a default, repudiation or failure to pay a debt should be regarded as a confiscation. In most instances the mere failure to pay a government debt, or default on a government debt, or a repudiation on a debt, are not regarded as a confiscation.

It is the Committee's intent to include a debt on any enterprise which has been nationalized, expropriated, or otherwise taken by a foreign government, or a debt which is a charge on property nationalized, expropriated or otherwise taken by a foreign government, or a debt which was incurred in satisfaction or settlement of a confiscate property claim. Debts arising outside these circumstances may not fall within the definition of "confiscating prop-

erty.” In particular, a foreign government’s default on a security, bond, or other negotiable instrument issued for the purpose of raising revenue is not a confiscation, unless the instrument was specifically issued in satisfaction or settlement of a confiscated property claim, in which case, in the Committee’s view, such a default constitutes a confiscation for purposes of Section 168.

The Committee recognizes that there are situations in which questions may arise as to whether a governmental act results in a confiscation. This is especially the case when United Nations member states have taken territory as a result of acts of war. Given that there are existing international mechanisms for resolving these disputes, Section 168 does not apply to claims arising from these inter-state disputes. Examples of claims that may arise from such disputes include the recent conflict between Peru and Ecuador, the so-called “Soccer War” between El Salvador and Honduras, and the Six Day War of June 1967, involving Egypt, Jordan, Syria, and Israel.

The Committee expects the Secretary of State to implement Section 168 to the fullest extent to achieve the prompt, adequate, and effective resolution of American property claims overseas.

Section 169—Visit of the president of the Republic of China on Taiwan

The President of the Republic of China on Taiwan shall be admitted to the United States for a visit in 1995 with all appropriate courtesies.

On May 22, 1995, the Department of State spokesperson announced on behalf of President Clinton that President Lee Teng-hui of Taiwan was to be granted a visa for admittance to the United States in June 1995 to make a private, unofficial visit to his alma mater Cornell University. While the Committee applauds this decision, it feels that the President of Taiwan deserves an official reception in the United States. As the president of a democratic nation with which the United States has close ties, President Lee deserves all those common courtesies accorded a foreign official of his rank and status.

Section 170—Terrorist lookout committees

Codifies and strengthens existing embassy visa terrorist lookout committees. These committees were established by the State Department in 1993 under the “Visas Viper Program” in an effort to become more active in addressing problems that became clear after the World Trade Center bombings. The purpose of the Terrorist Lookout Committees is to ensure that all known foreigners ineligible for entry into the United States due to participation in terrorist or other criminal acts are entered into the State Department’s lookout list in a timely fashion.

These embassy committees are headed by the Deputy Chief of Mission, and its members should be the heads of all of the relevant embassy sections that could provide names for addition to the terrorist lookout list. However, separate GAO and State IG reports issued this year indicate that these efforts have become moribund. Therefore, the Committee believes that codifying the embassy terrorism committees in law is both prudent and necessary, and re-

quiring personal responsibility by senior post management will raise the interest in this issue of the DCM and all relevant embassy sections.

Section 171—Sense of Congress on border crossing fees

Expresses the sense of Congress that the United States should not impose or collect a border crossing fee along its borders with Canada and Mexico. This provision expresses opposition to the Administration's proposed new border crossing fee for those entering the United States—\$1.50 per vehicle, and 75 cents per pedestrian. While the President describes the program as voluntary, extra funding for land border inspectors would only be available to those border states or localities that decide to impose these fees.

The Committee shares the President's commitment to fight illegal immigration and protect our borders. But the Committee believes that this proposed border crossing fee is a misdirected attempt to stem illegal immigration that actually penalizes the thousands of legal immigrants, commuters, and tourists that cross our border each and every day. The President's proposal, if adopted and implemented by some border states, would result in a patchwork system of border crossing regulations that would be inconsistent with the uniformity expected of international border regulations.

This border crossing fee would also take a terrible toll on cross-border traffic and trade, particularly along the border with our nation's largest trading partner—Canada. Even worse, the fee follows on the heels of a number of other governmental actions that have devastated hundreds of businesses and cost thousands of jobs in our northern border states.

For instance, the economy of one of our border states—Maine—is already being harmed by the discriminatory New Brunswick Provincial Sales Tax (PST). In July 1993, Canadian Federal agents along the New Brunswick/Maine border were given permission to collect the 11 percent New Brunswick PST on goods purchased in Maine by residents of that province. This action resulted in long delays at the border, incidents of harassment by Canadian border agents against Canadian citizens returning from the United States, and the dramatic loss of business for hundreds of Maine businesses. This was all part of a concerted campaign by the provincial government of New Brunswick to discourage its citizens from shopping in Maine.

The actions of the Province of New Brunswick and the Canadian Government are unprecedented. New Brunswick sought, and received, permission from the Canadian Federal Government for Canadian Federal Customs officers to actively, and sometimes aggressively, collect the New Brunswick PST on the U.S.-Canada border. This is in no way comparable to the various cooperative information-sharing agreements that some U.S. states have entered into with the U.S. Customs Service. In the American example, some of our states take information gathered by the U.S. Customs Service in an effort to collect sales taxes from their citizens long after they have crossed the international border. However, on the Maine-New Brunswick border, Canadian Federal Customs officers physically collect the PST from New Brunswick citizens at the border.

The Committee notes that after months of trying to get our own federal trade officials to take the PST issue seriously, the U.S. Trade Representative announced in February of 1994 that the United States would bring the PST case to the dispute resolution tribunal of the North American Free Trade Agreement (NAFTA). Resolution of the PST dispute has stalled, however, because the details of the NAFTA dispute resolution process have not been finalized. There are indications to suggest that the Canadians and the Mexicans are actively impeding finalization of the process.

The PST was imposed by the Canadians, but this proposed border crossing fee would be a self-inflicted blow by the United States on its borders states. At a time when we are trying to expand trade and commerce with our Canadian and Mexican neighbors, the Administration proposes erecting another non-tariff barrier to trade that will only hurt cross-border commerce and trade.

Last fall, the United States Customs Service decided to raise the maximum value of goods that American citizens could bring back into the United States from Canada. This duty free level was raised from \$25 to \$200, and this decision was made without seeking a comparable increase from the Canadian Government. The PST's economic burden was only compounded by this misguided decision, and it further inflamed passions along the U.S.-Canadian border.

This border crossing fee would further injure American businesses located near the Canadian border. It would only serve as a significant disincentive for Canadians who frequently cross the border to do business in Maine by placing a financial hurdle in their path. It would only impair cross border commerce and tourism, and impose an additional burden on businesses that are already struggling to survive.

TITLE II—UNITED NATIONS

CHAPTER 1—FUNDING; BUDGETARY AND MANAGEMENT REFORM

Section 201—Assessed contributions to the United Nations and affiliated agencies

Authorizes appropriations of \$777,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for assessed contributions to the United Nations and affiliated agencies.

As pressures mount to reduce federal spending and balance the budget, Congress will be forced to examine more closely the allocation of international affairs resources between multilateral and unilateral functions. Over the past three years, the central accounts of the Department of State have decreased by approximately \$700 million while contributions to the United Nations and other multilateral organizations have increased by well over \$1 billion. Budget constraints have led to the deferral of desperately needed improvements in the Department of State's infrastructure and to a constriction of bilateral diplomatic activities. We must be careful not to fund multilateral activities to the detriment of national security interests that are better served by investments in unilateral diplomatic endeavors.

Section 202—Assessed contributions for international peacekeeping activities

Authorizes appropriations of \$445,000,000 for the fiscal year 1996, \$375,000,000 for the fiscal year 1997, \$300,000,000 for the fiscal year 1998, and \$210,000,000 for the fiscal year 1999 for assessed UN peacekeeping activities.

The Committee has been adamant that the United States pay for no more than 25% of the assessed costs of U.N. peacekeeping operations (see Public Law 103–236). The projected savings from an assessment of 25%, rather than 31.4% of the operations will amount to tens of millions of dollars every year.

The Administration's budget is unrealistic in its United Nations peacekeeping request. The Administration request contemplates nearly \$1 billion less for U.N. peacekeeping costs than were incurred in fiscal year 1995. The Administration's budget for peacekeeping assumes budget authority for the United Nations peacekeeping effort in the former Yugoslavia for only six months of the fiscal year. The U.N. Security Council, with United States support and encouragement, extended the UNPROFOR mandate on March 31, 1995. The State Department now estimates that the President's fiscal year 1996 request for \$445 million for assessed U.N. peacekeeping activities will fall short of covering actual costs by almost \$800 million. Yet, the Administration has refused to adjust its request to reflect expected peacekeeping costs accurately.

The Committee fully authorized the FY 1996 requested level and anticipates lower costs each year thereafter based on the Administration's testimony that peacekeeping operations are declining. Before Congress considers additional FY 1996 funding needs, the Administration should provide Congress with a detailed analysis of why \$445 million is inadequate to meet funding needs and submit documentation of a detailed plan to fully meet assessed peacekeeping costs in FY 1997 with the 1997 budget request.

Section 203—Calculation of assessed contributions

Expresses the sense of the Congress that the U.N. General Assembly should reformulate rates of assessment to reflect each member's share of the total world gross national product. This language reflects the Committee's view that current assessment rates are not fairly apportioned among nations, resulting in disproportionately high assessments for some and disproportionately low assessments for others.

Section 204—Reform in budget decisionmaking procedures of the United Nations and its specialized agencies

Allows the President to withhold 20 percent of the funds appropriated for the U.S. assessed contribution to the United Nations and its specialized agencies for any calendar year if the Secretary of State decides the United Nations or a specialized agency has not assured the budget concerns of the U.S. or other member states who pay large sums to the U.N. assessed budget.

The President is required to consult with and notify the Committee on International Relations of the House and the Committee on Foreign Relations of the Senate before withholding such funds or before paying previously withheld funds.

No later than February 1 of each year, the President must submit a report to Congress on the amount of U.S. assessed contributions paid to the U.N. and each of its specialized agencies during the preceding calendar year.

Section 205—United Nations budgetary and management reform

Amends the United Nations Participation Act of 1945 by adding section 10 to direct the President to certify, each fiscal year after fiscal year 1995, to Congress that the U.N. has fully achieved the requirements for the U.N. Inspector General as specified in this section. If the President cannot make such a certification, the following U.S. contributions will be withheld for that fiscal year: 20 percent of assessed contributions for the regular U.N. budget, 50 percent of U.S. assessed contributions for U.N. peacekeeping activities, and 100 percent of U.S. voluntary contributions to the U.N. for peacekeeping activities.

Section 206—Whistleblower provision

Requires the President to withhold 10 percent of the funds for the fiscal year for U.S. assessed contributions for the regular U.N. budget until the Secretary of State certifies to Congress that the U.N. and the Office of Internal Oversight Services within the U.N. Secretariat have created, implemented, and reviewed policies, within their jurisdiction, to adequately protect employees who allege or report instances of fraud or mismanagement.

CHAPTER 2—UNITED NATIONS PEACEKEEPING

Section 211—Annual report on United States contributions to United Nations peacekeeping activities

Amends section 4(d)(1) of the United Nations Participation Act of 1945 to require the President to submit to Congress a detailed report of the budget expected for the next fiscal year for U.S. participation in U.N. peacekeeping activities, including a statement of all funds available to and costs for such activities for that fiscal year, comprising assessed, voluntary, and in-kind contributions.

Section 212—Prior congressional notification of Security Council votes on United Nations peacekeeping activities

Amends section 4 of the U.N. Participation Act to require the President to notify Congress fifteen days before casting a vote in the Security Council that relates to a U.N. Peacekeeping operation and that would involve the use of U.S. forces or funds. The notification must include a cost assessment of the action (overall and for the U.S.) and identify the source of funding for the U.S. share of the cost.

If the President determines that an emergency exists that prevents submission of such notification, and that the proposed action is in the U.S. national security interests, the notification must be submitted not more than 48 hours after the vote in the Security Council. The President may not appoint another person to make such determinations.

Section 213—Codification of required notice to Congress of proposed United Nations peacekeeping activities

Amends section 4 of the United Nations Participation Act of 1945 to include section 407 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995 (Public Law 103–236), as revised, to require the President to provide to Congress, on a monthly basis, information on the status of U.N. Peacekeeping operations in written form by the 10th day of each month. Such information on changes in U.S. support or participation must take into account facilities, training, transportation, communication, and logistical support, but not intelligence activities reportable under the National Security Act of 1947.

Section 213(a) also defines “new UN Peacekeeping Operations” for purposes of this act as any such existing or ongoing operation that is 1) to be expanded by more than 25% (measured either by increases in the number of personnel participating or by the increases in the budget) during the period covered by the Security Council resolution; or 2) to operate in a country in which it was not previously authorized to operate.

Section 213(b) is a conforming amendment that repeals section 407(a) of Public Law 103–236, which is superseded by the modified language inserted pursuant to Section 213(a) above.

Section 213(c) amends the UN Participation Act to clarify that the term “designated congressional committee” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

Section 214—Limitation on assessment percentage for peacekeeping activities

Amends the United Nations Participation Act of 1945 to urge the U.S. Ambassador to the UN to work for a review and reassessment of the UN peacekeeping scale of assessments. As part of this effort, the U.S. Ambassador should seek for the concept that a greater proportionate share of the burden of a peacekeeping operation should fall on the host government and other nearby states.

This section also limits use of appropriated funds for peacekeeping to no more than 25% of the total assessed cost of an operation, regardless of any penalties or interest charges the UN may levy on the U.S. One intent of this provision is to discourage the UN from any attempt to charge member states, including the U.S., a late fee for past due assessments, as some have recommended.

Section 214(b) establishes that the 25% limitation apply to peacekeeping operations for each fiscal year after fiscal year 1995. The U.S. currently pays peacekeeping assessments at a rate of 30.4% but the Foreign Relations Authorization Act for fiscal years 1994 and 1995 capped payments at 25% beginning in fiscal year 1996.

Section 215—Buy America requirement

Conditions U.S. payments for U.N. peacekeeping on fair treatment of U.S. companies in U.N. procurement activities. Specifically, this provision prohibits obligation or expenditure of funds for voluntary or assessed peacekeeping contributions unless the Secretary of State certifies to Congress that U.S. manufacturers and suppli-

ers are given opportunities to supply goods and services for peace-keeping activities equal to opportunities given to foreign suppliers.

Section 216—Restrictions on intelligence sharing with the United Nations

This section is intended to establish logical and reasonable standards for sharing intelligence information with the United Nations.

The Committee notes that under current law the United States must establish a regular intelligence-sharing arrangement with a foreign government before the U.S. negotiates a formal agreement to protect the sources and methods of U.S. intelligence gathering. Section 216 would impose a similar requirement for intelligence sharing with the UN.

Intelligence-sharing with the U.N. has received considerable attention from the press following revelations of the U.N. breached agreements to protect U.S. intelligence information in Somalia. Similar breaches by the U.N. have also come to the attention of Congress.

For regular intelligence-sharing with the U.N., the provision requires a certification by the Director of Central Intelligence that:

The U.N. has established security violations investigation and background investigation procedures comparable to U.S. procedures;

The U.N. has agreed to protect U.S. intelligence in a manner comparable to U.S. protections;

The U.N. will immediately notify the U.S. of any unauthorized release of U.S. intelligence and will permit the participation of U.S. law enforcement personnel in any investigation; and

The U.N. has agreed not to provide U.S. intelligence information to certain individuals and countries. These are (1) the nationals of any country otherwise ineligible to receive that information under U.S. law, (2) the government of any country on the U.S. terrorism list, and (3) the government of any country ineligible for the direct provision of such information. This applies to countries with which the U.S. does not have an intelligence sharing agreement.

The Committee notes that the provision contains necessary Presidential waiver authority to permit the President to share specific intelligence information with the U.N. in circumstances that are important to protecting United States national security. In the absence of a formal intelligence-sharing agreement, however, the provision would require individual case-by-case determinations before providing such information. The Committee believes that this will provide flexibility where needed, while retaining prudent measures to protect U.S. sources and methods of intelligence gathering.

Section 217—Activities exempted from United Nations sanctions

The Committee believes that the United States should have more latitude in exempting certain U.S. programs in countries which are under U.N. or international sanctions. This section amends the United Nations Participation Act of 1945 by exempting from international sanctions those U.S.-based programs which promote re-

spect for human rights, the exchange of information (as described in section 203(b)(3) of the International Emergency Economic Act), free enterprise and democratic development.

The Committee believes that the promotion of democracy, market economics, human rights and the exchange of information are critical foreign policy objectives of the United States. Yet, U.N. sanctions prohibit the United States from promoting or encouraging these objectives—a proscription which denies the U.S. opportunities for encouraging pluralism and the furtherance of open societies in repressive regimes under international sanctions.

The Committee is disappointed by the ineffective and casual efforts of the administration to secure exemptions to international sanctions on U.S.-originated proposals to support pro-democratic individuals and groups, independent media and other independent forces in Serbia in the United Nations Sanctions Waiver Committee.

The Committee notes that previous legislation (Public Law 103–236), Section 532) which authorized the President to exempt similar U.S. programs in Serbia and Montenegro in the U.N. Sanctions Waiver Committee has had little or no impact on securing waivers to support democratic groups. The Committee believes that Section 217 will make it possible for U.S. non-governmental organizations and others to support individuals and organizations dedicated to democracy, free enterprise, and the free flow of information and human rights in closed countries under international sanctions.

Section 218—UNPROFOR funding restrictions

Terminates United States funding for the United Nations Protection Force (UNPROFOR) unless the President certifies and reports to the Congress that: (1) UNPROFOR is fully implementing its mandates to include providing humanitarian assistance to those in need, maintaining the security of Sarajevo airport, and protecting the U.N.-designated safe areas; (2) UNPROFOR is cooperating with U.S. diplomatic, military and relief personnel; (3) UNPROFOR is cooperating with the U.N. War Crimes Tribunal; and (4) the Bosnian government wishes UNPROFOR to stay on its territory.

The Committee acknowledges much of the work done by UNPROFOR in the provision of humanitarian assistance but notes with concern revelations by the General Accounting Office of UNPROFOR's ineffectiveness, corruption and diplomatic and military weakness. The U.S. cannot continue to pay approximately half a billion dollars a year for UNPROFOR unless it can effectively implement the mandate charged to it by the U.N. Security Council.

Section 219—Escalating costs for international peacekeeping activities

Section 219 expresses congressional concern over escalating costs for international peacekeeping activities.

The Committee notes that it is anticipated that the next fiscal year will be the third year in a row during which the Congress is asked to approve a supplemental peacekeeping request of over half a billion dollars to cover what the Administration describes as un-anticipated peacekeeping initiatives.

This provision expresses the sense of Congress that the Executive Branch should cease obligating the United States to pay for international peacekeeping operations in excess of funds specifically authorized and appropriated for this purpose.

In including this provision, the Committee wishes to highlight the recent history of this funding account. In FY89, the United States provided a total of \$29 million to the U.N. for assessed contributions for international peacekeeping, compared to \$485 million provided for assessed budgets for all other international organizations, which included funding the U.N., its specialized agencies, the OAS, and other pan-American organizations.

In FY94, however, the U.S. assessed contribution to the U.N. for peacekeeping grew to \$1.1 billion, eclipsing the \$860 million we provided that year for all other activities of international organizations. And this \$1.1 billion did not include the hundreds of millions of dollars that the United States provided through uncompensated military logistics and in-kind support.

For FY95, the President has requested a \$672 million peacekeeping supplemental that, if enacted, would bring the U.S. current-year contribution to \$1.2 billion. This would come on top of the \$1.9 billion in supplemental funds passed this year to cover the Defense Department's unbudgeted costs for humanitarian and peacekeeping missions in Haiti, Kuwait and Bosnia.

Whether or not a Member of Congress supports any specific peacekeeping operation, the Committee is united in its belief that the Congress needs to be candid about the true costs of these activities, which in turn need to be duly authorized and appropriated. Otherwise, the Congress will continue to find itself in the position of being asked to cut existing programs or add to the deficit to fund operations that have never been requested through the regular budget process. The Committee notes that the Congress increasingly is resistant to entertaining these kinds of requests from the Administration, as shown by the Congress' refusal to date to fund the Administration's requested FY95 supplemental for the payment of additional assessed contributions to United Nations peacekeeping activities.

Section 220—Definition

The term "peacekeeping" is commonly used to refer to a wide spectrum of activities designated to attenuate conflicts. To clarify its meaning for purposes of this Act, Section 231 defines "peacekeeping" as any peacekeeping, peacemaking, peace enforcement of similar activity that is authorized by the U.N. Security Council under Chapter VI or VII of the U.N. Charter and the cost of which will be assessed by the U.N. to member states.

TITLE III—OTHER INTERNATIONAL ORGANIZATIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Section 301—International conferences and contingencies

Authorizes the appropriation of \$7,000,000 for the fiscal year 1996, \$5,000,000 for the fiscal year 1997, \$4,000,000 for each of the fiscal years 1998 and 1999 for International Conferences and Contingencies.

The Committee is deeply concerned that the United Nations has shown a clear bias in its refusal to accredit certain nongovernmental organizations to the Fourth World Conference on Women, which is to be held in Beijing in September 1995. Furthermore, the Chinese government is not providing adequate facilities to enable the parallel nongovernment forum to be held in such a way as to provide the nongovernmental organizations access to the main conference. The Committee also notes the irony of holding an international conference on the rights and status of women in a country whose government pursues a policy of forced abortion and infanticide, focused disproportionately on baby girls. Rather than promoting the rights of women in China, the Committee is concerned that holding the conference in Beijing legitimizes China's treatment of women, and incorrectly suggests such treatment is acceptable to the international community.

Section 302—International Commissions

Authorizes amounts to be appropriated under "International Commissions" to the Department of State as follows:

(1)(A) \$12,500,000 for the fiscal year 1996, \$12,300,000 for the fiscal year 1997, \$12,100,000 for the fiscal year 1998, and \$12,000,000 for the fiscal year 1999 for Salaries and Expenses for International Boundary and Water Commission, United States and Mexico; and

(1)(B) \$10,000,000 for each of the fiscal years 1996 and 1997, and \$6,000,000 for each of the fiscal years 1998 and 1999 for Construction for International Boundary and Water Commission, United States and Mexico;

(2) \$740,000 for the fiscal year 1996, \$720,000 for the fiscal year 1997, \$700,000 for each of the fiscal years 1998 and 1999 for International Boundary Commission, United States and Canada;

(3) \$3,500,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the International Joint Commission; and

(4) \$14,669,000 for the fiscal year 1996, \$14,000,000 for the fiscal year 1997, \$14,200,000 for the fiscal year 1998, and \$14,000,000 for the fiscal year 1999 for International Fisheries Commissions.

Section 303—International Boundary and Water Commission

Amends section 3 of The Act of May 13, 1924, to authorize the Secretary of State to act through the United States Commissioner of the International Boundary and Water Commission to improve the Rio Grande Canalization Project, including works needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso. This authorization will facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico.

Section 304—Inter-American organizations

Expresses the sense of the Congress that the Secretary of State, when allocating resources for international organizations, should pay particular attention to funding levels for Inter-American orga-

nizations. This language expresses the U.S. long-term commitment to Western Hemisphere affairs and the need to build further on existing linkages.

CHAPTER 2—GENERAL PROVISIONS

Section 311—International criminal court participation

Prohibits the United States from participating in an international criminal court with jurisdiction over crimes of an international character, except pursuant to a treaty made in accordance with Article II, section 2, clause 2 of the Constitution or specifically authorized by enactment of legislation passed by Congress.

Section 312—Prohibition on assistance to international organizations espousing world government

Section 312 prohibits funds from this Act to be made available for the following:

- (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; or
- (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

The Committee notes that this provision has been law from 1953 to 1986 and that the United States was founded on the principle of liberty and will continue to remain sovereign despite any effort by any individual or entity to set up a world government or world citizenship.

Section 313—Termination of United States participation in certain international organizations

Prohibits the use of appropriated funds to pay for U.S. membership in 1) the International Labor Organization (ILO); 2) the United Nations Industrial Development Association (UNIDO); 3) the Inter-American Indian Institute; 4) the Pan American Railway Congress Association; and 5) the Interparliamentary Union.

These prohibitions reflect this Committee's view that any benefits the U.S. may derive from membership in these organizations is disproportionate to the cost of that membership.

The ILO is a holdover from the League of Nations, with a structure and functions that reflect outmoded patterns of labor/management/state relations. The ILO's costly (\$64 requested million for FY 96) and archaic tripartite approach (national delegations comprising separate government, labor and industry representation) are regarded by many as ill suited to today's patterns of the labor/management relations. To adapt to changing times the ILO has sought to diversify its functions by moving into fields largely divergent from its original purpose, such as the strengthening of democratic institutions. These objectives can be more effectively served by other means.

Funding for UNIDO (\$28 million was requested for FY 96) is prohibited as this entity is not an effective means for providing the development assistance it administers. Various development banks and other investment-oriented national aid programs perform simi-

lar functions, obviating the need for the overlapping functions by UNIDO.

The other organizations do not serve any U.S. interest at a level proportionate to the expenditure required to fund membership.

Section 314—International covenant on civil and political rights

Section 314 restricts funding for activities which have the purpose or effect of reporting or responding to the Human Rights Committee, established by the Covenant on Civil and Political Rights, until such time as the President submits to Congress a certification that the Committee has revoked General Comment No. 24 and recognized the validity of the United States' reservations, understandings, and declarations contained in the Senate resolution of ratification of the International Covenant on Civil and Political Rights.

The Human Rights Committee adopted "General Comment No. 24," which claims for the Committee the power to nullify those reservations, understandings, declarations and provisos of States Parties it judges to be invalid. The effect of this Comment would be to impose legal obligations on the United States that were never accepted by the United States.

In prepared observations to General Comment 24, the State Department outlined its opposition to many of the provisions contained within the Comment. The State Department asserted that the Committee has exceeded the scope of its role as established under the Covenant and reinvents general principles of international law.

In response, the Human Rights Committee Chairman issued a statement on March 31, 1995, which reaffirmed his Committee's position that different principles of international law should apply to human rights treaties.

The Human Rights Committee's Comment Number 24 is a first step in rewriting international law and eliminating reservations placed on these treaties by the U.S. Senate. The Senate takes its Constitutional responsibility of advice and consent seriously. The conditions of ratification of this Covenant were added to protect Constitutional liberties, including reservations that ensure first amendment protections and capital punishment, as well as understandings regarding the implementation of this treaty—and all human rights treaties—in domestic law.

This section will send a clear message that in all treaties ratified by the United States—including treaties that protect human rights—the Supremacy Clause of the United States Constitution and the Constitutional authority of the Senate with respect to approval of treaties must take precedence.

Section 315—United States participation in single commodity international organizations

Section 315 requires the Secretary of State to submit a report to the Committee on Foreign Relations of the Senate and to the Committee on International Relations of the House of Representatives, not later than 180 days after the enactment of this Act, to identify United States interests served by participation in single-commodity international organizations and to set forth options to achieve privatization of United States representation in such organizations if

feasible and desirable, as determined by the Secretary in this report.

The United States spends nearly \$1.5 million in membership or subscription fees to a number of small international organizations related to single commodities (e.g. International Cotton Advisory Council, International Copper Study Group, International Lead and Zinc Study Group, International Rubber Study Group, International Natural Rubber Organization, International Office of the Vine and Wine, and the International Seed Testing Association.) These organizations serve varied purposes: some (Vine and Wine, Seed Testing) set standards that facilitate U.S. exports worth hundreds of millions of dollars; others (such as the metal and rubber study groups) serve U.S. business and consumer interests by helping ensure market transparency. However, in some instances it may be possible to effectively privatize membership or otherwise shift the cost to the industries that most benefit from these organizations.

Section 316—Prohibition on contributions to the International Natural Rubber Organization

Prohibits all U.S. contributions to the International Natural Rubber Organization (INRO), which pay administrative and overhead costs for the organization. Designed to stabilize the natural rubber market globally by setting artificially high price floors, the INRO acts as a cartel benefitting producing countries at the expense of consuming countries. The chief cost to the United States comes not in annual membership fees paid by the United States government, but in the longer-term higher tire prices paid by American consumers to support buffer stock requirements under the existing International Natural Rubber Agreement. According to the State Department in written correspondence with the committee, smaller U.S. tire companies are put at a particular disadvantage by U.S. participation in anti-consumer natural rubber agreements since they are forced to buy rubber at cartel-supported prices while the larger tire companies are often able to purchase outside of the agreements on longer-term contracts. This organization will receive an estimated \$289,000 from the U.S. for FY 1995 and the State Department requested \$302,000 for FY 1996.

Section 317—Prohibition on contributions to the International Tropical Timber Organization

Section 317 prohibits further U.S. contributions to the International Tropical Timber Organization. U.S. funds to this producer cartel permit the examination of properties and end uses of secondary tropical woods to expand the resource base for tropical timber, permit research on potential industrial choices and uses and provide funding for meetings on tropical timber market issues. Since the U.S. is a non-producing consumer of tropical timber products, United States assistance to this organization, designed to set artificially high price floors to sustain production, acts directly against interests of United States consumers of tropical timber products. This organization will receive an estimated \$166,000 in U.S. contributions for FY 1995 and the FY 1996 request is \$177,000. The Committee recognizes that U.S. monetary support for organizations

designed to increase costs to the American consumer does not make sense.

Section 318—General Accounting Office study of the cost-effectiveness and efficiency of international organizations to which the United States makes contributions

Requires the Comptroller General of the United States to submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, no later than one year after the date of enactment of this Act, on the cost-effectiveness and efficiency of the 51 organizations to which the United States makes contributions through the Department of State. This study must also evaluate whether activities of the organizations are crucial in conduct of U.S. foreign policy and whether any organizational functions can be performed directly by a U.S. Government agency; the operational effectiveness of each organization; and the potential consequences should the U.S. terminate funding to one of these organizations.

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

CHAPTER I—AUTHORIZATION OF APPROPRIATIONS

Section 401—Authorization of appropriations

Section 401 authorizes the following appropriations for international information activities, and educational and cultural exchange programs:

(a)(1) \$429,000,000 for the fiscal year 1996 and \$387,000,000 for the fiscal year 1997 for Salaries and Expenses. No funds are authorized to be appropriated for fiscal years 1998 and 1999;

(a)(2)(A) \$109,500,000 for the fiscal year 1996, \$101,000,000 for the fiscal year 1997, \$93,000,000 for each of the fiscal years 1998 and 1999 for Fulbright exchange programs;

(a)(2)(B) \$118,322,000 for the fiscal year 1996, \$107,300,000 for the fiscal year 1997, \$101,280,000 for the fiscal year 1998, and \$101,280,000 for the fiscal year 1999 for other educational exchange programs;

(a)(3) \$310,000,000 for the fiscal year 1996, \$300,000,000 for the fiscal year 1997, \$290,000,000 for each of the fiscal years 1998 and 1999 for International Broadcasting Activities;

(a)(4) \$75,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for Radio Free Europe/Radio Liberty;

(a)(5) \$83,000,000 for the fiscal year 1996, \$79,500,000 for the fiscal year 1997, \$69,000,000 for the fiscal year 1998, and \$65,000,000 for the fiscal year 1999 for Radio Construction;

(a)(6) \$10,100,000 for the fiscal year 1996 and \$9,500,000 for the fiscal year 1997 for Technology Investment Fund;

(a)(7) \$4,100,000 for the fiscal year 1996 and \$3,900,000 for the fiscal year 1997 for Office of the Inspector General; and

(a)(8) \$10,000,000 for the fiscal year 1996, \$8,000,000 for the fiscal year 1997, \$5,000,000 for each of the fiscal years 1998 and 1999 for the Center for Cultural and Technical Interchange between East and West. The Committee expects the

East-West Center to vigorously pursue private funding to make-up for any budget shortfalls occurring as a result of decreases in the international affairs budget account. The Committee notes that this expectation applies not only to the East-West Center but also to the Asia Foundation and the National Endowment for Democracy.

Educational exchange programs

The Committee decided not to earmark any specific international exchange programs this year. It was thought that the Agency could determine how to best allocate funding for exchanges without being bound by constraints imposed by the Committee, especially in the light of the decreasing resources available for exchanges.

Recognizing the value that exchange programs play in the transformation of former communist states to democratic governance and market economies, the Committee intends that USIA carry out a varied and balanced exchange program with the states of the former Soviet Union and eastern Europe. Therefore, of the amount authorized to be appropriated for educational and cultural exchange programs, the Committee expects USIA to devote an important share to exchange programs in the NIS and eastern Europe.

The Committee finds that the Freedom Support Act Secondary School Exchange Program, especially the semester and academic year components, is one of the more successful of our NIS assistance programs and merits significant funding. Its impact is felt in every region and every country of the NIS, and thereby helps create support for democracy and markets among the future leaders of the NIS.

The Committee finds the secondary school program in Russia, Ukraine and the other newly independent states to be worthwhile. However, the Committee questions the long-term impact of high school exchanges of shorter than a three-month duration. Therefore, the Committee hopes USIA will reduce significantly the portion of exchange funding devoted to short-term exchanges for the former NIS.

The Committee believes that organizations should require open competition for the administration of the Fulbright program and other scholar exchange programs. Such competition will encourage cost savings and remove unnecessary bureaucratization of scholar recruitment, selection, and placement.

The Committee believes that in the next few fiscal years, USIA should provide grant money to the Pacific Economic Cooperation Council (PECC) give its unique role in APEC and its ability to serve a variety of U.S. Interests. The PECC is an independent, region-wide institution comprised of business leaders, government officials and research institutions and is the only non-governmental body with official observer status at Asia Pacific Economic Cooperation forum meetings, including ministerial meetings. Since 1984, the United States has been represented in PECC through the U.S. National Committee (U.S.-PECC). Although federal funding for U.S.-PECC dropped from \$400,000 in FY1993 to \$72,000 in FY1994, the Committee was disappointed to find that the President did not request any funding for U.S.-PECC in his FY1995 budget.

International broadcasting activities

The Committee believes in an effective and efficient U.S. International broadcasting capability that advances U.S. national interests. In the case of broadcasting to Cuba, the Committee recognizes the important role that Radio and TV Marti play in bringing uncensored news to the people of Cuba. The Committee is aware of discussions regarding the relocation of the Office of Cuban Broadcasting to south Florida. While the Committee has not taken a position on the relocation issue, the Committee strongly believes that any relocation, re-organization, or any other reconfiguration, of the Office of Cuban Broadcasting should reflect the objectives of maximizing the programs' effectiveness and minimizing the cost to the American taxpayer.

The Committee acknowledges that the international broadcasting of USIA and Radio Free Europe/Radio Liberty have been forced to undergo serious restructuring and consolidation over the last few years. The consolidation of U.S.-government sponsored, non-military international broadcasting, is projected to have saved the American taxpayers \$462 million between fiscal years 1994 and 1997. The fiscal year 1996 international broadcasting operating budget authorized in this bill, exclusive of the radio construction account, is a 21% reduction below the 1994 operating level of \$487 million. Noting the dramatic changes in broadcasting at the Voice of America, Radio Free year, the Committee authorized the international broadcasting accounts at only \$10 million less than the President's fiscal year 1996 budget request.

Technology investment fund

This fund was a new line-item request for appropriations made by USIA for the first time this year in its request for authorization. The Committee expects the Agency to use the fund to invest in leading-edge information systems that will allow instantaneous access to and the flow of information around the world.

During the fiscal year 1997, as functions of USIA are absorbed into the Department of State, it is expected that the Agency together with the Secretary of State will use this fund to rationalize and upgrade the computer systems of the Agency and the Department. The Committee envisions that the effort to push the revitalized Department of State into the era of advanced technical information systems will consume a large amount of resources and has authorized this fund to be another resource to be relied upon in that effort.

Section 402—National Endowment for Democracy

Authorizes funding for the National Endowment for Democracy (NED) for the next four fiscal years at \$32 million, \$29 million, \$25 million and \$21 million respectively. It also mandates that up to, but no more than, 55 percent of the funds available to the NED for each fiscal year be allocated on an equal basis to the four core institutes of the NED: The International Republican Institute (IRI), The National Democratic Institute (NDI), The Center for International Private Enterprise (CIPE), and The Free Trade Union Institute (FTUI).

The Committee further understands that the balance of the funds available to the NED is to be allocated for administrative costs and discretionary program. It is the view of the Committee that the NED has been a very cost-effective instrument for furthering democratic pluralism in other countries through programs that promote democratic pluralism which advance the national interests of the United States.

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Section 411—Participation in international fairs and expositions

Section 411 prohibits funds made available by this Act to be used by any department, agency, or other entity of the United States to participate in an international fair or exposition, unless the President establishes guidelines to authorize participation or funds are reprogrammed under section 705 of the United States Information and Educational Exchange Act of 1948.

Section 412—Extension of au pair programs

The USIA has administered au pair programs since 1986. While the history of these programs is generally positive, problems have also presented themselves. Pursuant to Public Law 103-415, Congress granted the Agency authority to specifically regulate au pair programs. These regulations have been lauded as an excellent example of participatory rulemaking.

The Senate Foreign Relations Committee has determined that a four year extension of au pair authorities should be authorized. The Committee elected for a four year extension in order to allow ample time to evaluate the operation of these programs pursuant to recently adopted regulations. To this end, the Committee has directed the Agency to submit a report, by October 1, 1998, regarding the regulatory compliance of designated au pair sponsors. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

The Committee further believes that there will be no limitations on the number of participants any one organization may sponsor as long as the total number of participants in the program does not exceed 24,720. The Committee anticipate that USIA will distribute the IAP-66 visa forms to the designated organizations on a fair and equitable basis.

It is the Committee intent that the au pair program become a world-wide program. Thus, previous country-specific limitations are removed pursuant to the repeal of section 8 of the Eisenhower Fellowship Act. The prohibition against the designation of new sponsors or organizations seeking to facilitate au pair activities is also removed.

Section 413—Pilot program on advertising on USIA television and radio broadcasts

Section 413 requires the Director of the United States Information Agency to submit a plan, within 120 days after the date of the enactment of this Act, to carry out a pilot program to determine

the feasibility and advisability of permitting advertisements on the television and radio broadcasts of the agency, including broadcasts of the Voice of America, Radio Marti/TV Marti, Worldnet, and Radio Free Europe/Radio Liberty.

The Director shall both submit a plan to Congress setting out a pilot program, and request and consider the comments of the Board of Directors of the Corporation for Public Broadcasting.

This section also permits the Director to use any revenues received by the agency under the pilot program to pay for the cost of the radio and television broadcasting activities of the agency.

The Director's plan shall be carried out no later than 90 days after he submits it to Congress and the plan will last 6 months. He may also prescribe regulations to carry out the pilot program. Once carried out, within 120 days, he must present a report on the pilot program to include the following: (1) a description of the program, including the number and type of advertisements allowed under the program and the revenue received from the advertisements; (2) an estimate of the number and type of advertisements that the agency would carry if authorized to continue advertisements, and the revenues expected from such advertisements; (3) an evaluation of the practical and economical aspects of such advertisements, including the advantages and disadvantages of allowing such advertisements by United States entities, foreign government, foreign individuals or entities; and a combination of such entities, governments, and individuals.

In an era of fiscal restraint, the Committee firmly believes that agencies of the U.S. Government should resort to as much private sector support and funding for their programs as possible. Other broadcasting entities of the U.S. Government have successfully implemented advertising programs to help defray the costs. The Voice of America and other U.S.-funded, non-military, international broadcasting entities should be encouraged to develop a similar system for their broadcasts. If the pilot program is successful, the Committee hopes that revenues from advertisements will allow the U.S. government to continue support for international broadcasting at reduced levels in future years.

Section 414—Availability of Voice of America and Radio Marti multilingual computer readable text and voice recordings

Authorizes the Director of USIA to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer-readable multilingual text and recorded speech in various languages. The Linguistic Data Consortium shall, directly or indirectly as appropriate, reimburse the USIA for any expenses involved in making such materials available. The authority of this section shall terminate 5 years after the date of enactment of this Act.

Section 415—Plan for Radio Free Asia

No later than 20 days after the date of the enactment of this Act, the Director of the USIA is required to submit to the Congress a detailed plan for the establishment and operation of Radio Free Asia. This plan shall meet the requirements of subparagraphs (A) through (C) of section 309(c)(1) of the Foreign Relations Authoriza-

tion Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6208(c)(1). Section 309 remains applicable to all requirements of such Act. The plan shall describe the manner in which Radio Free Asia would meet the funding limitations provided in this Act.

The Committee feels that the pace at which the Administration has nominated individuals to serve on the Broadcasting Board of governors has been extremely slow. Since the report on a Radio Free Asia is timed against the confirmation of the BBG, the report has yet to be considered or drafted. When President Clinton delinked the extension of Most-Favored Nation trading status to China from human rights in May 1994, he promised to "inaugurate Radio Free Asia," in an effort to ensure that the Chinese people are fully informed about developments in China and throughout the world. President Clinton has yet to follow through on that promise. The Committee notes that a dedication to Radio Free Asia would increase the pressure to submit nominations to the Committee in an expedited fashion.

Section 416—Expansion of Muskie fellowship program

Amends section 227(a) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452) to establish the Edmund S. Muskie Fellowship Program in the following countries: the Newly Independent States (NIS), Lithuania, Latvia, Estonia, Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and the former Yugoslav Republic of Macedonia. This program shall offer equal opportunities for students from each of these countries.

Amends section 227(c)(5) to select participants on the basis of academic and leadership potential in the fields of business administration, economics, journalism, law, library and information science, public administration, and public policy.

The Committee believes strongly that the countries of Central and Eastern Europe should be made eligible for program activities. The problems of economic and political transition are just as challenging and demanding to the new postcommunist states of Central and Eastern Europe as they are to the Russian states of Central and Eastern Europe as they are to the Russian Federation and other states of the NIS. Those states also face the need for well-trained specialists who through programs of graduate study in the United States can assist their countries in the development of private markets and open democratic systems.

The fields specified under the amendments to section 227 replicate the fields originally authorized plus those authorized for inclusion from funding provided beginning in fiscal year 1994 from the Freedom Support Act. The consolidation of fields brings the program into conformity with current activities without any increased costs.

Events in Bosnia have demonstrated how fragile democracy and economic reform is in Central and Eastern Europe. Extending the Muskie Fellowship Program to Central and Eastern Europe would increase the capacity for policy advice to leaders of those countries and sustain the higher education institutions so essential to long-term foundations of knowledge for policy making.

The change would not cost anything, would help correct Russocentrism in our regional exchange programs, and would help those states, who confront the same problems of transition that those of the Newly Independent States do, train important new specialists in policy relevant areas. In turn, this group of specialists would be able to return to their countries and provide practical advice on contemporary problems facing policy makers.

Section 417—Changes in administrative authorities

Amends section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) to allow Tinian to have contract authority for Voice of America (VOA) facility. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Fiscal Year 1995 (Public Law 103-317) appropriated \$5,000,000 to USIA to begin construction of a VOA and Radio Free Asia Pacific Island Short-Wave Facility (Tinian). The VOA requires “continuing contract authority” by the last quarter of fiscal year 1995 in order to allow for the award of this project. Such authority would authorize VOA to enter into a contract for up to five years if there are sufficient funds to cover at least the U.S. Government’s liability for payments for the fiscal year in which the contract is awarded, plus the full amount of estimated cancellation charges. Congress has previously given VOA such authority with respect to the construction of radio facilities in Thailand, Sri Lanka, Sao Tome, and Kuwait.

Amends section 701(f)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) to allow appropriations for the “Salaries and Expenses” and “Educational and Cultural Exchange Programs” to be available until March 1, 1997.

Amends section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) to direct the head of the Cuba Service to report directly to the Director of International Broadcasting Bureau. This is a technical and conforming amendment.

Amends section 244(a) of the Television Broadcasting Act (22 U.S.C. 1465cc(a)) to require the head of the Television Marti Service to report directly to the Director of the International Broadcasting Bureau.

Amends section 307 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) to achieve economies and eliminate duplication by authorizing the Director of USIA to appoint, during 1995, up to 15 otherwise qualified United States citizens employed in the Office of the Vice President for Engineering and Technical Operations of RFE/RL, Incorporated, to the competitive service or the career Foreign Service of the USIA in accordance with the provisions of title 5 of the United States Code, and without regard to the governing appointments in the Foreign Service. Prior service with RFE/RL, Incorporated, by an individual appointed under this subsection, shall be credited in determining the length of service of the individual for reduction in force purposes and toward establishing the career tenure of the individual.

Amends section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) to authorize certain fees to be used in connection with English-teaching, library services, and educational advising.

Section 418—General Accounting Office study of duplication among certain international affairs grantees

Section 418 requires the General Accounting Office (GAO) to study the purposes and activities of several long-standing recipients of major grants from the international affairs budget. As the Congress works to integrate U.S. foreign affairs agencies, the Committee believes it is worthwhile to similarly review certain private grantees.

This provision specifically requires the GAO examine the purposes and activities of the North-South affiliated with the University of Florida, the East-West Center affiliated with the University of Hawaii, the Asia Foundation, and the National Endowment for Democracy.

Specifically, GAO would look at the extent to which the activities of these organizations duplicate activities conducted elsewhere in the United States Government. Essential to the decision of whether to continue funding these traditional grantees is the extent to which they undertake unique activities central to the conduct of American foreign policy. Budget exigencies require that increasingly difficult funding decisions are going to have to be made in the years ahead, and the committee hopes that the information from this study will assist the Congress in making those decisions.

Section 419—General Accounting Office study of activities of the North/South Center in support of the North American Free Trade Agreement

Requires the General Accounting Office (GAO) to report on whether the North-South Center used U.S. funds to engage in improper lobbying efforts advocating the North American Free Trade Agreement.

The Committee notes that in the midst of the 1993 NAFTA congressional debates, the North-South Center (which Federal Government grantee receiving funds through the U.S. Information Agency) sent Members of Congress a publication entitled Assessment of the North American Free Trade Agreement. The supportive content of the publication and its timing raise questions about the potential misuse of taxpayer funds for lobbying efforts. This provision is intended to resolve these questions.

TITLE V—UNITED STATES ARMS CONTROL AND DISARMAMENT
AGENCY AND THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Section 501—Authorization of appropriations

Authorizes \$22,700,000 for the fiscal year 1996 to carry out the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.). Funds available to ACDA for FY 1997 would be made available from funding authorized to the Department of State.

Funds available to ACDA for FY 1997 would be made available for funding authorized to Department of State.

No funds may be obligated or expended by the United States Arms Control and Disarmament Agency after March 1, 1997.

The Committee does not provide an authorization of appropriations for the Cobra Dane facility. The President's fiscal year 1996 budget request proposes to fund the program in ACDA rather than

from the Department of Defense budget, as has been the case in previous years. The Committee believes the facility should continue to be funded out of the DoD budget.

Section 502—Statutory construction

Reinstates a clarification contained in the Arms Control and Disarmament Act since 1963, but removed in the 102nd Congress. Section 502 makes clear that the Arms Control and Disarmament Agency cannot authorize policies or actions which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education or training. Gun control proposals contrary to the United States Constitution are considered at official international conferences, such as the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the Fourth World Conference on Women. The Committee believes that the administration should not support any proposal calling for actions that could ultimately be an infringement of the U.S. Constitution and the rights of law-abiding Americans.

Section 503—Operating expenses

Amends section 667(a)(1) of the Foreign Assistance Act of 1961 to authorize \$432,000,000 for fiscal year 1996 and \$389,000,000 for 1997 for necessary operating expenses of AID, excluding the Office of the Inspector General.

Section 504—Operating expenses of the Office of the Inspector General

Authorizes \$35,000,000 for fiscal year 1996 and \$31,500,000 for the fiscal year 1997 for necessary operating expenses of the Office of the Inspector General of AID.

TITLE VI—FOREIGN POLICY

Section 601—Repeal of provisions relating to interparliamentary groups

Section 601 repeals the following provisions:

Section 109(b) Of the Department of State Authorization Act, fiscal year 1984 and 1985 (Public Law 98-164), which authorizes funds to be used for expenses of United States participation in interparliamentary groups to be used to host the annual spring meeting of the British-American Parliamentary Group held in the United States; and Section 109(c), which allows \$50,000 of such funds to be used for U.S. participation in the United States-European Community Interparliamentary Group.

The joint resolution to authorize participation by the United States in parliamentary conference with Canada, approved June 11, 1959 (22 U.S.C. 276d-276g).

Section 105 of the Legislative Branch Appropriation Act of 1961 (22 U.S.C. 276c-1), which requires interparliamentary groups of which the United States is a member, and each employee of the Senate or House of Representatives, by whom or on whose behalf expenditures are made from funds appropriated for the expenses of such group or delegation, to file with the Committee on Foreign Re-

lations of the Senate in the case of Members or employees of the Senate, or with the Committee on International Relations of the House of Representatives in the case of Members or employees of the House, an itemized report showing all such expenditures. Following, consolidated reports showing such expenditures are prepared by the Chairman of the Committee on Foreign Relations and filed with the Committee on Appropriations of the Senate; and by the Chairman of the Committee on International Relations of the House and filed with the House Administration of the House.

The Act to authorize participation by the United States in the Interparliamentary Union, approved June 28, 1935 (22 U.S.C. 276–276a–4).

Section 7(a) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), which authorizes funds to be used to disburse vouchers, audits, and submission of reports for United States participation in international organizations and conferences that relate to this agreement between the United Kingdom and Ireland. This provision has no practical affect and is unnecessary.

The proviso under “Missions to International Organizations” in the Departments of State and Justice, the Judiciary, and Related Agencies Appropriations Act of 1959, approved June 30, 1958 (Public Law 85–474), which states that Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate.

Section 168 and section 169 of the Foreign Relations Authorization Act, fiscal years 1992 and 1993 (22 U.S.C. 2761, 276m), which establishes and provides funding for the British-American Interparliamentary Group and the United States Delegation to the Parliamentary Assembly of the Organization on Security and Cooperation in Europe (OSCE), respectively.

Section 602—Repeal of executive branch membership on the Commission on Security and Cooperation in Europe

Section 602 repeals the executive branch membership on the Commission on Security and Cooperation in Europe. The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki or OSCE Commission, is a joint Congressional-Executive agency created in 1976 by Public Law 94–304 with a mandate to monitor and encourage compliance with agreements of the Organization on Security and Cooperation in Europe (OSCE). The Commission consists of nine members of the U.S. House of Representatives, nine members from the U.S. Senate, and one member each of the Departments of State, Defense and Commerce.

When it was created, the purpose of the Commission was to focus the attention of both the Executive and Congressional Branches of the United States government on the nascent process of creating what has now become the Organization on Security and Cooperation in Europe (OSCE). At that time, in the midst of a resurgence in the Cold War, the prospects of an international organization bridging the political divide between East and West in Europe was considered by many to be an exercise in futility.

The Commission was successful in its initial efforts to focus Congressional interest on the development of the OSCE. In the intervening period, the Commission’s mandate has been to monitor and

report to the Congress on the function of the OSCE, gather and disseminate information about the issues and member states of the OSCE, and participate in the general formulation and take part in the execution of U.S. policy in the OSCE.

The Committee supports the work of the Commission and appreciates the important and timely focus it brings on important developments in Europe. However, the Committee is concerned that this extensive mandate should be reviewed in order to ensure that full coordination between the Commission and the Congressional oversight Committees continues. Even more so, the Committee feels that allowing the formalized participation of the Executive Branch in Congressional oversight activities is an undesirable breach of the separation of powers. Therefore, as an initial step in the process of coordinating and defining the appropriate mandate of the Commission in relation to the oversight Committees and Congressional prerogatives, the Committee has repealed executive branch membership on the CSCE.

Section 603—Persons fleeing coercive population control policies

Reinstates the previous interpretation of the law that prevailed prior to August 1994. Section 603 states that if a person is forced to have an abortion or undergo a sterilization procedure under a population control program, or if that person has a well-founded fear of persecution because of opposition to such a program, then that person will be considered to be persecuted because of his or her political beliefs. While section 603 is general, its practical effect is to help those individuals seeking political asylum because they were persecuted for their opposition to China's brutal "one-child-per-family" population control policy, under which: fines are levied that amount to as much as three times an average annual salary; pregnant women are kidnapped and taken to clinics where abortions are performed against their will; men and women are compelled to undergo sterilization operations; business licenses, crop permits and other means of livelihood are denied; property, sometimes including a family home, is destroyed or expropriated; and forced abortions occur during the process of birth.

Under current administration policy, if a woman was forced to have an abortion under a coercive population control program, that woman is not eligible for asylum in the United States. The Committee is aware of 13 Chinese women currently awaiting deportation who fall into this category. Five of these women were forced to have an abortion and several others were forced to undergo sterilization procedures. The Committee believes that individuals such as these should not be forced to return to China so long as China maintains its coercive population control program.

Section 604—Authorized payments and transfers

Requires the Secretary of Treasury to approve all applications for licenses that meet the criteria of section 575.510 of title 31, Code of Federal Regulations, even though such applications may have failed to meet the requirement that the letter of credit be issued or confirmed by a United States bank or that the letter of credit reimbursement be confirmed by a United States bank. Licenses

pursuant to this section shall be issued within 30 days of the date of enactment of this Act.

Section 605—Reports regarding Hong Kong

Amends Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) to extend the requirement for the Secretary of State to transmit to the Speaker of the House of Representatives and the Chairman of the Foreign Relations Committee of the Senate a report on conditions in Hong Kong of interest to the United States not later than March 31, 1995 and every year thereafter.

This amendment requires this report to detail information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including the Basic Law and its consistency with the Joint Declaration; the openness and fairness of elections to the legislature; the openness and fairness of the election of the chief executive and the executive's accountability to the legislature; the treatment of political parties; the independence of the judiciary and its ability to exercise the power of final judgment over Hong Kong law; and the Bill of Rights.

Section 606—Applicability of Taiwan Relations Act

Since the signing of the U.S.-China Joint Communiqué on August 17, 1982, U.S. military sales to Taiwan have decreased by \$20 million every year. United States law, the Taiwan Relations Act (Public Law 96-8) specifically, states that the U.S. government "will make available to Taiwan such defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a self-defense capability." The amount of defense articles and services the U.S. may supply to Taiwan should be governed first and foremost by the defensive needs of Taiwan, a policy well-articulated by the Taiwan Relations Act. The Committee supports efforts of U.S. companies to sell any military equipment deemed necessary to defend Taiwan from threats and reiterates the intent of standing U.S. law. The President and the Congress' determination of Taiwan's defense needs shall supersede any provision of the Joint Communiqué of the United States and China of August 17, 1982.

In December 1992, the United States Government approved release of the Harpoon missile to Taiwan. Since then, Taiwan has bought approximately 38 ship launched Harpoon missiles. In June 1994, the Taiwan Government began discussions with Administration officials concerning the release of the air launched version of the Harpoon for the F-16 A/B fighter aircraft. An F-16 aircraft equipped with Harpoon missiles would give Taiwan the ability to protect maritime approaches.

The United States Government has a commitment to Taiwan to ensure its defensive needs are met. Taiwan has a legitimate need for the air launch version of the Harpoon missile.

Chinese strategic planning and the pace of military modernization has undergone a dramatic reversal over the past five years, in part enabled by the growing economy. Beginning in 1989, the defense budget has increased annually by double-digit percentages.

Estimates of the Chinese People's Liberation Army (PLA) military expenditures range from \$31 billion to \$92 billion for 1995.

Abandoning its focus on land power, China has turned its attention to its "strategic frontiers," engaging in the construction and deployment of increasingly sophisticated nuclear and conventional systems designed to enlarge its strategic horizons and enhance its power projection capabilities, most notably over the Spratly Island in the South China Sea and the Straits of Formosa. To these ends, portions of the army and navy have been reconstituted into mechanized infantry, airborne, and naval infantry units. Taken together with the development of an airfield and anchorage on Woody Island in the Paracels, the forward basing of medium-range strike assets on Hainan Island, the development of naval air-to-air refueling capability, and the acquisition of new classes of destroyers, amphibious assault craft, and resupply ships, provide cause for concern for Taiwanese military planners and a strong case for the provision of air-launched Harpoon missiles.

China has taken advantage of the "buyers market" in relatively sophisticated weapons systems. Beijing has acquired two dozen MiG-29 *Fulcrums*, slightly more than that number of Su-27 *Flankers*, and an assortment of other strike aircraft possibly including supersonic bombers. Moreover, the PRC produces the MiG-31 *Foxhound* interceptor under license from Russia. Consonant with its desire to modernize command, control, communications, and intelligence architecture, the country also has indicated interest in acquiring airborne early warning aircraft from Russia and Israel. Other likely purchases include *Kilo* diesel submarines, antisubmarine warfare helicopters, AA-10 air-to-air missiles, and the R-33E air-to-air missile. In the long-term, China also may be interested in a 25,000-ton Spanish-designed aircraft carrier.

Given the repeated and closely-spaced nature of PLA amphibious and airborne exercises conducted in the vicinity of Taiwan since 1993, qualitative improvements in the PRC's offensive capabilities fairly demand parallel increases in the defensive capabilities of Taiwanese forces. The need for modernization of Taiwan's anti-shiping capability is rendered all the more acute for four reasons: 1) as Taiwan approaches its first direct presidential election; 2) as the U.S. has its own in 1996; 3) because Taiwanese air-defense forces still rely upon 1950s-vintage F-104s (having not yet taken delivery of either US F-16 or French Mirage 2000 fighters); and 4) because a new Chinese leadership may increasingly feel enabled and emboldened by growing capabilities and increased options. Further, the Chinese government continues to refrain from ruling out the use of force as an option to forcibly "reunify" China and Taiwan, if necessary. The air-launched Harpoon has been cleared for release in both Japan and Korea. In fact, no international customer cleared for the ship launched Harpoon has been denied the air-launched version.

The Committee recommends that the Administration favorably review future requests for the sale of the air launched version of the Harpoon to the Taiwan Air Force.

Section 607—Taipei representative office

Redesignates the Taipei Economic and Cultural Representative Office as the “Taipei Representative Office.”

The Committee believes the name Taipei Representative Office accurately reflects the activities carried out by Taiwanese officials in the United States. Taiwanese officials engage in political discussions with Members of Congress, discuss military matters with Pentagon officials, and maintain a diplomatic and foreign policy dialogue with State Department officials. Taiwanese officials enjoy a range of working contacts in numerous other federal departments and agencies as well. Changing the name of their office appropriately recognizes the extent of their duties and responsibilities as representatives of Taiwan.

Section 608—Report on occupied Tibet

Section 608(a) details Congressional findings regarding Tibet’s status as an “occupied sovereign country” under international law and recognizes the Dalai Lama and the Tibetan government-in-exile as the true representatives of the Tibetan people.

Section 608(b) requires the Secretary of State to report six months after the date of enactment of the Act, and every twelve months thereafter, on the state of relations between the U.S. and the Dalai Lama and other true representatives of the Tibetan people, as well as on the state of conditions in Tibet.

Section 608(c) is a sense of Congress suggesting that whenever an executive branch report is transmitted to the Congress on a country-by-country basis, Tibet should be listed in the report alphabetically with its own state heading.

In 1991, the United States Congress passed legislation, and then-President George Bush signed into law Public Law 102–128, declaring Tibet as an “illegally occupied nations” whose true representatives are the Dalai Lama and the Tibetan government-in-exile. Section 608(a) reaffirms that law.

During negotiations with the executive branch of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (now P.L. 103–236), the executive branch made an oral commitment to members of the then-House Foreign Affairs Committee and the Senate Foreign Relations Committee that Tibet could be included alphabetically when the Department of State submitted a country-by-country report to Congress. The Committee notes that the Country Reports on Human Rights Practices for 1994, published by the Department, includes Tibet as part of the China section. The Committee was disappointed by the Department’s actions and assumes the 1995 report will be corrected.

Section 609—Special Envoy for Tibet Act of 1995

Section 609(b) states that the Congress finds that the Government of the People’s Republic of China has not allowed Tibetans any meaningful participation in the governance of Tibet; has not guaranteed autonomy for Tibet; has destroyed much of Tibet’s cultural and religious heritage since 1959 and threatens the survival of Tibetan culture and religion; has discriminatory programs which have resulted in an onerous flow of Chinese immigrants into Tibet and has excluded Tibetans from participation in important policy

decisions, further threatening traditional Tibetan life; and denies Tibetans their fundamental human rights.

Section 609(b) also states that the President and the Congress have urged the senior members of the Government of the People's Republic of China to enter into substantive negotiations on such matters with the Dalai Lama or his representative. The Dalai Lama has repeatedly stated his willingness to begin these negotiations without preconditions; however, the Government of the People's Republic of China has failed to respond in good faith by reciprocating a willingness to begin these negotiations.

Section 609(c) establishes within the Department of State a United States Special Envoy for Tibet, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the personal rank of ambassador.

Section 609(d)(1) encourages the Special Envoy for Tibet to promote negotiations and good relations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China; to promote good relations by meeting with members or representatives of the Tibetan government-in-exile; and to travel regularly throughout Tibet and Tibetan refugee settlements.

Section 609(d)(2) states that the Special Envoy should consult with Congress on policies relevant to Tibet and the future and welfare of all Tibetan people; coordinate United States Government policies, programs, and projects concerning Tibet; and report to the Secretary of State regarding matters described in Section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

The United States continues to have a tremendous amount of leverage with the Chinese government. It is the Committee's belief that concerted and unified pressure on the Chinese leadership could lead to the resolution of the problems in Tibet through peaceful negotiations. Since the Chinese government has refused to meet with the Dalai Lama, it is the Committee's hope that a U.S. Special Envoy could handle the negotiations with the Chinese on his behalf. The establishment of a Special Envoy will send a clear message to the Chinese that the U.S. Congress stands firmly behind the Tibetan people.

Section 610—Prohibition on use of funds to facilitate Iraqi refugee admissions into the United States

In FY 1995, the U.S. refugee program allots 5000 spaces for Middle Easterners to be admitted into the United States. According to the Department of State, 4000 of these spaces will go to Iraqis. In theory, these Iraqis fear to return to Saddam. In reality, according to reporting from the U.S. ambassador to Saudi Arabia, many are criminals or otherwise ineligible for admission, but are being admitted nonetheless as a result of pressure from the U.S. funded voluntary agency which administers this program in Saudi Arabia.

The United States took over 2000 Iraqis from Saudi POW/refugee camps in FY1993 and over 3000 in FY1994. The United States takes fully half of all Iraqi refugee, with the other half split among Europe and Turkey. The request for the Saudi portion of this program alone is over \$1.2 million for FY 1996. The Committee be-

lieves there is no reason the United States should continue to bear the majority of the burden of Iraqi refugees.

This section does not bar Iraqi refugees from admission into the United States. It bars funding from this or any other act to facilitate the admission into the United States of Iraqi refugees currently residing in Turkey and Saudi Arabia.

Section 611—Prohibition of articles using forced labor

Section 611 states that no product of the People's Republic of China shall enter or be imported into the United States unless:

(1) the Secretary of the Treasury determines that such product is not the product of forced labor. This determination should be based on consultations to be described in this section.

(2) the importer of any product of the People's Republic of China submits a certification to the Secretary of the Treasury in accordance with the certification requirement set forth in this section.

The United States shall use all diplomatic efforts to persuade the People's Republic of China to permit representatives of international humanitarian and intergovernmental organizations, such as the International Committee of the Red Cross, to periodically inspect all camps, prisons, and other facilities holding detainees. The Secretary of the Treasury shall consult with representatives of such organizations in order to determine that products of the People's Republic of China which are for export are not being produced with the use of forced labor.

The Secretary of the Treasury shall consult with the Secretary of State and prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of importation into the United States of any product, growth, or manufactured article of the People's Republic of China. This certification shall satisfy the Secretary of Treasury that the importer has taken steps to ensure that such product was not produced, grown, or manufactured with the use of forced labor.

This section delineates the penalties imposed on any person who knowingly enters or imports into the United States a product or article prohibited under the conditions described in this section.

This section also defines the terms forced labor, product, entry, enter or be imported, import, and importation.

The Committee clarifies that nothing in this section shall be construed to allow any private right of action against the Secretary of the Treasury or his designees.

Section 612—Forfeiture of slave-made products

Amends the Tariff Act of 1930 to permit imported merchandise that is in violation of section 307 of the Tariff Act to be seized, forfeited, and destroyed.

This section codifies a memorandum issued by the Commissioner of the Customs Service for All Special Agents in Charge and All District Directors in March 21, 1995. The codification of this policy will ensure Customs officers in the field are allowed to confiscate, with probable cause, imported goods that have been made by prison labor. Before this practice was instituted, if Customs determined

that goods had been produced by prison labor, the goods were re-exported and sold on the market of another country. The Committee applauds the Customs Services' efforts to deter the importation of goods made by prison labor and hopes to see actions of this kind continue.

Section 613—Special envoy for Nagorno-Karabakh

This provision is a sense of Congress that the President should immediately appoint a special envoy at the rank of Ambassador to offer assistance in facilitating a negotiated settlement to the conflict in Nagorno-Karabakh and to press for the development of an oil pipeline through Azerbaijan, Armenia and Turkey. The U.S has not sent a special envoy to the talks on Nagorno-Karabakh for over a year while the Russians have a full time diplomat assigned to pursue aggressively Russian interests in the Region.

The Committee supports an end to the conflict in Nagorno-Karabakh and believes that a sure way to promote peace is to ensure the economic prosperity that would result if an oil pipeline were constructed through Azerbaijan, Armenia and Turkey. The envoy would make it clear that the U.S will not tolerate interference by any country in the region in the construction of a pipeline on the territory of the sovereign states of Armenia and Azerbaijan.

Section 614—Report to Congress concerning Cuban emigration policies

Requires the President to submit beginning three months after the date of the enactment of this Act, and every six months thereafter, to the appropriate congressional committees a report concerning the Government of Cuba's methods of enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States, and the Government of Cuba's treatment of persons who have been returned to Cuba pursuant to the United States-Cuba agreement of May 1995. Each report shall detail the account of the United States efforts to monitor such enforcement and treatment.

Section 615—Efforts against emerging infectious diseases

Directs the President to develop appropriate United States Government strategies and response mechanisms to combat emerging infectious diseases. The President must submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report detailing a strategic plan, in cooperation with the international public health infrastructure, to identify and respond to the threat of emerging infectious diseases which pose a danger to the health of the people of the United States.

Section 616—Report on firms engaged in export of dual-use items

In response to Senator Pryor's request, the General Accounting Office conducted a review of export control activities at the Departments of State and Commerce in June, 1994. The GAO reported that the Departments of State and Commerce's watchlists that are used to screen export applications did not include several significant parties, which should have been included according to their

own procedures. Moreover, State and Commerce have seldomly cooperated to share the names on their respective watchlists despite the fact that their export control missions are similar and integral to U.S. national security. The GAO also discovered that State neglects to review annual sales reports of the licensee in order to determine whether all manufacture or distribution agreements are in accordance with State's standards. In fact, not only were State's files on agreements found to be in "disarray" with critical documents missing but also the Department improperly issued some licenses.

Between 1990 and 1993, Commerce and State approved 847 licenses for parties contained on their watchlists. In 1992, State issued four licenses involving a company that had recently been convicted of illegally selling aircraft parts to Iran, even though State had—in theory—debarred the company from all future export licenses. These lapses are both unnecessary and damaging to U.S. national interests, as they permit the exportation of sensitive and dual-use technologies to countries with objectives antithetical to our own. Section 616 requires the Secretary of State to issue a report to Congress every 180 days until 1998 discussing measures taken to prevent future damaging lapses in the screening process, and to coordinate the entire process with other Departments or Agencies that also monitor U.S. exports. It is to be hoped that the Secretary of State will follow at minimum the recommendations contained in GAO/NSIAD-94-178, and will consider additional means for ensuring that U.S. license screening and compliance procedures are strengthened.

Section 617—Prohibition on the transfer of arms to Indonesia

This provision prohibits the United States from selling or licensing for export to the Government of Indonesia light arms, small weapons, and crowd control ordnances, including helicopter-mounted equipment, until the Secretary of State can report that there has been significant progress made on human rights. The provision specifies six areas on which the Committee would like to see progress.

The operative language of this amendment is similar to language passed unanimously in P.L. 103-306 (section 582), the Foreign Operations Appropriations Act for Fiscal Year 1995. There are additional conditions, however, to reflect the deteriorating situation in East Timor in the past year.

Specifically, the Committee is concerned about increasing violence in East Timor. On January 12, 1995, the Indonesian military tortured and killed six civilians in Liquicia in an incident that even the government-appointed National Commission on Human Rights acknowledged was a process of "intimidation and torture by security officers" and resulted in "unlawful shootings" by the military. At the same time, a Commissioner concluded after an investigation that the killings of 100 protestors in Dili in 1991 "were not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent."

The Committee is also concerned about the outbreaks of gang violence—otherwise known as military-related death squad-type

“ninja” gangs—which are masked, vigilante bands used to terrorize, abduct, and assault civilians. These groups have not been reigned in by the same military that so effectively suppresses dissent by local East Timorese. That is why this provision calls for an investigation of violent civilian groups operating in East Timor.

The Committee condemns the conduct of the Indonesian military in East Timor as inconsistent with international standards of human rights. This provision will ensure that the U.S. will not provide weapons of oppression to the Indonesian military.

DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

Section 1001—Short title

Section 1001 states that this division may be cited as the “Foreign Affairs Reinvention Act of 1995”.

Section 1002—Purposes

Section 1002 states that the purposes of this division are as follows: to consolidate and reinvent the foreign affairs agencies of the United States within the Department of State to maximize efficient use of resources, eliminate redundancy in functions, effect budget savings and improve the management of the State Department; to strengthen the coordination of United States foreign policy and the leading role of the Secretary of State in the formulation and articulation of United States foreign policy and the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions, in order to enhance the Ambassadors’ ability to deploy those resources to the best effect that will attain the President’s foreign policy objectives.

This section also proposes to abolish, not later than October 1, 1997, the United States Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development and to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent American citizens serving in the United States government while downsizing significantly the total number of people employed by those agencies.

TITLE XI—ORGANIZATION OF THE DEPARTMENT OF STATE AND FOREIGN SERVICE

Section 1101—Office of the Secretary of State

Section 1101(a) amends Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) by inserting a clarification that the Secretary of State shall serve as the principle foreign policy adviser to the President and will, under the direction of the President, be responsible for the overall direction, coordination, and supervision of United States foreign relations and for the interdepartmental activities of the United States government abroad.

Section 1101(b) amends Section 1(b) of the State Department Basic Authorities Act stating that there shall be within the Depart-

ment of State a Deputy Secretary of State, who shall be appointed by the President, by and with the advise and consent of the Senate. The Deputy Secretary of State will be primarily responsible for assuring adequate foreign policy coordination with respect to the international activities of other agencies and development entities. He shall act for, and exercise the powers of, the Secretary during his absence or disability or during a vacancy in the office of the Secretary. The Committee recognizes that this position currently exists in the Department of State.

Section 1101(c) creates the America Desk, which consists of staff established and maintained by the Secretary within the office of the Secretary to oversee and coordinate foreign policy formulation and implementation to ensure that adequate consideration is afforded to United States commercial and business interests. The America Desk will serve as an ombudsman and as a liaison to U.S. commercial and economic interests in order to provide policymakers with information which will consequently serve U.S. citizens' needs. In addition, the Desk will help coordinate the Department's resources in responding to foreign emergencies or crises affecting United States citizens. The America Desk is a new position at the Department of State. The Committee feels strongly that while one of the Department primary responsibilities is to understand and interact with foreign governments and peoples, this responsibility should not be carried out to the detriment of the needs of American citizens. The Committee has established this position in the hope that the American taxpayers will be able to turn to an office within the Department this is charged with the specific responsibility to care for their needs on a priority basis.

Section 1101(d) amends Section 1(d) of the State Department Basic Authorities Act of 1956 establish a Resources, Policy, and Planning Staff within the office of the Secretary to provide the Secretary, the Deputy Secretary of State, and the Under Secretaries of State with precise information on an recommendations concerning the resource implications of foreign policy proposals. The Committee established this staff within the Secretary's office to ensure that the Secretary has access to an independent analysis of the costs associated with various policy options. It will also ensure that resource implications are given priority consideration during the formulation of any new foreign policy.

Section 1102—Under Secretaries

Section 1102 establishes the following five Under Secretaries who shall be appointed by the President, by and with the advice and consent of the Senate: the Under Secretary of State for Policy, the Under Secretary of State for Export, Trade, Economics, and Business, the Under Secretary of State for International Security, the Under Secretary of State for Public Diplomacy, and the Under Secretary of State for Management. These Under Secretaries of State are responsible to the Secretary of State and the Deputy Secretary of State for duties mentioned in this section and other tasks that may be assigned by the Secretary of State.

The Under Secretary of State for Policy assists in developing, implementing, and conducting foreign policy and foreign assistance policy; determines the policy goals and functions of the United

States diplomatic missions and ensures that overall mission staffing reflects policy priorities; and ensures policy coordination of all international programs carried out by the departments and agencies of the Federal Government in the areas within the responsibilities of the Under Secretary. This section also creates the Office of Enterprise Fund Coordination, within the office of this Under Secretary, to ensure that programs of enterprise funds support regional policy goals, are well managed and audited, and are sufficiently capitalized.

The Under Secretary of State for Export, Trade, Economics, and Business assists in developing, implementing, and conducting foreign policy and foreign assistance policy with respect to export promotion, trade, economics, and business and with respect to science and environmental matters and the oceans; and oversees all related international programs that are carried out by the departments and agencies of the Federal Government other than the Department of State. The Under Secretary shall serve as the Department of State's representative to the Trade Promotion Coordinating Committee.

The Under Secretary of State for International Security assists in developing policy relating to matters of international security, including arms control and nonproliferation, international narcotics and crime control, refugee and migration affairs, emergency humanitarian issues, and related foreign assistance issues. The Committee envisions that many, if not all, of the functions and responsibilities currently carried out by the Arms Control and Disarmament Agency will be assumed by this Under Secretary.

Two positions are established within the Office of the Under Secretary for International Security: the Coordinator for Economic Support Funds-Foreign Military Financing to assure that programs under chapter 4 of part II of the Foreign Assistance Act of 1961 and under section 23 of the Arms Export Control Act reflect United States foreign policy objectives; and the Coordinator for Counter-Terrorism to develop, coordinate, and implement policy of the Department of State to counter acts of international terrorism.

The Under Secretary of State for Public Diplomacy assists in developing, implementing, and conducting United States policy on public diplomacy, including international exchange programs and international, U.S.-government sponsored, non-military broadcasting; coordinates international exchange programs that are carried out by departments and agencies of the Federal Government other than the Department of State; disseminates information, including use and maintenance of electronic information capabilities such as USIA's Wireless File and USIA's libraries and overseas resource centers, in order to provide information to the public overseas on United States foreign policy and assistance policy and to provide the Secretary of State information on public reaction and foreign attitudes and media reaction to United States foreign policy through research and public opinion polling, among others. The Committee envisions that this Under Secretary will be responsible for many, if not all, of the functions and responsibilities currently carried out by the United States Information Agency.

This section establishes the Press Office and Spokesperson, within the office of this Under Secretary, to carry out domestic liaison

activities, including authority over the foreign press centers in the United States currently the responsibility of USIA. The Committee envisions that this office shall serve as the Department's primary representative of information to the American public and press. The distinction between the dissemination of information to domestic versus foreign audiences is noted in light of the prohibition on the domestic dissemination of information by the United States Information Agency pursuant to the Smith-Mundt Act (Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1996 and 1997, 22 U.S.C. 1462-1a).

The Under Secretary of State for Management assists in developing, implementing, and conducting policy for the management of the Department of State, including the management of United States diplomatic missions and consular posts abroad; assures sufficient management support for the conduct of United States foreign policy and foreign assistance policy, including setting personnel staffing levels adequate to meet overall foreign policy objectives; and develops and implements policy on consular programs.

Section 1103—Assistant Secretaries of State

Section 1103 amends the State Department Basic Authorities Act of 1956 by establishing not more than twenty Assistant Secretaries of State, who shall be appointed by the President, with the advice and consent of the Senate. These Assistant Secretaries of State are subject to the supervision and policy guidance of the Under Secretary of State to whom they are designated and their responsibilities may extend beyond the duties mentioned in this section. This section also identifies other officials within the Department of State, their responsibilities, and to whom they report. The Department of State currently has twenty Assistant Secretaries. Though this section suggests all twenty positions, it mandates only two: the Assistant Secretary for Arms Control and Non-Proliferation Affairs and the Assistant Secretary for International Exchanges.

There should be eight Assistant Secretaries who should be under the supervision and policy guidance of the Under Secretary of State for Policy:

Regional Assistant Secretaries for Inter-American Affairs; Western and Central European Affairs; Asian and Pacific Affairs; African Affairs; Near Eastern Affairs; and Eastern Europe and Central Asian Affairs assist in developing and implementing United States foreign policy and assistance policy in the respective region. Each of these Assistant Secretaries should have a Deputy Assistant Secretary of State for Trade and Development Assistance.

An Assistant Secretary for Eastern Europe and Central Asia Affairs should exercise the duties above with respect to: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan.

The Committee provision supports the administration's request for a separation of the current European bureau. The Committee bill places Ukraine, Moldova, and Belarus into the Western and Central European Affairs Bureau in order to affirm their inclusion as partners in European security and economic institutions. Through this provision the Committee reconfirms its support for the continued independence of each of the countries named. In no

way does this provision imply that countries placed in the Bureau for Eastern Europe and Central Asia Affairs for geographical reasons are, in any way considered within a Russian sphere of influence.

An Assistant Secretary for International Organizations should have the rank and status of Ambassador Extraordinary and Plenipotentiary; serve as the Permanent Representative of the United States to the United Nations; be authorized to serve ex officio as representative of the United States in any organ, commission, or other body of any international organization other than a specialized agency of the United Nations; develop, coordinate, and implement United States policy in the United Nations, specialized agencies, and other international organizations, including United States policy on issues relating to United Nations peacekeeping activities; ensure that the United States participate in international organizations in a consistent fashion; and manage United States participation in multilateral conferences, including accrediting and instructing United States delegations to such conferences and providing representational and logistical support to such delegations.

Currently, there is an Assistant Secretary for International Organizations who is separate and distinct from the U.S. Permanent Representative to the U.N. Based on the fact that the U.S. Permanent Representative to the U.N. has taken on increasingly larger responsibilities over the last few years as U.S. policy has drifted toward an increased reliance on multilateral institutions, the Committee feels that the Representative should be tied directly into the chain of responsibility and decision-making within the Department. Most importantly, consolidating the two positions will ensure that the budgetary impact of policy decisions on U.S. involvement at the United Nations, in U.N. peacekeeping activities and in other international organizations will be assessed with the understanding that the overall budget for the Department and U.S. unilateral international initiatives will be affected directly.

An Assistant Secretary for Democracy and Human Rights should develop, coordinate, and implement United States policy and programs to promote freedom, democracy, respect for human rights, and similar matters around the world; support and provide advice to the regional Assistant Secretaries of State to promote these matters; maintain liaisons with nongovernmental organizations that are active in the promotion of these matters; prepare the annual report of the Department of State on human rights practices; and advise the Immigration and Naturalization Service on applications by foreign nationals for political asylum in the United States.

The following two Assistant Secretaries should be subject to supervision and policy guidance of the Under Secretary of State for Export, Trade, Economics, and Business:

An Assistant Secretary for Economics and Business Affairs should develop, coordinate, and implement United States international economic policy, including resource and food policy, energy policy, trade policy, policy with respect to economic sanctions, and policy for the promotion of a stable and open international financial systems; ensures that U.S. economic and commercial interests are given appropriate weight in the development and implementation of United States foreign policy; negotiate agreements for the pur-

poses of promoting United States business abroad, improving the economic competitiveness of United States business abroad, and facilitating United States business activities abroad; and advise other bureaus and elements of the Department of State on public diplomacy issues relating to these matters. Within this office there should be an Office of Telecommunications and Aviations to develop, coordinate, and implement policy on issues relating to international telecommunications, information utilization and exchange, and aviation and maritime matters; to consult with and coordinate the activities of the other departments and agencies of the Federal Government with respect to these matters; and to conduct negotiations with foreign governments and international organizations with respect to these matters.

An Assistant Secretary for Oceans, Environmental and Science Affairs should develop, coordinate, and implement policy on the scientific and technological aspects of the relations of the United States with foreign governments and international organizations and on matters relating to the environment, the oceans, fishing, and space.

The following four Assistant Secretaries should report to the Under Secretary of State for International Security:

An Assistant Secretary for Arms Control and Non-Proliferation Affairs shall develop and coordinate policy on non-proliferation of weapons of mass destruction (including nuclear, chemical, and biological weapons and missile technology) and nuclear and conventional arms control; and prepare for and operate United States participation in international regimes that may result from United States arms control activities. This is one of the two Assistant Secretary positions mandated by the bill.

This section provides that under the Assistant Secretary for Arms Control and Non-proliferation Affairs, there will be four Deputy Assistant Secretaries whose responsibilities, respectively, include: 1) verification of compliance with arms control agreements (including memoranda of understanding); 2) conventional arms control; 3) nuclear proliferation; 4) control of weapons of mass destruction. One of these positions will function as principal Deputy to the Assistant Secretary.

An Assistant Secretary for International Narcotics and Law Enforcement Affairs should develop, coordinate, and implement international narcotics assistance activities delegated to the Secretary of State under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.); and serve as principal point of contact and provides advice on international narcotics control matters for the Office of Management and Budget, the National Security Council, and the Executive Office of the President to ensure implementation of United States policy in narcotics matters.

This person should carry out the international law enforcement activities of the Department of State under the International Narcotics Control Correction Act of 1994, including the bilateral and multilateral promotion of law enforcement and policy initiatives which are of high priority to the national interest of the United States; the promotion of improved coordination among United States policy and law enforcement agencies for their activities out-

side the United States; and develop law enforcement training programs to strengthen stable democracies throughout the world.

An Assistant Secretary for Political-Military Affairs should serve as the Department's primary liaison with the Department of Defense; seek to further United States national security objectives by stabilizing regional military balances through negotiations and security assistance, maintaining global access for United States military forces, inhibiting adversaries access to militarily significant sensitive or dual-use technologies, and promoting responsible United States defense trade; and coordinate with the Department of Defense on issues involving United States participation in United Nations peacekeeping activities.

An Assistant Secretary for Humanitarian Assistance, Refugees, and Migration Affairs should recommend and implement policy on humanitarian assistance and refugee and migration affairs; operate overseas United States refugee programs in cooperation with other governments, private and international organizations, and other United States government agencies; carry out programs relating to the relief and repatriation of refugees, and the selection and processing of refugees to be admitted to the United States; implement overseas United States programs for disaster readiness, relief, and rehabilitation, integrating activities previously carried out by the Office of Foreign Disaster Assistance of the Agency for International Development; and function as the primary coordination point for United States humanitarian emergency response efforts.

The following Assistant Secretary of State and officials of the Department of State should report to the Under Secretary of State for Public Diplomacy:

The Assistant Secretary for International Exchange shall administer programs carried out under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) and ensure that such programs support United States interests abroad and reflect the values of United States citizens; develop and implement policy for, and provides professional guidance, materials, and other program support to, the libraries and binational centers of the Department of State abroad; administer overseas fine arts programs and performing arts programs, including arranging tours abroad for United States performing arts groups and fine arts exhibitions; and develop and implement other programs that support United States interests abroad, including programs for the identification and recruitment of individuals to speak of such interests abroad and for establishing links between the United States and foreign cultural institutions. This position is the second of two Assistant Secretary positions mandated by the bill. The Committee chose to mandate this position to ensure that some entity within the new Department of State would be charged with many of the functions and responsibilities carried out by USIA currently.

This section also creates the Office of Program Coordination, within the Office of the Assistant Secretary for International Exchange. The Secretary of State, acting through the Office, tracks the identification and coordination of all United States Government sponsored non-military international exchange programs. The Office shall identify for elimination all such programs which may be redundant or duplicative and shall, through the Secretary of State,

make recommendations to the President on which programs are eligible for elimination. The U.S. government spent over \$1.67 billion in 1994 on international exchange programs administered by 24 federal agencies. USIA has identified over \$400 million in duplication. The Committee expects the Secretary of State, in his capacity as a cabinet-level advisor to the President, to encourage a \$400 million reduction in the total level of U.S. government-funded exchange programs by the end of FY 1997.

Section 1103 also states that the Chairman of the Broadcasting Board of Governors and the Director of the International Broadcasting Office shall have the responsibilities described in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. These responsibilities allow the Board, rather than bureaus of the Department, to give policy guidance to U.S. international broadcasting. The Under Secretary for Public Diplomacy will be a member of the Board and will ensure that U.S. foreign policy is clearly articulated to the broadcasters.

The following three Assistant Secretaries and officials of the Department of State should report to the Under Secretary of State for Management:

An Assistant Secretary for Consular Affairs should develop, coordinate, and implement policy relating to the protection and welfare of United States citizens and interests abroad, the issuance of passports and visas, and the provision of other consular services.

An Assistant Secretary for Administration should develop, coordinate, and implement policy, programs, and activities for the provision of administrative support for the Department of State, including support for building operations of the Department in the United States and overseas, support for information management, support for telecommunications, support for the Diplomatic Contingency Program of the Department, support for the travel abroad by the President and Vice President, and support for schools for dependents of Department personnel abroad; manage acquisition activities of the Department in the United States; oversee acquisition activities of the Department abroad; ensure the provision of supply and transportation services to the Department; and ensure and provision of language services for the Secretary of State, the Executive Office of the President, and other officials of the Federal Government.

An Assistant Secretary for Diplomatic Security should develop, coordinate, and implement policy for the protection of personnel who conduct United States diplomacy and promote United States interests abroad; and assigns security personnel to posts abroad for this purpose. This person should carry out the duties set forth in the Omnibus Diplomatic Security Act of 1986 (22 U.S.C. 4801 et seq.); and administer through the Office of Foreign Missions, the authorities relating to the regulation of foreign missions under title II of this Act.

The following Assistant Secretaries and officials report to the Secretary of State:

An Assistant Secretary of State for Intelligence and Strategic Plans should provide the Secretary, the Deputy Secretary, and Department principals with intelligence information, briefings, analysis, and coordination necessary to carry out the President's foreign

policy; serve as the primary adviser to the Secretary of State and intelligence briefer for senior Department policymakers; undertake strategic (medium- and long-term) policy studies and analyses, and keeps policymakers aware of strategic trends in areas of current or potential policy interest; and provides the intelligence community guidance as necessary to help ensure products are focused adequately to support policymakers.

An Assistant Secretary of State for Legislative Affairs should supervise and coordinate all foreign affairs-related legislative activities within the Department of State and among the Department, Congress, and other agencies; supervise and coordinate all personnel of the Department who are designated or assigned legislative responsibilities and who shall report to the Assistant Secretary of State; ensure that congressional perspective are considered in the foreign policymaking process, that the administration's views are accurately presented to Congress, and that a coordinated legislative strategy is implemented by executive branch agencies; and should be responsible for rating and reviewing all employees of any bureau whose duties comprise primarily legislative matters.

This section also provides that incumbents of above or similar positions may at the Secretary's discretion, assume the duties of the new office without having to be reappointed. The applies only to such individuals who were previously appointed by the President and confirmed by the Senate, and whose duties are substantially similar to duties of a new office created or proposed here.

Section 1104—Other State Department positions

Section 1104 proposes several Assistant Secretary-equivalent positions in the State Department, as follows.

General Counsel: this position, confirmable by the Senate and paid at the Executive Level IV rate should assume the functions previously ascribed to the Legal Adviser. The General Counsel should be the Secretary and President's main adviser on all issues of international law that arise in the conduct of U.S. foreign relations, and should give legal advice and services to the Secretary of State and other Department officials on matters concerning the Department of State and overseas posts.

Section 1104 also establishes a Chief Financial Officer, confirmable by the Senate and paid at Executive level IV, who should report to the Under Secretary for Management:

That Chief Financial Officer (CFO) will serve as the Department's budget officer, managing its financial affairs and ensuring adequate systems to produce reliable and timely financial and related programmatic information. The CFO will be responsible for developing financial analysis and performance reports and for integrating budget execution and accounting functions.

Other proposed positions:

Director General of the Foreign Service (DG): The DG should be the Secretary's principal adviser for all matters relating to the Foreign Service, including recruitment, training, professional development, assignment, and utilization of Foreign Service personnel. The DG should also be charged with ensuring joint orientation training for all incoming members of the Foreign Service and for ensuring that personnel receive assignments that develop experi-

ence in a variety of disciplines, including export and trade promotion and public diplomacy.

Under this legislation the Director General should be shorn of responsibility for the day-to-day management of the State Department's personnel system. He or she will instead focus exclusively on matters specific to the Foreign Service. This is to ensure that the institution adapts successfully to the enhanced role of the restructured State Department, and maintains the highest possible standards of professionalism and discipline in the service of the national interest.

Director of Personnel: The Director of Personnel should manage the State Department's day-to-day personnel operations, implementing policies and programs for Civil Service, Foreign Service (in consultation with the DG in the case of the latter) and Foreign Service National personnel. The Director of Personnel should also be responsible for overseeing the activities of the National Center for Humanities, Education, Language and Management Studies, in order to assure the Center's programs are responsive to the Department's needs.

This section also provides that incumbents of above or similar positions may at the Secretary's discretion, assume the duties of the new office without having to be reappointed. This applies only to such individuals who were previously appointed by the President and confirmed by the Senate, and whose duties are substantially similar to duties of a new office created or proposed here.

Section 1105—Inspector General for Foreign Affairs

Section 1105(a) amends the provision of the Foreign Service Act of 1980 that created an Inspector General for the State Department, and provides for an Inspector General for Foreign Affairs. The new Inspector General will serve a six-year term and may be reappointed by the President (with the advice and consent of the Senate) for one additional term. Career members of the Foreign Service are barred from appointment to this office.

Section 1105(b) extends the authorities of the Department of State Inspector General to include oversight and auditing responsibility over the activities previously carried out by the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development.

Sections 1105(c), (d), and (e) are technical and conforming amendments made necessary by the abolition of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development.

Section 1105(f) assures that any IG holding office on the date of enactment of this Act may, at the discretion of the Secretary of State, assume the duties of the new office of Inspector General for Foreign Affairs and shall not be required to be reappointed.

Section 1105(g) details the date of enactment of certain subsections of this section as they pertain to the date of abolition of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development, respectively.

The Committee recognizes that the expertise developed in Inspector General offices at AID and USIA may provide crucial for

establishing a successful office of the Inspector General for Foreign Affairs. The Committee expects that unique expertise of any individual will be given utmost consideration when composing the personnel make-up of the new office.

Section 1106—Rates of pay

Section 1106(a) amends the provision of United States Code pertaining to rates of pay to specify that the five new Under Secretary positions created in this Act will be paid at the Executive Level III rate, just as Under Secretaries are now paid.

Section 1106(b) likewise establishes the rates of pay for the twenty Assistant Secretary positions legislated or proposed by this Act, as well as for the equivalent-ranked positions of Director General of the Foreign Service, the Director of Personnel, the Chief Financial Officer, and the General Counsel.

Section 1106(c) is a conforming amendment to United States Code striking titles of positions no longer authorized or in use.

Section 1107—Repeal of previously created State Department positions

Repeals the statutory requirements for the following positions: Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Assistant Secretary for South Asian Affairs and the Deputy Assistant Secretary for Burdensharing. It also includes technical and conforming amendments referring to the Assistant Secretary for Democracy, Human Rights and Labor.

Except for the few positions established in this bill, the Committee repealed all other statutory requirements for positions within the Department of State.

Section 1108—Limitation on personnel strength of the Department of State

Requires a mandatory reduction in the number of State Department personnel for each of the fiscal years 1996, 1997 and 1998. The Department of State is required to reduce its work force by nine percent by the end of fiscal year 1997, by three percent by fiscal year 1998 and by two percent by fiscal year 1999. It is expected that the requirements of this section will affect approximately 2,777 positions.

Other sections in the bill mandate personnel reductions for the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development. This section ensures that the Department of State will also endure the imposition of ceilings on the number of personnel at the Department from fiscal year 1996 to fiscal year 1999.

The Committee encourages the Department to achieve these reductions through the voluntary retirement incentive program, attrition or early retirement options. If reductions in force are necessary, the Committee asks the Department to concentrate on those individuals whose performance has been demonstrated to be in the bottom percentage of Department employees. New management authorities in the bill are designed to give the Department maximum flexibility for achieving these ends.

Section 1109—Consolidation of United States Diplomatic Missions and Consular Posts

Section 1109(a) reflects the Committee's belief that there are instances where it is possible, and financially advantageous, to consolidate U.S. overseas posts on a regional basis, without harming U.S. interests. In such instances, a Chief of Mission may be simultaneously accredited to more than one government without adversely affecting U.S. national interests. The Committee notes that several major industrialized nations practice multiple accreditation in areas where it does not prejudice their interests to do so.

This section would require the Secretary to develop a plan for such consolidations. Section 1109(b) requires that the plan identify posts at which resident U.S. Ambassadors would be accredited simultaneous to governments of other specific countries in the region in which the U.S. would have either a staff-level or no resident presence. The report would also estimate savings that would accrue from implementing such a plan. Specifically, savings from reducing personnel and building maintenance costs overseas, and from property divestiture shall be included in this report.

Section 1109(c) requires that the Secretary send Congress the plan outlined above within 180 days of adoption of this Act.

Section 1109(d) directs the Secretary to implement this plan within 60 days of its transmittal to Congress, unless Congress enacts disapproving legislation.

Section 1109(e) details the procedures for congressional consideration of the Secretary of State's plan to consolidate U.S. diplomatic missions and consular posts abroad. It is a resolution of disapproval process, patterned after that set forth in the Department of Defense Appropriations Act of 1985. The resolution of disapproval shall be introduced in both houses of Congress and then referred to the House International Relations Committee and the Senate Foreign Relations Committee, respectively. Each Committee has fifteen calendar days to consider the resolution. Upon the expiration of the fifteen days, it is in order at any time for any member of either house to move to proceed to the consideration of the resolution. The motion is privileged in the Senate and is therefore, not debatable. It is also not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote shall not be in order. Debate on the resolution is limited to ten hours, divided equally between those opposing and those favoring. Immediately following debate, the vote on final passage of the resolution shall occur.

Section 1109(f) withholds five percent of fiscal years 1996 and 1997 "Diplomatic and Consular Programs" funds if the Secretary fails to transmit to Congress the consolidation plan pursuant to Section 1198(c) in a timely manner. These funds would be withheld until sixty days after submission of a plan to Congress (pursuant to 1109(a)).

Section 1109(g) provides that if Congress disapproves the Administration's plan within sixty days of its transmittal to Congress, the President shall submit a revised plan.

Section 1109(h) clarifies that Congress is not attempting by this section to require the Executive to terminate U.S. diplomatic or consular relations with any country.

Section 1110—Detail of other agency personnel to State Department

The Committee is concerned about the dramatic increase in assignment to U.S. embassies of personnel from agencies other than the Department of State (nonforeign affairs agencies) and related implications for foreign policy coordination and logistical support burdens. Data provided by the GAO and the State Department Inspector General reveals that the State Department's share of overseas civilian staffing has shrunk to less than 38%, whereas that of nonforeign affairs agencies has climbed to nearly 50%.

The Committee believes that new mechanisms must be established to coordinate the overseas activities of other agencies in a manner that effectively and efficiently supports U.S. foreign policy objectives, and to strengthen the ability of U.S. Ambassadors, as the personal representatives of the President of the United States, to allocate U.S. personnel and resources under his authority as necessary to meet critical policy objectives.

Section 1110 will serve this purpose by requiring that all agencies' personnel assigned to a U.S. mission overseas be detailed to the Department of State for the length of their tour. All such employees are already nominally under the authority of the Chief of Mission. However, in reality many are responsive primarily or exclusively to their headquarters office in the United States, and are not well-integrated into a team that supports overall U.S. objectives in a given country. Section 1110 will substantially reinforce the Ambassadors' now sometimes incomplete authority over the disparate segments of their mission, without interfering in other agencies technical support and guidance of their personnel.

Section 1110 specifies that the Chief of Protocol, at the Secretary's discretion, will accord diplomatic titles, with corresponding immunities and privileges, to such personnel as appropriate. The committee expects that the Secretary of State will accord diplomatic titles solely when there is a compelling need to do so, based on national interests, and not for the administrative convenience or personal satisfaction of such employees or their agencies.

Section 1111—Report on unification of United States and Foreign Commercial Service and Foreign Agricultural Service within the Foreign Service

While neither the Department of Commerce nor the Department of Agriculture supports integration of its foreign service (Foreign and Commercial Service and Foreign Agricultural Service) into the U.S. Foreign Service, each has expressed a desire to continue using selected portions of the Foreign Service Act of 1980 for selected groups of employees. This is not consistent with the objectives of that Act, which established authorities to strengthen the Foreign Service and recognized the need for a professional Foreign Service "... that will serve the foreign affairs interests of the United States in an integrated fashion and that can provide a resource of qualified personnel for the President, the Secretary of State, and the agencies concerned with foreign affairs."

In short, Congress never intended that a domestic agency might select a la carte from the Act's authorities for the benefit of a subset of its employees. Nor did Congress intend for the United States

government to develop multiple, sometimes competing, foreign services.

Section 1111 calls for a report to Congress from the Secretaries of State, Agriculture and Commerce assessing 1) the coordination and cooperation among their agencies' international activities; 2) the advisability and desirability of creating in the U.S. Foreign Service a core discipline relating to commerce, trade and export promotion; and 3) options for establishing such a discipline, if it is desirable. If a core commercial discipline is found to be undesirable, the Secretaries are to assess the advisability and desirability of the continuing application of the Foreign Service Act of 1980 to portions of the employees of the Departments of Commerce and Agriculture. The report is to be submitted within 120 days of enactment of this Act.

TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Section 1201—Abolition of ACDA; references in part

Section 1201 abolishes the ACDA and repeals Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561).

This section also states that, except as otherwise provided, the references in this title to provisions of law shall be considered references to the Arms Control and Disarmament Act.

Section 1202—Repeal of positions and offices

Section 1202 repeals Sections 22, 23, 24, and 25, of the Arms Control and Disarmament Act, which establish the Director; Deputy Director; Assistant Directors; and bureaus, offices, and divisions of the agency, respectively.

Section 1203—Authorities of the Secretary of State

Section 1203 makes technical and conforming amendments to section 1203 of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.), transferring all authorities given to the ACDA and Director of the ACDA to the Department of State and the Secretary of State, respectively.

This section also amends section 61 of the Arms Control and Disarmament Act by charging the Department of State with the formulation of and the Department of Defense with the implementation of United States arms control and disarmament policy in a manner which will promote the national security.

Section 1204—Authorization of appropriations

Section 1204 amends Section 106 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) by changing the section heading to "Sec. 106. Department of State Arms Control and Disarmament Activities"; and by authorizing appropriations to the Secretary of State.

Section 1205—Conforming amendments

Makes technical and conforming amendments to the Arms Export Control Act, Export Administration Act of 1979, the United

States Institute of Peace Act, the Atomic Energy Act of 1954, and the Nuclear Non-Proliferation Act of 1978.

Section 1206—References in law

Section 1206 states that any reference in any statute, reorganization plan, executive order, regulation, agreement, determination, or other official document or proceeding to the United States Arms Control and Disarmament Agency or the Director or other official of ACDA shall be deemed to refer respectively to the Department of State or the Secretary of State or other official of the Department of State.

Section 1207—Effective date

Section 1207 states that Title XII, and the amendments made by this title, shall take effect on or before October 1, 1996 or the date on which the reorganization plan for the United States Arms Control and Disarmament Agency is fully implemented pursuant to section 1804.

TITLE XIII—UNITED STATES INFORMATION AGENCY

Section 1301—Abolition

Abolishes the United States Information Agency upon the effective date of this title.

Section 1302—References in law

Any reference in any statute or other official document or proceeding to the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State, and any reference to USIA or the International Communication Agency shall be deemed to refer to the Department of State.

Section 1303—Amendments to title 5

Makes technical and conforming amendments to title 5 of the United States Code.

Section 1304—Amendments to United States Information and Education Exchange Act of 1948

Makes technical and conforming amendments to the United States Information and Educational Exchange Act of 1948.

Section 1305—Amendments to the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act)

Makes technical and conforming amendments to the Mutual Educational and Cultural Exchange Act of 1961.

Section 1306—International broadcasting activities

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and to title 5 of the United States Code.

Section 1307—Television broadcasting to Cuba

Makes technical and conforming amendments to the Television Broadcasting to Cuba Act.

Section 1308—Radio broadcasting to Cuba

Makes technical and conforming amendments to the Radio Broadcasting to Cuba Act.

Section 1309—National Endowment for Democracy

Makes technical and conforming amendments to Public Law 98-164.

Section 1310—United States scholarship program for developing countries

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

Section 1311—National Security Education Board

Makes technical and conforming amendments to the Intelligence Authorization Act, Fiscal Year 1992.

Section 1312—Center for cultural and technical interchange between North and South

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

Section 1313—Center for cultural and technical interchange between East and West

Makes technical and conforming amendments to the Mutual Security Act of 1960.

Section 1314—Mission of the Department of State

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Year 1979.

Section 1315—Consolidation of administrative services

Makes technical and conforming amendments to the State Department Basic Authorities Act of 1956.

Section 1316—Grants

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

Section 1317—Ban on domestic activities

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

Section 1318—Conforming repeal to the Arms Control and Disarmament Act

Makes technical and conforming amendments to the Arms Control and Disarmament Act.

Section 1319—Repeal relating to procurement of legal services

Makes technical and conforming amendments to the State Department Basic Authorities Act of 1956.

Section 1320—Repeal relating to payment of subsistence expenses

Makes technical and conforming amendments to the State Department Basic Authorities Act of 1956.

Section 1321—Conforming amendment to the SEED Act

Makes technical and conforming amendments to the Support for East European Democracy (SEED) Act of 1989.

Section 1322—International Cultural and Trade Center Commission

Makes technical and conforming amendments to the Federal Triangle Development Act.

Section 1323—Other laws referenced in Reorganization Plan No. 2 of 1977

Makes technical and conforming amendments to the following acts: Immigration and Nationality Act; Arts and Artifacts Indemnity Act; National Foundation on the Arts and the Humanities Act of 1965; Woodrow Wilson Memorial Act of 1968; and Title V of the Departments of State, Justice and Commerce, the Judiciary, and Related Agencies Appropriations Act, 1978.

This section also repeals the Act of July 9, 1949.

Section 1324—Exchange program with countries in transition from totalitarianism to democracy

Makes technical and conforming amendments to the National and Community Service Act of 1990.

Section 1325—Edmund S. Muskie Fellowship Program

Makes technical and conforming amendments to the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993.

Section 1326—Implementation of convention on cultural property

Makes technical and conforming amendments to the Convention on Cultural Property Implementation Act.

Section 1327—Repeal

Repeals section 252(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

Section 1328—United States Advisory Committee for Public Diplomacy

Makes technical and conforming amendments to the United States Information and Educational Exchange Act of 1948.

Section 1329—Effective date

This title and amendments will take effect the earlier of March 1, 1997 or when the reorganization plan for USIA is implemented.

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT AND THE
INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Section 1401—Abolitions; references in part

Section 1401 abolishes the Agency for International Development (AID) and the International Development Cooperation Agency (IDCA).

This section also states that, except as otherwise provided, the references in this title to provisions of law shall be considered made to the Foreign Assistance Act of 1961.

Section 1402—References in the Foreign Assistance Act of 1961

Section 1402 states that references in the Foreign Assistance Act (FAA) of 1961 to the “administrator of the agency primarily responsible for administering this part” and the “administrator” shall be deemed as references to the Secretary of State. This section also states that the agency primarily responsible for administering part I of the FAA shall be the Department of State.

Section 1403—Exercise of functions by the Secretary of State

Section 1403 amends section 621 of the Foreign Assistance Act of 1961 by providing the Secretary of State authority to exercise certain functions.

Section 1404—Repeal of positions; employment and contracting authorities

Section 1404 repeals subsections (a), (b), (c) and (e) of section 624 of the Foreign Assistance Act of 1961 related to statutory officers. This section also repeals subsections (a) and (b) of section 626 of the Foreign Assistance Act of 1961 relating to consultants.

Section 1405—Development Loan Committee

Section 1405 establishes the Secretary of State as the Chairman of the interagency Development Loan Committee. This section amends section 122(e) of the Foreign Assistance Act of 1961.

Section 1406—Development Coordination Committee

Section 1406 amends section 634(a) of the Foreign Assistance Act of 1961 to require that certain reporting requirements to Congress be carried out by the Secretary of State.

This section also amends section 640B(a) of the Foreign Assistance Act of 1961 by naming the Secretary of State as a member of the Development Coordination Committee.

Section 1407—Public Law 83-480 Program

Section 1407 makes conforming amendments to the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), by striking references to the Administrator of A.I.D. and replacing them with the Secretary of State.

Section 1408—Conforming amendments to title 5, United States Code

Section 1408 makes technical and conforming amendments to section 5313 of title 5, U.S.C. relating to officers of the Agency for International Development.

Section 1409—Trade Promotion Coordinating Committee

Section 1409 makes technical and conforming amendments to section 2312 of the Export Enhancement Act of 1988.

Section 1410—Chief financial officer

Section 1410 makes technical and conforming changes to section 901(b)(2) of title 31, U.S.C. striking references to the Agency for International Development.

Section 1411—References in law

Section 1411 states that any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Agency for International Development, the International Development Cooperation Agency, the Administrator or other official of the Agency for International Development shall be deemed to refer respectively to the Department of State or the Secretary of State or some other official of the Department of State.

Section 1412—Effective date

Section 1412 states that Title XIV, and the amendments made by it, shall take effect either on March 1, 1997 or on the date on which the reorganization plan for A.I.D. and IDCA is fully implemented pursuant to section 1705, whichever is earlier.

TITLE XV—PROPOSED REORGANIZATION OF THE UNITED NATIONS

Section 1501—Sense of Congress regarding United Nations reorganization

Section 1510 expresses the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should propose to the United Nations the consolidation of the United Nation's technical cooperation activities. The objective of such a consolidation (between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland) would be to create a unified agency for technical cooperation for sustainable development with a microenterprise lending capacity. This would entail the merger of the functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM).

The President should also propose the consolidation of the United Nation's emergency response mechanism by merging the emergency functions of the United Nations Children's Fund (UNICEF),

the World Food Program (WFP), and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The Committee notes with concern the redundancy of focus and lack of coordination among a number of UN agencies involved in development and emergency response activities. This situation both carries a high resource opportunity cost and erodes political support for programs within key donor states.

The approach the Committee is recommending is entirely consistent with efforts to streamline and rationalize activities within the U.S. foreign affairs institutions. These efforts, in both cases, will engender serious opposition from those more concerned about bureaucratic turf than about programmatic objectives or sustainability. Nevertheless, serious steps are required now to improve the efficiency and effectiveness of resources spent for these programs.

Section 1502—Reorganization plan

Section 1502 requires the President to submit to Congress, together with the President's annual budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

TITLE XVI—PLAN FOR REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES

Section 1601—Report

Sets forth congressional findings that the over 18 different government-sponsored organizations or agencies that spend more than \$3.4 billion to support American exporters and international businesses have failed to coordinate such trade promotion activities, resulting in a lack of accessibility and effectiveness. The Trade Promotion Coordinating Council has endeavored to improve the coordination between some of these organizations, thereby advancing such trade promotion activities. However, the Committee finds that the maze of trade promotion organizations remains confusing for average American business owners.

No later than March 1, the President is required to submit a report to the Senate Foreign Relations Committee and the House International Relations Committee and other appropriate committees detailing the steps that are being taken to improve the accessibility and coordination among all trade promotion organizations and agencies, measures being taken to eliminate duplication, and recommendations made for legislative action to further improve the Government's export and trade promotion activities. This report must contain the contents specified in subsection (c).

TITLE XVII—TRANSITION PROVISIONS

Section 1701—Transfer of functions

On March 1, 1997, the Secretary of State will be responsible for all the functions, except as otherwise provided in this Act, that are the province of the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof: the United States Arms Control and Disarmament Agency; the United

States Information Agency; and the Agency for International Development.

On February 28, 1997, the Broadcasting Board of Governors of the Department of State will be responsible for all the functions established in the Broadcasting Board of Governors of the United States Information Agency, as set forth in the Foreign Relations Authorization Act for fiscal years 1994 and 1995 (P.L. 103-236).

All functions and related functions of the Office of Chief Financial Officer of the AID are transferred to the Office of Chief Financial Officer of the Department of State before the effective date of this title.

All functions and related functions of the Office of Inspector General of USIA and AID are transferred to the Office of the Inspector General of the Department of State before the effective date of this title.

After consolidation is complete in 1997, enormous baseline reductions in budget authority will be realized. The Committee expects the largest budget savings to be incurred beginning in the third and fourth year after enactment. Major costs in the first few years will include such costs as collocating personnel, upgrading telecommunications and information systems, and reduction in personnel from the collapse and integration of the foreign affairs agencies.

NET BUDGET SAVINGS FOR THE FOUR-YEAR STATE DEPARTMENT AUTHORIZATION BILL

[In millions of dollars]

CBO estimates	Fiscal year—				Total—4 years
	1996	1997	1998	1999	
Spending at the 1995 funding level budget authority	\$6,980	\$6,989	\$6,998	\$7,008	\$27,975
Authorization budget authority	6,586	6,230	5,822	5,678	24,316
Net budget savings budget authority	394	759	1,177	1,330	3,660

Congressional Budget Office estimated costs to the federal government are listed below:

[By fiscal years, in billions of dollars]

	1995	1996	1997	1998	1999	2000
Direct spending:						
Estimated budget authority	0	1	1	1	1	1
Estimated outlays	0	6	9	3	1	1
Spending subject to appropriations action:						
Spending under current law:						
Budget authority/authorizations ^{2,3}	\$6,979	\$249	\$259	\$268	\$277	\$284
Estimated outlays	7,315	1,759	759	493	297	284
Proposed changes:						
Estimated authorization level ⁴		6,337	5,971	5,554	5,400	
Estimated direct loan obligations		1	1	1	1	
Estimated outlays		5,080	5,630	5,497	5,360	1,007
Spending under the bill:						
Estimated authorization level ^{3,4}	6,979	6,586	6,230	5,822	5,678	284
Estimated direct loan obligations		1	1	1	1	
Estimated outlays ⁴	7,315	6,839	6,390	5,990	5,657	1,290

¹ Less than \$500,000.

² Amounts for fiscal years 1996 through 2000 are permanent authorizations subject to appropriations action.

³ The 1995 figure is the amount already appropriated.

⁴ Does not include increased obligational authority or outlays associated with the change in the scoring of lease-purchases required by section 121.

Section 1702—Determination of transferred functions and employees

Directs the Secretary of State, in cooperation with the head of the transferor agency, to identify the functions and/or employees of the agency that will be transferred to the Department of State pursuant to section 1701. The Director of the Office of Management and Budget will resolve any disputes between the Secretary and the head of the agency on such identification.

The Secretary of State will determine the functions of AID and the number of employees necessary to perform or support such functions to be transferred to the Department of State pursuant to section 1701.

The Committee rests with the Secretary of State the responsibility to determine overall personnel levels for functions and responsibilities that will continue to be or will be carried out by the Department after March 1, 1997. The Committee encourages the retention of personnel determined to be most competent for particular positions and does not intend, all other things being equal, that personnel of the pre-consolidation Department of State should enjoy an advantage in subsequent retention or assignment vis-a-vis transferred employees from the merged agencies.

Section 1703—Reorganization plan for the United States Arms Control and Disarmament Agency

No later than March 1, 1996, the President, after consulting with the Secretary of State, shall transmit to the appropriate congressional committees a reorganization plan: to abolish ACDA in accordance with this title; to transfer to the Department of State the functions and personnel of ACDA as the President determines necessary to carry out the primary functions of the Agency; and to consolidate, reorganize, and streamline the Department upon the transfer of functions under this title in order to carry out such functions.

The President's plan must identify the functions of the Agency that will be transferred to the Department under the plan and those that will be abolished under the plan; the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan; and the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, or eliminated under the plan and set forth a time schedule for such transfers, separation, and terminations.

This plan shall also specify the consolidation and reorganization of functions of the Department that will be required under the plan in order to allow the Department to carry out the functions transferred to the Department under the plan; the funds available to the Agency that will be transferred to the Department under this title as a result of the abolition of the Agency; the proposed allocations of unexpended funds of the Agency within the Department; and the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the Agency resulting from the abolition of the Agency and the transfer of the functions of the Agency to the Department.

This plan will go into effect on the date Congress enacts a joint resolution in accordance with the procedures for congressional consideration of reorganization plans set forth in section 1708.

The Director of the Agency must take such actions necessary under the reduction in force policies set forth in the Foreign Service Act of 1980 or under regulations prescribed under title 5 of the United States Code, in the case of Federal employees who are not members of the Foreign Service, to reduce by eight percent the number of employees employed by the Agency on the date of the enactment of this Act. The Director shall achieve the reduction not later than February 28, 1997. This section clarifies that employees transferred to the Department of State or any other federal agency will not count as a "reduction" for the purposes of calculating the eight percent reduction.

If the Secretary of State and the Director of the Agency fail to implement completely the reorganization plan of the Agency under this section in accordance with the schedule in the plan, the amount of funds that the Secretary and Director may obligate for salaries and expenses of the Department of State and the Agency, respectively, in the fiscal year in which the implementation of the plan is otherwise scheduled to be achieved under this plan will be reduced by an amount equal to 20 percent of the amount otherwise appropriated to the Department and the Agency, respectively, in that fiscal year for salaries and expenses.

The Committee recognizes that personnel in the Bureau of Political-Military Affairs at the Department of State have broad expertise. At the same time, the Committee believes that ACDA personnel have unique expertise and experience. Therefore, the Committee expects that through the consolidation process pursuant to section 1703, the expertise of ACDA personnel will be recognized and afforded appropriate consideration in personnel decisions.

Section 1704—Reorganization plan for the United States Information Agency

No later than March 1, 1996, the President must transmit, after consulting with the Secretary of State, to the appropriate congressional committees a reorganization plan to: abolish USIA in accordance with this title; transfer the necessary functions and personnel of USIA; and consolidate, reorganize, and streamline the Department upon the transfer of functions under this title in order to carry out such functions.

The President's plan must identify the functions of the Agency that will be transferred to the Department under the plan and those that will be abolished under the plan; the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan; and the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, or eliminated under the plan and set forth a schedule for such transfers, separation, and terminations.

This plan shall also specify the consolidations and reorganization of functions of the Department that will be required under the plan

in order to allow the Department to carry out the functions transferred to the Department under the plan; the funds available to the Agency that will be transferred to the Department under this title as a result of the abolition of the Agency; the proposed allocations of unexpended funds of the Agency within the Department; and the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the Agency resulting from the abolition of the Agency and the transfer of the functions of the Agency to the Department.

This plan will go into effect on the date Congress enacts a joint resolution, in accordance with the procedures for congressional consideration of reorganization plans set forth in section 1708.

The Director of the Agency must reduce by 25 percent the number of employees employed by the Agency on the date of the enactment of this Act. The Director shall achieve the reduction no later than February 28, 1997. The transfer of any employee to the Department of State, or any other department or agency of the United States is excluded from the computation of the percentage reduction in personnel in this reduction. The Director must ensure that the number of members of the Foreign Service employed by the Agency does not exceed the number of such members authorized to be employed by the Agency under section 141.

If the Secretary of State and the Director of the Agency fail to implement completely the reorganization plan of the Agency under this section in accordance with the schedule in the plan, the amount of funds that the Secretary and Director may obligate for salaries and expenses of the Department of State and the Agency, respectively, in the fiscal year in which the implementation of the plan is otherwise scheduled to be achieved under this plan will be reduced by an amount equal to 20 percent of the amount otherwise appropriated to the Department and the Agency, respectively, in that fiscal year for salaries and expenses.

Section 1705—Reorganization plan for the Agency for International Development

No later than March 1, 1996, the President must transmit, after consulting with the Secretary of State, to the appropriate congressional committees a reorganization plan to: abolish AID in accordance with this title; transfer to the Department the necessary functions and personnel of AID; transfer to the appropriate components of the Department the functions and personnel of corresponding components of the Agency; and consolidate, reorganize, and streamline the Department upon the transfer of functions under this title in order to carry out such functions.

The President's plan must identify the functions of the Agency that will be transferred to the Department under the plan and those that will be abolished under the plan; the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan; and the personnel and positions of the Agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, or elimi-

nated under the plan and set forth a schedule for such transfers, separation, and terminations.

This plan shall also specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to allow the Department to carry out the functions transferred to the Department under the plan; the funds available to the Agency that will be transferred to the Department under this title as a result of the abolition of the Agency; the proposed allocations of unexpended funds of the Agency within the Department; and the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the Agency resulting from the abolition of the Agency and the transfer of the functions of the Agency to the Department.

This plan will go into effect on the date Congress enacts a joint resolution, in accordance with the procedures for congressional consideration of reorganization plans set forth in section 1708.

The Administrator of the Agency must reduce by 50 percent the number of employees employed by the Agency on the date of the enactment of this Act. The Administrator shall achieve the reduction no later than February 28, 1997. The transfer of any employee to the Department of State, or any other department or agency of the United States is excluded from the computation of the percentage reduction in personnel in this reduction. The Administrator must ensure that the number of members of the Foreign Service employed by the Agency does not exceed the number of such members authorized to be employed by the Agency under section 141 of this Act.

If the Secretary of State and the Administrator of the Agency fail to completely implement the reorganization plan of the Agency under this section in accordance with the schedule in the plan, the amount of funds that the Secretary and Administrator may obligate for salaries and expenses of the Department of State and the Agency, respectively, in the fiscal year in which the implementation of the plan is otherwise scheduled to be achieved under this plan will be reduced by an amount equal to 20 percent of the amount otherwise appropriated to the Department and the Agency, respectively, in that fiscal year for salaries and expenses.

Section 1706—Additional requirements and limitations on reorganization plans

The reorganization plans for ACDA, USIA, and AID may not have the effect of: (1) creating a new executive department; (2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made; (3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress; (4) creating a new agency which is not a component or part of an existing executive department or independent agency; or (5) increasing the term of an office beyond that provided by law for the office.

Other laws that may be affected by the reorganization are enforceable until the effective date of the reorganization plan in this Act. The President must ensure that the Federal Register publishes the date by which functions of ACDA, USIA, and AID are to be

transferred or terminated in accordance with the reorganization plans for each agency detailed in this title.

Section 1707—Amendments or modifications to reorganization plans

Allows the President to amend or modify the reorganization plan no later than 30 days from the date the plan is submitted to Congress or after the date on which the President transmits any other plan to revise the reorganization plan. Such amendments or modifications must be consistent with this Act. The President may withdraw the amended plan before 45 days from the date such a plan is submitted to Congress.

This authority shall not be construed in such a manner as to allow the President the opportunity to modify continuously the plans submitted to Congress in an effort to prevent their approval or implementation.

Section 1708—Procedures for congressional consideration of reorganization plans

Explains the expedited process Congress must follow once a joint resolution is introduced in a House of Congress, such as limited debate and committee consideration of the resolution.

Section 1709—Transition fund

Establishes the Foreign Affairs Reorganization Transition Fund to provide funds to transfer functions and personnel to the Department of State and to pay for other costs associated with the implementation of the reorganization plan for the U.S. foreign affairs agencies.

The abolition of three federal agencies promises to affect thousands of federal employees. Upon consolidation, the Committee expects that personnel employed by the Arms Control and Disarmament Agency, the United States Information Agency or the Agency for International Development will be able to compete fairly for all positions within the enhanced Department of State for which they are otherwise eligible and qualified.

This section determines which funds will be deposited into the account, which funds will be transferred to the Secretary of State, and how the funds can be used. There are authorized to be appropriated for the fiscal year 1996, \$125,000,000, and for the fiscal year 1997, \$100,000,000, to this account. Funds authorized to be appropriated for the transition account were extracted from the budgets of State, AID, ACDA and USIA. If the costs of transition exceed those amounts provided for in this section, the Committee expects each agency affected by this title to bear a proportionate contribution from the funds authorized to be appropriated to them for each of the fiscal years 1996 and 1997. Unobligated funds remaining in the account after consolidated must be transferred to the Department for the Secretary to use to carry out the functions of the Department. However, the Secretary must notify the appropriate congressional committees with a reprogramming notification before expending the unobligated funds.

No later than October 1, 1998, the Secretary must transmit to the appropriate congressional committees a report detailing the ex-

penditures from the fund used for transition purposes and which functions needed the unobligated funds transferred to the Department of State after transition. The Secretary may not obligate funds in the account after September 30, 1999.

The Committee expects that any costs of severance, voluntary separation incentives or other costs of the transition related to personnel not covered adequately by the funds authorized and appropriated to the transition fund will be paid out of the salaries and expenses account, or a similar account, from within the agency incurring the costs.

Section 1710—Voluntary separation incentives

Authorizes the payment of voluntary separation incentives to minimize the need for involuntary separations as a result of the abolition of an agency or the reorganization of the Department of State pursuant to this division. Such payments are to be made in accordance with the authorities of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226), if the employees separate from service with the agency during the period between the date of enactment of this Act and ending on September 30, 1996. Such payments are to be made from funds in the Foreign Affairs Reorganization Transition Fund, as established in Section 1709. The authority to make payments of this sort expires on September 30, 1996 with the intent that the expiration of this authority before the completion of the transition will encourage employees to accept buy-outs earlier in the transition process, rather than later.

One of the many reasons to consolidate our foreign affairs agencies is to spend American taxpayer funds on programs and activities that are crucial to U.S. presence overseas, rather than on salaries and expenses for personnel who have duplicative responsibilities in such agencies. The Committee expects reductions to take place through attrition, voluntary retirement incentive programs, and reductions in force and such reductions are expected to gain savings of over \$2 billion over the next four years. The largest reductions and the attendant savings will derive from AID.

The Committee believes that such an option for early retirement will be favorable to employees leaving government service and will allow for a more steady and measured reduction of personnel. In order for the Committee to extend this kind of authority, it will require a direct 602(a) allocation since direct spending costs are associated with buy-outs.

The Committee notes that the federal job buy-out program authorized by P.L. 103-226 has been successful in its goal to downsize the federal government workforce without a reduction in force. The average age of workers taking optional retirement and buyouts under this program was 59.9 years; nearly 70 percent of the buyouts went to workers making more than \$35,000 a year; 63 percent of the buyout takers were men; and 76 percent of the buyouts went to caucasian workers. Based on these statistics, the Committee is encouraged that the voluntary separation incentive will be a cost-effective means by which to reduce the personnel in the foreign affairs agencies while retaining a good portion of the

most competent and well-trained personnel from the agencies affected.

Section 1711—Rights of employees of abolished agencies

If an employee of an abolished agency is transferred, this person has the right to retain the same position grade or compensation for one year after the date of transfer. If an employee of an abolished agency held an Executive Schedule position and is appointed to a position with similar duties without a break in service, this person will not be compensated less than the rate provided in the previous position for the duration of employment in the new position.

On the date of the transfer of the functions, positions whose incumbents are appointed by the President, with the advice and consent of the Senate, and whose functions are transferred or abolished under this section shall terminate on the date of transfer or abolition, as the case may be.

Subsection (d) details the conditions that shall apply to the transfer of employees occupying positions in the excepted service or the Senior Executive Service.

Personnel terminated as a result of the abolition of their agency or the reorganization of the Department of State may be appointed in the competitive or excepted service of another agency.

Subsection (f) allows an employee who is transferred to the Department of State to retain membership in any employee benefit program of the transferor agency for one year after the date of such transfer if the employee meets the stated stipulations. This section also sets forth such an employees' options for health insurance programs.

Subsection (g) dictates that transferring employees shall be notified of their ongoing assignments not later than the date on which the reorganization plan setting forth the employee's transfer is transmitted to the appropriate congressional committees under this title. Foreign Service personnel transferred to the Department pursuant to this title are eligible for any assignment open to Foreign Service personnel within the Department.

Section 1712—Transfer and allocations of appropriations and personnel

Provides that personnel, assets, liabilities, contracts, property, records, and unexpended appropriations balances of the abolished agencies, that are associated with functions that will be transferred to the Department of State, shall be transferred to the Department of State.

This section also provides for the treatment of personnel whose functions are not transferred to the Department of State. The subsection allows employees not transferred to be appointed into the competitive or excepted service (as the case may be) by the head of any agency of the executive branch.

Section 1713—Personnel authorities for transferred functions

Allows the head of a transferee agency to appoint and fix the compensation of officers and employees necessary to carry out the respective functions transferred to the agency under this title. Such officers and employees will be appointed in accordance with the

civil service laws and their compensation fixed in accordance with title 5, United States Code. Such persons cannot continue such employment after functions are transferred.

This section also provides the conditions under which the head of a transferee agency may obtain and pay experts and consultants to assist in the transfer of functions.

Section 1714—Property and facilities

The Secretary shall review the property and facilities transferred to the department to determine whether they are required by the department. The Committee expects that the Department will use its authorities under section 9 of the Foreign Service Buildings Act to make cost-effective decisions for the acquisition, maintenance and/or sale of the properties of the foreign affairs agencies affected by this title.

No later than March 1, 1997, all property and facilities within the custody of the transferor agency shall be transferred to the custody of the Secretary of State.

Section 1715—Delegation and assignment

Provides that the head of a transferee agency is responsible for the administration of transferred functions and may delegate transferred functions to officers and employees of the transferee agency as necessary or appropriate, except where otherwise expressly prohibited by law.

Section 1716—Rules

The head of a transferee agency may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, rules and regulations necessary or appropriate to administer and manage the functions of the transferee agency after the transfer of functions to the Department of State under this title.

Section 1717—Incidental transfers

Authorizes the Director of the Office of Management and Budget to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations as may be necessary to carry out the provisions of this title. The Director provides for the termination of the affairs of all agencies terminated by this title and for other measures and dispositions that may be necessary to achieve the purposes of this title.

This section should not be construed as anything more than an authorization for the Director of OMB to deal with issues that were not adequately addressed in the reorganization plans submitted to and approved by the Congress. This authority should in no manner supersede that given to the Secretary of State in other sections of this title.

Section 1718—Effect on contracts and grants

Prohibits ACDA, USIA, and AID from entering into a contract or agreement which will: continue in force after the termination date of such agency; extend the term of an existing contract or agreement of such agency to a date after such date; or make a grant

which will continue in force after such date. However, such prohibitions do not apply to contracts and agreements for carrying out essential administrative functions; contracts and agreements on functions and activities that the Secretary of State determines will be carried out after the termination of the agency concerned under this title; or to grants relating to the functions and activities in paragraph (2).

Section 1719—Savings provisions

Section 1719(a) provides that orders, determinations, rules, regulations, contracts etc., issued or allowed by the President or a federal agency covering functions that will be transferred to the Department of State shall continue if they were in effect at the time the title takes effect. They shall continue until the President or the Secretary of State or another authorized official terminates, modifies or revokes them.

Section 1719(b) clarifies that any proposed rules or applications etc. relating to functions that will be transferred and that are pending before an agency at the time this title takes effect shall not be affected by the transition. Those proceedings shall continue as if the transition did not exist until they are otherwise modified or terminated by an authorized official, a court of law or a new law. However, this subsection further clarifies that this section shall not be interpreted to mean that any of the proceedings detailed above will be saved from termination or modification due to the transition.

Section 1719(c) allows that suits pending before the effective date of this title shall continue as if this title had not been enacted.

Section 1719(d) is similar to (c) though it covers suits pending against the Arms Control and Disarmament Agency, the United States Information Agency or the Agency for International Development or any official of these agencies.

Section 1719(e) allows administrative actions relating to functions that will be transferred under this title to continue as if the title had not been enacted.

The Committee intends for this section to help smooth the transition of functions, personnel and funds from the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development to the Department of State.

Section 1720—Separability

Section 1720 clarifies that if a provision of this title or its application to any person or circumstance is deemed invalid, neither the title itself, nor its application overall, shall be affected.

Section 1721—Other transition authorities

Authorizes the heads of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development to utilize any employees of and any funds appropriated to their respective agencies as long as those employees and funds are connected to functions that will be transferred to the Department of State. They may be utilized for such

a period of time as deemed reasonably necessary to facilitate the orderly implementation of the transition.

The Committee believes that this authority will smooth the period of transition to allow functions of agencies to continue unabated.

Section 1722—Additional conforming amendments

If any technical or conforming amendments to U.S. laws are necessary to implement the transition, the President may submit to the Congress a report detailing any of those amendments. The Committee encourages the President to take advantage of this section.

Section 1723—Final report

Not later than October 1, 1998, a year and a half after the transition is to have come to a close, the President is to submit a final report to Congress detailing how all funds appropriated to and operations of the Arms Control and Disarmament Agency, the United States Information Agency and the Agency for International Development were disposed of or distributed within the government.

This section is intended to provide the Congress and the American public a detailed chart and an itemized description of where the functions and funds of the agencies that were abolished were divided up within the Department of State. The Committee hopes that the President will utilize this report to provide a detailed history of the transition events of the four years preceding the submission of the report.

Section 1724—Definitions

Defines the terms: appropriate congressional committees, federal agency, function, office, transferee agency, and transferor agency.

COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides the following estimates of the cost of this legislation prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 31, 1995.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate of the Foreign Relations Revitalization Act of 1995, as ordered reported by the Senate Committee on Foreign Relations on May 18, 1995.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Unassigned.
2. Bill title: Foreign Relations Revitalization Act of 1995.
3. Bill status: As ordered reported by the Senate Committee on Foreign Relations on May 18, 1995.
4. Bill purpose: The bill would consolidate U.S. foreign affairs agencies by abolishing the Arms Control and Disarmament Agency, the United States Information Agency, and the U.S. Agency for International Development and transferring their functions to the Department of State. The bill would authorize appropriations in fiscal years 1996, 1997, 1998, and 1999 for State Department operations, contributions to international organizations, broadcasting and cultural exchange activities, and various other activities and agencies.
5. Estimated cost to the Federal Government;

[By fiscal year, in billions of dollars]

	1995	1996	1997	1998	1999	2000
Direct spending:						
Estimated budget authority	0	(1)	(1)	(1)	(1)	(1)
Estimated outlays	0	6	9	3	(1)	(1)
Spending subject to appropriations actions:						
Spending under current law:						
Budget authority/authorization ^{3, 4}	6,979	249	259	268	277	284
Estimated outlays	7,315	1,759	759	493	297	284
Proposed changes:						
Estimated authorization level ⁴		6,337	5,971	5,554	5,400	0
Estimated direct loan obligations		1	1	1	1	0
Estimated outlays		5,080	5,630	5,497	5,360	1,007
Spending under the bill:						
Estimated authorization level ^{3, 4}	6,979	6,586	6,230	5,822	5,678	284
Estimated direct loan obligations		1	1	1	1	0
Estimated outlays ⁴	7,315	6,839	6,390	5,990	5,657	1,290

¹ Less than \$500,000.

² Amounts for fiscal years 1996 through 2000 are permanent authorizations subject to appropriations action.

³ The 1995 figure is the amount already appropriated.

⁴ Does not include increased obligational authority or outlays associated with the change in the scoring of lease-purchases required by section 121.

The costs of the bill fall in budget functions 150 (international affairs), 300 (natural resources and environment), and 800 (general government).

6. Basis of estimate: The estimate assumes enactment of the bill and appropriation of the authorized amounts for each fiscal year. CBO used historical spending rates for estimating outlays.

Direct spending and receipts

In addition to authorizing appropriations, the bill contains several provisions affecting direct spending and receipts.

Voluntary Separation Incentives. Section 1710 would allow the Secretary of State, the Director of the United States Information Agency, the Administrator of the Agency for International Develop-

ment, and the Director of the United States Arms Control and Disarmament Agency to offer separation incentive payments to employees before the end of fiscal year 1996. This provision would result in direct spending costs because some employees who retire with the incentive would receive their annuities earlier than under current law. CBO estimates that the costs of section 1710 would be \$6 million in 1996, \$9 million in 1997, and \$3 million in 1998. In 1999 and 2000, however, CBO estimates direct spending savings of less than \$1 million because people who retire early would receive reduced annuities in those years.

Based on preliminary results from the voluntary separation incentive program that expired March 31, 1995, these agencies made about 1,000 incentive payments in 1994 and 1995. The results suggest that most of the employees took the incentive and retired. Although many eligible employees took an incentive payment and retired in 1994 and 1995, CBO assumes that the employment cuts required in this bill are great enough—about 9,000 full-time equivalents by 1997—that a comparable number of separation payments will be needed. The estimate assumes that about 60 percent of the retirees would have retired without the incentive. The estimate also assumes that the remaining 40 percent who accept the incentive would retire one or two years earlier than they would have otherwise.

Other Provisions. Section 601 would repeal several permanent appropriations for interparliamentary groups. The repeal would lower budget authority and outlays by \$150,000 per year. Section 413 would require the Director of the United States Information Agency to carry out a pilot program of selling advertisements on the agency's television and radio broadcasts and to spend the collections on operations. The net budgetary effect of this pilot program would be negligible.

Spending subject to appropriations action

The bill would authorize the appropriation of \$23.3 billion for international affairs and other programs over the next four years. The bill would reorganize various offices and functions within the Department of State and transfer the authorities and functions of the United States Information Agency, the Arms Control and Disarmament Agency, the International Development Cooperation Agency, and the Agency for International Development to the State Department.

The bill would provide specific authorizations for the payment to the foreign service retirement and disability fund, the emergency migration and refugee account, and the buying power maintenance account. These programs now have permanent, indefinite authorizations, which would not be repealed by this bill. This estimate, therefore, reflects no change in the projected spending for these accounts.

In addition, the bill contains various other indefinite authorizations. Section 137 would limit the authority provided in the following sections to the extent or in the amounts provided in appropriations acts.

Fees for Machine Readable Visas. Section 163 would authorize the Secretary of State to charge fees for machine readable visas in

years 1996 through 1999. The authority would be limited to \$150 million per year, but collections are likely to be much less than that threshold. The bill specifies that income from the fees be recorded as offsetting collections and be available for spending on consular activities. Based on information from the Office of Management and Budget (OMB), CBO estimates that the department will collect and spend \$80 million each year from these fees.

Immigrant Visa Fees. Section 161 would authorize the Secretary of State to charge a fee for certain immigrant visas and to use the proceeds. CBO estimates that the fees would generate \$2.8 million per year based on information from OMB.

Buying Power Maintenance. Section 111(b) would authorize such sums as may be necessary to cover the increased costs caused by the depreciation of the dollar. CBO estimates that an additional \$42.7 million in 1996 would be needed to restore the value lost by the sharp drop in the dollar since the budget was prepared.

International Center Reserve Funds. Section 133 would authorize the special fund for the International Center to earn interest. The interest, approximately \$500,000 per year, may be appropriated for maintenance, security, and additional surveys and plans associated with developing areas within Washington, D.C. for chancery and diplomatic purposes.

Funds for Environmental, Scientific, Cultural and Related Areas. The bill would authorize recipients of grants for environmental, scientific, and cultural activities to deposit grant funds in interest-bearing accounts and to use the interest for the same purpose for which the grant was made. Under current law, the grantees refund their interest earnings to the government. CBO estimates that under this provision the Treasury would forgo collections of \$500,000 per year.

Authority to Provide Services on a Reimbursable Basis. The bill contains several sections that would allow the Department of State to accept reimbursements for services and to credit the funds to the performing account. Section 151 authorizes the department to provide training services to corporate employees, their families, and Congressional employees on a reimbursable basis. CBO estimates that collections would total less than \$100,000 per year. Section 148 authorizes the State Department to collect from insurance companies the reasonable costs of health care services provided by the department beginning in 1997 and to use the collections on health care services or other expenses. CBO estimates collections of \$11.5 million a year starting in 1997.

Directed Scorekeeping. Section 121 would direct a change in the scoring of budget authority for lease-purchase agreements involving property in foreign countries. The change would allow the State Department to incur obligations in excess of appropriated amounts. In most cases, acquiring property through a lease-purchase agreement is more costly than buying the same property, but under section 121, such agreements would require much less upfront budget authority than under current law. Enacting the provision would thus encourage acquisition of property through lease-purchases, thereby increasing the government's long-term costs.

When measured using current scoring procedures, the use of additional lease-purchase arrangements would add to the budget au-

thority, obligations, and outlays associated with the State Department's acquisition of property in foreign countries over the next several years. While CBO currently has no clear basis for estimating those budgetary impacts, they could be substantial.

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998
Change in Outlays	0	6	9	3
Change in Receipts	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO Estimate: None.

11. Estimate prepared by: Joseph C. Whitehill, Christopher Duncan, and Wayne Boyington.

12. Estimate approved by: Robert A. Sunshine for Paul N. Van de Water, Assistant Director for Budget Analysis.

EVALUATION OF REGULATORY IMPACT

In accordance with rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has concluded that there is no regulatory impact from this legislation.

MINORITY VIEWS OF SENATORS PELL, BIDEN, SARBANES,
DODD, KERRY, ROBB, FEINGOLD, AND FEINSTEIN

Nearly five decades ago, Dean Acheson wrote that he was “present at the creation”—a reference to the period following World War II in which the United States forged the international institutions that guided western policy throughout the cold war. With the cold war at an end, President Clinton has properly focused primary attention on restoring the Nation’s economic health. But international crises and challenges continue to confront the United States. Unfortunately, the prescriptions set forth in this bill and other Republican initiatives pending in Congress set the stage for the United States to be absent at the creation of the post-cold war order.

In our view the bill as reported threatens the ability of the United States to maintain a meaningful diplomatic presence abroad and to exercise effective leadership in the international community and its institutions as we move into the 21st century. We also believe that the bill, by providing authorizations of appropriations for 4 fiscal years, as opposed to the traditional 2, jeopardizes the relevance of the committee’s work to the appropriating process and undermines the committee’s policy-making role.

The funding levels in the bill reflect the deep cuts proposed by the Budget Committee in Function 150 (the International Affairs function) over the next 4 fiscal years. Under this bill, authorized funding in fiscal year 1995 enacted level. This cut, of course, does not reflect reductions proposed by Chairman Helms in funding for foreign aid programs.

The bill mandates that the U.S. withdraw from several international organizations including the International Labor Organization and eliminates funding for U.S. assessed contributions to these organizations. The bill places conditions on the full payment of U.S. assessed contributions to the United Nations and to peacekeeping operations that serve only to weaken U.S. leverage at the United Nations at a very time when U.S. leadership is sorely needed.

The mandated consolidation of the United States Information Agency (USIA), the Agency for International Development (AID), and the Arms Control and Disarmament Agency (ACDA) into the Department of State is motivated in large part by budgetary concerns. We agree that savings must be realized by some form of consolidation of our foreign affairs agencies. However, the plan in this bill denies the President the right or the flexibility to determine how the foreign affairs apparatus of the United States should be structured. Moreover, the State Department’s ability to absorb these new functions is questionable, as former Secretary of State Lawrence Eagleburger testified to the committee on March 23, 1995. He said; “I do not think the State Department today is capa-

ble of taking on the functions that you [the Chairman] contemplate going into the State Department and doing them effectively.”

FUNDING LEVELS

A decade ago the International Affairs Budget comprised 2.44 percent of the total federal budget. Today, it comprises only 1.3 percent. In the last decade, appropriations for Function 150 have declined by \$15.6 billion in fiscal year 1996 dollars, from \$36.8 billion in fiscal year 1985 to \$21.2 billion in fiscal year 1995.

The Senate Budget Committee proposes to reduce discretionary funding for the International Affairs Budget by \$2.5 billion in fiscal year 1996 alone. By Fiscal Year 2002, the Budget Committee's target date for balancing the budget, the proposed mark for function 150 discretionary funding is \$16.2 billion. In 7 years, the International Affairs Budget will have plummeted by \$4.2 billion, or 20.5 percent from the current level.

We believe that the Budget Committee's proposed reductions in the International Affairs Budget are ill-considered, short-sighted, and contrary to our national interests. We recognize that economies must be achieved in all aspects of the federal budget, including international affairs activities. However, the dollar alone should not be the driving force of policy.

The Budget Committee's proposed levels for Function 150 have been assumed by Chairman Helms in setting the authorization levels in the State Department authorization bill and the foreign aid authorization bill. In fact, if the funding levels in these two bills are combined, the total falls well below the mark set by the Budget Committee.

We understand that the Budget Committee's figures set the parameters within which the authorizers and appropriators must work. Within this context, we strongly believe that the authorization bills reported by this committee should not cut below the Budget Committee's mark. To do so sends the wrong signal to the Appropriations Committee. It suggests that additional cuts in international programs, beyond those contemplated by the Budget Committee, are acceptable to this committee. In our view, they are not. Substantial cuts by the appropriations committees in funding for international programs and activities will have a negative effect on the instruments of foreign policy.

EXCHANGES

The committee bill's authorization for the Fulbright academic exchange programs is \$9 million less than the fiscal year 1995 enacted level. Moreover the bill's total funding level for all international exchanges is \$24.8 million less than the administration's fiscal year 1996 request for exchanges.

Historically this committee has strongly supported educational and cultural exchange programs and has made a deliberate effort to fund these at requested levels. The proposed reductions in this bill mark a departure from that trend. We believe that exchange programs, particularly the Fulbright program, are effective means of promoting understanding of basic democratic values and freedom and principles of free enterprise. At a time when democracy is beginning to take hold in various states of the former Soviet Union

as well as in other parts of the world, exchange programs are a relatively inexpensive way to shape the process of change.

U.N. PROVISIONS

The committee bill mirrors other recent congressional efforts to undermine and place restrictions upon U.S. participation in the U.N. system. The bill accelerates an alarming trend that could result in an eventual U.S. withdrawal from the U.N. system.

U.S. national interests are well-served by our active and prominent participation in U.N. peacekeeping and other activities. U.N. peacekeeping has helped to advance U.S. foreign policy goals in such critical regions as Asia, Latin America, and the Middle East, and the U.N. organizations are making vital contributions to nuclear safety, to the protection of the international environment, to child health and survival, and to the promotion of respect for human rights worldwide.

At a time when U.S. budgetary constraints mandate a closer look at our commitments and obligations abroad, the United States should be exploring ways to utilize more effectively its participation in the U.N. system. Instead, it appears the committee is looking to dismantle that system piecemeal.

Part A, title II of the committee bill contains a number of provisions that will severely restrict U.S. participation in and support for U.N. operations. Section 205, for instance, makes percentages of U.S. contributions to the United Nations (for peacekeeping and other matters) subject to Presidential certifications regarding the office of the U.N. Inspector General. While it is important that the Inspector General's office operate effectively, the standards established under section 205 are arbitrary and impossible to meet. As a result, the President will be unable to make the required certifications and will be forced to withhold large percentages of our payments to the United Nations. This provision will do nothing to advance reform and will result only in drastic and counterproductive reductions of U.S. assessed and voluntary contributions to the United Nations.

Section 217 is another example of the troubling provisions concerning the United Nations contained in the committee bill. This section would fundamentally alter U.S. enforcement of U.N. sanctions regimes. Specifically, this section would exempt the United States from enforcing any sanctions that would have the effect of prohibiting assistance to promote human rights, the exchange of information, and the development of democratic institutions. A strong theoretical case can be made that such efforts are desirable—even for a country that threatens international peace and security. In practice, however, the exemptions would be difficult to implement. They also would undermine U.S. efforts to encourage other countries to observe U.N. embargoes against such countries as Libya or Iraq. The U.S. Ambassador to the United Nations may even be bound to veto any future U.N. sanctions resolution that did not contain similar exemptions.

We acknowledge that there are some neutral, and even some positive elements in title II pertaining to the United Nations. These, however, are overshadowed by the other destructive elements of title II. By reporting this bill, the committee is calling into

question a fundamental precept of U.S. foreign policy—the ability of the United States to participate in the U.N. system. In our opinion, this bill will jeopardize the progress that has been made to date on U.N. reform, and will undermine American leadership in the process.

OTHER INTERNATIONAL ORGANIZATIONS

We are concerned about other provisions in the bill which seek to limit the ability of the United States to participate in other international organizations apart from the United Nations and its specialized agencies. For example, section 313 forces the United States out of several organizations including the International Labor Organization and the United Nations Industrial Development Organization by prohibiting U.S. contributions to these organizations. Prohibitions in sections 316 and 317 on U.S. contributions to the International Natural Rubber Organization and the International Tropical Timber Organization have the same effect.

Section 314 seeks to prevent the United States from participating in the work of the Human Rights Committee established under the International Covenant on Human Rights, which the United States ratified in 1992. This provision weakens the ability of the United States to play a leading role in international efforts to promote respect for human rights and creates doubt among other parties as to the seriousness of our commitment to the committee's work.

These provisions, taken together with many of those in title II dealing with the United Nations, are an attempt to reduce the U.S. presence on the international scene. We strongly believe that this "neo-isolationist" approach, as some have called it, will diminish our influence, our leadership role, and ultimately our capacity to promote our national interests in the international arena.

Finally, the prohibition in section 312 on funding of any international organization that espouses one-world government demonstrates little understanding of the purpose of the United Nations and its specialized agencies and appears to pander to those Americans whose anger toward the U.S. Government resulted in the recent bombing of the Federal building in Oklahoma City. In our view the inclusion of this provision demeans the committee and is offensive to the victims of that tragic bombing, their friends and families.

CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

We agree that the passing of the cold war and the reality of ever smaller budgets for international affairs compel us to re-examine our foreign affairs agencies in an effort to find a more efficient, cost-effective means of formulating, coordinating and implementing policy. Although seemingly cost-effective, the mandated consolidation in the committee bill leaves little discretion to the President to determine what agencies among USIA, AID, and ACDA should be abolished or what kind of consolidated structure should be established in their place. Rather it mandates that the functions, and a certain percentage of the personnel, of these agencies should be merged into the State Department by March 1, 1997.

With the passing of the cold war, the focus of international politics is shifting increasingly to issues such as trade and economics,

the environment, technology, nuclear nonproliferation, and conventional arms control. There are many different ways to restructure our bureaucracy to promote our interests in these, as well as traditional, policy areas. To place responsibility for all these issues in the State Department, as the committee bill does, eliminates other, possibly more effective organizational options, and overestimates the capacity of the State Department to take on these new functions.

For example, it is questionable whether the abolishment of AID and the transfer of its functions to the State Department will result in a more efficient or effective foreign aid program. The merger proposed in this bill would leave the United States without a high-level official responsible for coordinating programs for sustainable development. It would also require the elimination of large numbers of highly skilled personnel with experience in designing, overseeing, and administering aid programs. As a result, development assistance could end up being distributed as cash grants to governments for political reasons, rather than being targeted toward specific development objectives through direct training, technical support, and project assistance to communities and nongovernmental organizations.

We accept the need for restructuring our foreign affairs apparatus. However, we believe that the President should have flexibility, within certain time limits, to decide how to structure that apparatus. Congress can, and should, promote the restructuring process by setting broad mandates including reductions in the aggregate number of agencies, substantial mandatory savings, elimination of duplication of functions and personnel, and limits on upper level executive positions. However, the decisions on what agencies should be abolished, what functions should be transferred and where, and what personnel should be reduced or retained should be made by the President, not by Congress. The amendment offered during markup as an alternative to the plan in the committee bill by Senator Kerry on behalf of all of us reflects this approach to the consolidation issue.

The amendment required the President to submit a plan to Congress within 6 months of the date of enactment of the bill for the consolidation of the personnel and functions of the State Department, USIA, AID, and ACDA. The plan had to include the elimination of at least one of the three independent agencies (USIA, AID, and ACDA), save at least \$2 billion in personnel savings over 4 years, and result in no increase in positions at each of the top three executive levels or any elimination of statutory functions. Within this mandate, the President had total discretion to determine how to restructure the foreign affairs apparatus.

We believe this is a sensible approach to the consolidation issue. It would engage the administration in the consolidation process, promote a serious and thoughtful reorganization that could improve the formulation, coordination, and implementation of policy, and produce significant cost savings. We regret that the committee rejected it.

4 YEAR BILL

In our view the decision to include authorizations for fiscal years 1998 and 1999 in the committee bill is a mistake. Historically, this committee has done 2-year authorization bills. These bills were designed to keep the committee relevant to the appropriations process and to ensure that policy is set by the authorizing committees as opposed to the appropriating committees.

In recent years this committee has worked closely with the Appropriations Committee to ensure that the funding levels set by the appropriators did not violate this committee's authorizations. To authorize funding for the next 4 years, as this bill does, will undo that process. Moreover, if the caps set by the Budget Committee for the International Affairs Budget change—up or down—in the out-years, the authorizations in this bill will have little impact on what the appropriators do in fiscal years 1998 and 1999.

If the budget caps increase in fiscal year 1998 or fiscal year 1999, the lower authorizations in this bill will encourage the appropriators to go lower than the budget requires. As a result, funding for international activities would be cut unnecessarily.

Another reason for limiting this bill to fiscal years 1996 and 1997 only is the upcoming presidential election. The President should be able to set priorities and seek the necessary funds to pursue them. Supplemental funding requests are not, as some have suggested, an effective means of achieving this end. As we have seen in recent years, these requests usually succumb to a slow and painful death in Congress.

ADDITIONAL VIEWS OF SENATOR CLAIBORNE PELL

The absorption of the United States Arms Control Agency for the Department of State, as called for in this legislation, would undercut serious and comprehensive efforts in recent years to strengthen and revitalize the Agency. Moreover, it would have this unfortunate effect without any significant savings. As a result, its true price would be high.

In the course of committee markup of the legislation, I offered an alternative proposal—that the Arms Control and Disarmament Agency be retained and strengthened. My proposal was supported by my Democratic colleagues and rejected by all of the committee Republicans.

Arms Control activities were handled within the Department of State until 1961, when it was decided that a separated agency would be a better approach. As the final decisions were being considered, I recall going to the White House with Senators Humphrey of Minnesota and Clark of Pennsylvania to make the case that arms control was a matter of such central importance to the United States that it should be the responsibility of an agency created by and operating under statute.

McGeorge Bundy, who served both Presidents Kennedy and Johnson as National Security Advisor, recalled the decisions on ACDA earlier this year in testimony on this bill. He spoke of “the requirements for first-class executive branch performance in the field of arms control. These requirements are well met in the present executive arrangements; they could be met only by most improbable good luck if the proposal before you (the reorganization plan approved by committee) should be adopted.”

The need for first-class arms control performance has not always been recognized. Accordingly, in the past 34 years, the Agency has had its ups and downs, but it has been central to some successes, including the Non-Proliferation Treaty, SALT I Interim Agreement, Anti-Ballistic Missile (ABM) Treaty, Biological Weapons Convention, Senate agreement to the 1925 Geneva Protocol, Intermediate Range Nuclear Forces (INF) Treaty, Threshold Test Ban Treaty, Peaceful Nuclear Explosions Treaty, and the Chemical Weapons Convention now pending before the Senate. The Agency and Ambassador Tom Graham were central to the very successful effort to win the permanent extension of the Non-Proliferation Treaty, and ACDA is currently running the effort to conclude a comprehensive test ban. While ACDA was not in charge of START I or START II, it did the bulk of the backstopping work.

It is worthy of note that ACDA has fought alone in some key matters. The State Department opposed negotiation of the Non-Proliferation Treaty in order to please NATO allies. ACDA persevered and won. When the State Department wanted to eviscerate the ABM Treaty in the early 1980's, ACDA fought for the tradi-

tional interpretation. Recently ACDA and the Energy Department have been supportive of the current nuclear testing moratorium and of a comprehensive test ban. The State and Defense Departments have been the foot draggers. Recent press reports allege that the Administration sided with the Secretary of Defense and the Joint Chiefs of Staff against ACDA and the Energy Secretary in its decision not to agree with the Russians to negotiate further strategic arms cuts beyond START II.

In 1991, the Bush administration did not seem to hold ACDA in particular regard, and there was a general sense on the Hill that ACDA was both insignificant and ineffectual. Senator Simon proposed, and the committee and Senate agreed to, an amendment requiring that the State/ACDA Inspector General Sherman Funk, investigate ACDA and report back with recommendations in December 1992. Mr. Funk ordered a very thorough study and analysis by an outside panel headed by Ambassador James Goodby. That panel explored all the options, including merger into State and concluded that ACDA should be kept independent and strengthened.

Subsequently, I introduced legislation to strengthen and revitalize ACDA. At the same time, the new administration was considering a plan to merge ACDA into the State Department. That subsequently rejected plan is the progenitor of the current majority plan to merge ACDA into State.

After their review, the President, on the strong recommendation of Secretary Christopher, decided to retain ACDA as an independent Agency, reporting to both the President and the Secretary, and to support the bill I had introduced as soon as some compromises were reached. Secretary Christopher and the Department worked very closely and productively with the committee in putting together a mutually acceptable bill. With the administration's backing the bill, with bipartisan support in both Houses, was enacted last spring. These are the highlights of the revitalization legislation, which is now law:

The bill enhanced the role of the ACDA in the areas of arms control and nonproliferation policy and negotiations in several ways: (1) ACDA was given primary responsibility for all arms control negotiations and implementation fora, including negotiation of a comprehensive nuclear test ban; (2) positions for Presidential Special Representatives for Arms Control, Nonproliferation, and Disarmament were created and placed under the ACDA Director; and (3) ACDA's role in nonproliferation was underscored by giving the Agency primary responsibility for managing U.S. participation in the 1995 review conference of the Nuclear Non-Proliferation Treaty and primary responsibility for other nonproliferation activities when so directed by the President.

The bill improved ACDA's role regarding arms transfers and nonproliferation. ACDA was given mandatory prior consultation and review rights with respect to export licenses and other matters under both the Arms Export Control Act and the Nuclear Non-Proliferation Act.

The bill strengthened the functioning of the Agency by eliminating a number of outdated or redundant reporting requirements and by disbanding the General Advisory Committee, thereby permitting the Agency to reassign personnel to other substantive areas.

The revitalization has already had an effect, and the administration is helping by keeping the bargains that were reached.

At the committee markup, I offered an amendment as an alternative to the merger proposal subsequently adopted. My amendment would have retained ACDA and strengthened it still further, particularly with regard to nonproliferation. In particular, it would have moved into ACDA particular nonproliferation activities that the Agency is best equipped to handle, such as management of U.S. participation in the International Atomic Energy Agency and in various nonproliferation related international activities. It would have helped ensure that ACDA—and the United States—were able better to meet the considerable arms control challenges, to be faced in the period ahead.

Mr. Bundy told the Committee: “Arms control—especially the limitation of nuclear danger—is not easy. It requires agreement among sovereign states who often fear and mistrust each other. It can require limits on weapons that a military service may initially prefer not to limit. It requires technical understanding, political sagacity, and coordination from the White House. What I would emphasize in particular, from my own service with two Presidents who were deeply and directly engaged in the effort to limit nuclear danger, is that there must be a close and continuous relation between the President and his staff and the main center of arms control analysis and effort. The government’s senior people on arms control should have easy access, as a matter of right and expectation, to the White House”.

The value of independent access to the President as cited by Mr. Bundy cannot be overestimated. Many arms control and nonproliferation matters should be considered at the interagency level and decided by the President. To put arms control at a lower level within the Department of State—even if State did its best to maintain arms control as a key factor in decision making—would mean that the arms control voice would be muffled and key questions could be dealt with inside the Department. Under the present and preferred arrangement, the Director is the principal advisor on arms control, disarmament, and nonproliferation matter to the President, the National Security Council and the Secretary of State. Thus, the Agency can be actively engaged and effective at whatever level is appropriate.

Much is made of the notion that abolishing agencies such as ACDA will save large funds. The basic ACDA budget is currently about \$55 million. Most of the activities its employees are engaged in are fairly important to the Nation, and some of the work is vitally important. Most of the people are quite busy. The Vice President has set about the task of making all feasible reductions throughout government, and indications are now that significant cuts can be made. With regard to ACDA and the State Department overlap, it is clearly largely within the Department, and there can be reasonable savings in areas in which the Department duplicates ACDA. Beyond that, it is hard to imagine cuts that would not simply mean the termination of important programs.

I conclude that there could be some relatively insignificant savings realized from the merger of ACDA into State, but the results

would not be an improvement. It would amount to dollars saved very foolishly—at an unfortunately high price.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Foreign Service Act of 1980

* * * * *

SEC. 101. FINDINGS AND OBJECTIVES.—(a) The Congress finds that—

* * * * *

(b) The objective of this Act is to strengthen and improve the Foreign Service of the United States by—

* * * * *

[(9) increasing efficiency and economy by promoting maximum compatibility among the agencies authorized by law to utilize the Foreign Service personnel system, as well as compatibility between the Foreign Service personnel system and other personnel systems of the Government; and]

(9) establishing a consolidated and uniform administration of a single Foreign Service of the United States by the Director General of the Foreign Service, under the direction of the President and the Secretary of State; and.

* * * * *

SEC. 203. COMPATABILITY AMONG AGENCIES UTILIZING THE FOREIGN SERVICE PERSONNEL SYSTEM.—(a) [The Service shall be administered to the extent practicable in a manner that will assure maximum compatibility among the agencies authorized by law to utilize the Foreign Service personnel system. To this end, the other heads of such agencies shall consult regularly with the Secretary of State.] *There is one Foreign Service, and any agency that seeks to utilize the authorities of the Foreign Service Act of 1980 shall do so in strict conformance with the common standards and procedures set out by the Director General of the Foreign Service under the authority of the Secretary of State.*

* * * * *

[Sec. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.

[The President shall appoint, by and with the advice and consent of the Senate, a Director General of the Foreign Service, who shall be a current or former career member of the Foreign Service. The Director General should assist the Secretary of State in the management of the Service and perform such functions as the Secretary of State may prescribe.]

SEC. 209. INSPECTOR GENERAL.—(a)(1) There shall be an [Inspector General of the Department of State and the Foreign Service] *Inspector General for Foreign Affairs*, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, or their knowledge and experience in the conduct of foreign affairs. *The Inspector General shall serve a term of six years. The Inspector General may be reappointed by the President, by and with the advice and consent of the Senate, for an additional term or terms of six years each. No career member of the Foreign service, as defined in section 103, may be appointed Inspector General.* The Inspector General shall report to and be under the general supervision of the Secretary of State. Neither the Secretary of State nor any other officer of the Department shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Inspector General shall periodically (at least every 5 years) inspect and audit the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State, and shall perform such other functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector General any general program operating responsibilities.

* * * * *

SEC. 302. APPOINTMENTS BY THE PRESIDENT.—(a)(1) The President may, by and with the advice and consent of the Senate, appoint an individual as a chief of mission, as an ambassador at large, as an ambassador, as a minister, as a career member of the Senior Foreign Service, or as a Foreign Service officer.

* * * * *

(b) If a member of the Service is appointed to any position in the executive branch by the President, by and with the advice and consent of the Senate, or by the President alone, the period of service in that position by the member shall be regarded as an assignment under chapter 5 and the member shall not, by virtue of the acceptance of such assignment, lose his or her status as a member of the Service. A member of the Senior Foreign Service who accepts such an assignment [may elect to] *shall* continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign [Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President.] *Service.*

* * * * *

SEC. 405. PERFORMANCE PAY.—(a) [Members] *Subject to subsection (e), members* of the Senior Foreign Service who are serving—

* * * * *

(d) The President may grant awards of performance pay under subsection (b)(3) on the basis of annual recommendations by the Secretary of State of members of the Senior Foreign Service who are nominated by their agencies as having performed especially meritorious or distinguished service. Recommendations by the Secretary of State under this subsection shall be made on the basis of recommendations by special interagency selection boards established by the Secretary of State for the purpose of reviewing and evaluating the nominations of agencies.

(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.

* * * * *

SEC. 601. * * *

(c)(1) * * *

(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[.]; and

(D) include on a biannual basis the comments of the Inspector General for Foreign Affairs with respect to the adequacy of the report on the matters described in this paragraph.

* * * * *

SEC. 701. * * *

(d)(1) The Secretary of State is authorized to provide for special professional foreign affairs training and instruction of employees of foreign governments through the institution.

(2) Training and instruction under paragraph (1) shall be on a reimbursable or advance-of-funds basis. Such reimbursements or

advances to the Department of State may be provided by an agency of the United States Government or by a foreign government and shall be credited to the currently available applicable appropriation account.

(3) In making such training available to employees of foreign governments, priority consideration should be given to officials of newly emerging democratic nations and then to such other countries as the Secretary determines to be in the national interest of the United States.

(e)(1) The Secretary is authorized to provide appropriate training through the institution to employees of United States companies that are engaged in business abroad, and to the families of such employees, when such training is in the national interest of the United States.

(2) In the case of companies that are under contract to provide services to the Department of State, the Secretary is authorized to provide job-related training to the companies' employees who are performing such services.

(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

(f)(1) The Secretary is authorized to provide on a reimbursable basis foreign language training programs to Members of Congress.

(2) Nonexecutive branch staff members may participate on reimbursable, space-available basis in foreign language programs offered by the institution.

(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

[(4)](g) The authorities of section 704 shall apply to training and instruction provided under this section.

* * * * *

SEC. 904. HEALTH CARE.—(a) The Secretary of State shall establish a health care program to promote and maintain the physical and mental health of members of the Service, and (when incident to service abroad) other designated eligible Government employees, **[and]** members of the families of such members and employees, and (for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h).

* * * * *

(d) If an individual eligible for health care under this section incurs an illness, injury, or medical condition which requires treatment while assigned to a post abroad located overseas pursuant to Government authorization, the Secretary may pay the cost of such treatment (subject to the provisions of subsections (g) and (h).)

* * * * *

(f) The Secretary of State shall review on a continuing basis the health care program provided for in this section. Whenever the Secretary of State determines that all or any part of such program can be provided for as well and as cheaply in other ways, the Secretary may, for such individuals, locations, and conditions as the Secretary of State deems appropriate, contract for health care pursuant to such arrangements as the Secretary deems appropriate.

(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third party payer for such costs.

(2) If the insurance policy, plan, contract, or similar agreement of that third party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the Secretary of State may collect from the third party payer only the reasonable cost of the care provided less the deductible or copayment amount.

(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1):

(A) Care provided directly or indirectly by a governmental entity.

(B) Care provided to an individual who has not paid a required deductible or copayment.

(C) Care provided by a provider with which the third party payer has no participation agreement.

(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement, shall operate to prevent or hinder recovery or collection by the United States under this section.

(6) As to the authority provided in paragraph (1) of this subsection—

(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third party payer;

(B) the United States may institute and prosecute legal proceedings against a third party payer to enforce a right of the United States under this subsection; and

(C) the Secretary may compromise, settle, or waive a claim of the United States under this subsection.

(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the

United States is sought for the sole purpose of permitting the third party to verify—

(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

(B) that the provision of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this subsection shall be subject to the provisions of paragraphs (2) and (4).

(9) Amounts collected under this subsection or under subsection (h) from a third party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended.

(10) In this section:

(A) The term “covered beneficiary” means an individual eligible to receive health care under this section whose health care costs are to be paid by a third party payer under a contractual agreement with such payer.

(B) The term “services” as used in ‘health care services’ includes products.

(C) The term “third party payer” means an entity that provides a fee-for-service insurance policy, contract or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third party payers covered by subsection (g).

* * * * *

SEC. 1017. * * *

* * * * *

(e) (1) Notwithstanding any other provision of this chapter—

(A) participation in the management of a labor organization for purposes of collective bargaining or acting as a representative of a labor organization for such purposes is prohibited under this chapter—

* * * * *

[(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term “management official” shall not include chiefs of mission, principal officers and their deputies, and administrative and personnel officers abroad.]

(2) For the purposes of paragraph (1)(A)(ii) and paragraph 1(B), the term ‘management official’ does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12)(B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.

* * * * *

SEC. 1108. * * *

* * * * *

(e) The grievant in any case decided by the Board shall have access to the record of the proceedings and the decision of the Board.

(f) *As used in this section, the term "agency records" does not include records created or maintained by the Office of the Inspector General of the employing agency. That Office may, in its discretion, provide the Board records or information relevant to a grievance.*

The Foreign Assistance Act of 1961

* * * * *

SEC. 116. HUMAN RIGHTS.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

* * * * *

(c) In determining whether or not a government falls within the provisions of subsection (a) of this section and in formulating development assistance programs under subchapter I of this chapter, the Administrator shall consider, in consultation with the [Assistant Secretary of State for Democracy, Human Rights, and Labor] *Secretary*—

* * * * *

SEC. 122. GENERAL AUTHORITIES.—(a) In order to carry out the purposes of this chapter, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to countries and areas through programs of grant and loan assistance, bilaterally or through regional, multilateral, or private entities.

* * * * *

(e) The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this chapter in accordance with the foreign and financial policies of the United States. *The Secretary of State shall serve as Chairman of the Committee.* Except in the case of officers serving in positions to which they were appointed by the President by and with the advice and consent of the Senate, officers assigned to the Committee shall be so assigned by the President by and with the advice and consent of the Senate.

* * * * *

SEC. 239. GENERAL PROVISIONS AND POWERS.—(a) The Corporation shall have its principal office in the District of Columbia and

shall be deemed, for purposes of venue in civil actions, to be resident thereof.

* * * * *

(e) The [Inspector General of the Agency for International Development] *Inspector General for Foreign Affairs* (1) may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General shall report to the Board. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Inspector General in connection with his responsibilities under this subsection.

* * * * *

SEC. 488. LIMITATION ON ACQUISITION OF REAL PROPERTY AND CONSTRUCTION OF REAL PROPERTY.—(a) ACQUISITION OF REAL PROPERTY.—

* * * * *

(3) REPORT.—The Secretary of State shall provide to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after the end of each [quarter of the] fiscal year a detailed report on all leases entered into pursuant to paragraph (2), including the cost and duration of such lease, a description of the property leased, and the purpose for which such lease was entered into.

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a)(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

* * * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report [prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor,] with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. In determining whether a government falls within the provisions of subsection

(a)(3) of this section and in the preparation of any report or statement required under this section, consideration shall be given to—

* * * * *

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement [, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor,] with respect to the country designated in such request, setting forth—

* * * * *

(g)(1) * * *

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement [prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor,] with respect to the country designated in such request, setting forth—

* * * * *

SEC. 573. SPECIFIC AUTHORITIES AND LIMITATIONS.—(a) Notwithstanding section 660 of this Act, services and commodities may be granted for the purposes of this chapter to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 644(m)) pursuant to section 632 of this Act from funds available to carry out this chapter.

* * * * *

(c) The [Assistant Secretary of State for Democracy, Human Rights, and Labor] *Secretary of State* shall be consulted in the development and implementation of the antiterrorism assistance program under this part, including determinations of the foreign countries that will be furnished assistance under this part and determinations of the nature of assistance to be furnished to each such country.

* * * * *

SEC. 621. EXERCISE OF FUNCTIONS.—(a) The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct, *except that functions conferred upon the President in part I of this Act may be exercised by the Secretary of State.* The [head of any such agency] *Secretary of State and any other head of any such agency* or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this Act, the [head of any such agency] *Secretary of State and any other head of any such agency* or such officer shall utilize, to the fullest extent practicable, goods and profes-

sional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.

* * * * *

SEC. 624. STATUTORY OFFICERS.—(a) The President, may appoint, by and with the advice and consent of the Senate, twelve officers in the agency primarily responsible for administering part I, * * *

[Repealed—1964]

[(1) * * * [Repealed—1964]

[(2) * * * [Repealed—1964]

[(3) * * * [Repealed—1964] and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

[(b) Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the authority contained in that subsection. The President may also fix the order of succession among the officers provided for in subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.

[(c) Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 621, may be appointed by the President to a comparable position authorized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering part I, without further action by the Senate.

[(d) * * * [Repealed—1978]

[(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs]

* * * * *

[SEC. 626. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—(a) Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5 of the United States Code, be employed for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, United States Code, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employ-

ment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

[(b) Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) of title 5 of the United States Code.]

* * * * *

SEC. 634. ANNUAL REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, and [Chairman of the Development Coordination Committee] *Secretary of State* shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—

* * * * *

SEC. 640B. COORDINATION.—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the [head of the agency primarily responsible for administering part I, Chairman, and representatives of the Departments of State,] *Secretary of State*, Treasury, Commerce, Agriculture, Energy, and Labor, the Executive Office of the President and other executive departments and agencies, as the President shall designate. The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.

* * * * *

SEC. 667. OPERATING EXPENSES.—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

[(1) \$387,000,000 for the fiscal year 1986 and \$387,000,000 for the fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering part 1 of this Act of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development

and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency and]

(1) \$432,000,000 for fiscal year 1996 and \$389,000,000 for 1997 for necessary operating expenses of the agency primarily responsible for administering part I of this Act (other than the office of the inspector general of such agency); [and]

(2) \$35,000,000 for fiscal year 1996 and \$31,500,000 for fiscal 1997 for necessary operating expenses of the office of the inspector general of such agency; and

[(2)] (3) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Amounts appropriated under this section are authorized to remain available until expended.

Foreign Relations Authorization Act, Fiscal Year 1979

SEC. 202. The [mission of the United States Information Agency] *mission of the Department of State in carrying out its information, educational, and cultural functions* shall be to further the national interest by improving United States relations with other countries and peoples through the broadest possible sharing of ideas, information, and educational and cultural activities. In carrying out this mission, the [United States Information Agency] *Department of State* shall, among other activities—

(1) conduct Government-sponsored information, educational, and cultural activities designed—

(A) to provide other peoples with a better understanding of the policies, values, institutions, and culture of the United States; and

(B) within the statutory limits governing domestic activities of the [Agency] *Department*, to enhance understanding on the part of the Government and people of the United States of the history, culture, attitudes, perceptions, and aspirations of others;

* * * * *

(5) promote United States participation in international events relevant to the [mission of the Agency] *mission described in this section*.

* * * * *

SEC. 503. (a) * * *

[(b)] The President shall study and not later than January 31, 1980, and not later than January 31 of each year thereafter, shall transmit to the Speaker of the House of Representatives and the Committees on Foreign Relations and Governmental Affairs of the Senate a report containing information and ²⁰ recommendations with respect to—

(1) personnel requirements, and standards and training for service of officers and employees of the United States Government, with respect to assignments in any Federal agency which involve foreign relations and science or technology;

[(2)] the continuation of existing bilateral and multilateral activities and agreements primarily involving science and tech-

nology, including (A) an analysis of the foreign policy implications and the scientific and technological benefits of such activities or agreements for the United States and other parties, (B) the adequacy of the funding for and administration of such activities and agreements, and (C) plans for future evaluation of such activities and agreements on a routine basis; and

[(3) equity of access by United States public and private entities to public (and publicly supported private) research and development opportunities and facilities in each country which is a major trading partner of the United States.]

Foreign Relations Authorization Act, Fiscal Years 1986 and 1987

* * * * *

SEC. 208. BAN ON DOMESTIC ACTIVITIES BY THE USIA.

Except as provided in section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461) and this section, no funds authorized to be appropriated to the [United States Information Agency] *Department of State* shall be used to influence public opinion in the United States, and no program material prepared by the [United States Information Agency] *Department of State in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency* shall be distributed within the United States. This section shall not apply to programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The provisions of this section shall not prohibit the United States Information Agency from responding to inquiries from members of the public about its operations, policies, or programs.

SEC. 603. SCHOLARSHIP PROGRAM AUTHORITY.

(a) IN GENERAL.—The President, acting through the [United States Information Agency] *Department of State*, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

* * * * *

SEC. 604. GUIDELINES.

The scholarship program under this title shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

* * * * *

(11) The [United States Information Agency] *Department of State* shall recommend to each student, who receives a scholarship under this title for study at a college or university, that

the student enroll in a course on the classics of American political thought or which otherwise emphasizes the ideas, principles, and documents upon which the United States was founded.

* * * * *

SEC. 606. POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.

(a) AID-FUNDED PROGRAMS.—The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 604 of this title.

(b) [USIA]-STATE DEPARTMENT-FUNDED POSTGRADUATE STUDY IN THE UNITED STATES.—The Congress urges the [Director of the United States Information Agency] *Secretary of State* to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institutions of higher education.

* * * * *

SEC. 609. GENERAL AUTHORITIES.

(a) PUBLIC AND PRIVATE SECTOR CONTRIBUTIONS.—The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the scholarship program financed under this title.

* * * * *

(e) OTHER ACTIVITIES TO PROMOTE IMPROVED UNDERSTANDING.—Funds allocated by the [United States Information Agency] *Department of State*, or the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961, for scholarships in accordance with this title shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

Foreign Relations Authorization Act, Fiscal Years 1988 and 1989

* * * * *

SEC. 142. AUTHORITY TO INVEST AND RECOVER EXPENSES FROM INTERNATIONAL CLAIMS SETTLEMENT FUNDS.

(a) * * *

(b) 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.”.

Foreign Relations Authorization Act, Fiscal Years 1990 and 1991

* * * * *

SEC. 235. CONTINUING CONTRACT AUTHORITY FOR SELECTED VOICE OF AMERICA RADIO FACILITIES.

The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America’s Thailand, Sri Lanka, Sao Tome, *Tinian*, and Kuwait radio facilities for periods not in excess of 5 years or delegate such authority to the Corps of Engineers of the United States Department of the Army if there are sufficient funds to cover at least the Government’s liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

Foreign Relations Authorization Act, Fiscal Years 1992 and 1993

* * * * *

SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

[(a) ESTABLISHMENT OF POSITION.—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs.

[(b) APPOINTMENT.—The Assistant Secretary shall be appointed by the president, by and with the advice and consent of the Senate.]

* * * * *

[(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.]

* * * * *

SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

(a) SHORT TITLE.—This section may be cited as the “North/South Center Act of 1991”.

(b) PURPOSE.—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objec-

tives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) NORTH/SOUTH CENTER.—In order to carry out the purpose of this section, the [Director of the United States Information Agency] *Secretary of State* shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) AUTHORITIES.—The [Director of the United States Information Agency] *Secretary of State*, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for fiscal year 1992 and \$10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

* * * * *

SEC. 212. USIA GRANTS.

(a) COMPETITIVE GRANT PROCEDURES.—Except as provided in subsection (b), the [United States Information Agency] *Department of State*, in carrying out its international information, educational, and cultural functions, shall work to achieve full and open competition in the award of grants.

(b) EXCEPTIONS.—The [United States Information Agency] *Department of State* may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hayes Act) or any statute which expressly authorizes or requires that a grant be made with a specific entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) COMPLIANCE WITH GRANT GUIDELINES.—

(1) After October 1, 1991, grants awarded by the [United States Information Agency] shall substantially comply with United States Information Agency] *Department of State*, in carrying out its international information, educational, and cultural functions, shall substantially comply with *Department of State* grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the [Agency] *Department* determines that a grantee has not satisfied the requirement of paragraph (1), the [United States Information Agency] *Department of State* shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The [Agency] *Department* shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

[(d) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).]

* * * * *

SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM [THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.] *CERTAIN EURASIAN COUNTRIES.*

(a) STATEMENT OF PURPOSE.—The purpose of this section is to establish a scholarship program designed to bring students from the [Soviet Union, Lithuania, Latvia, and Estonia] *former Soviet Union, Lithuania, Latvia, Estonia, Albania, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovenia, and the Former Yugoslav Republic of Macedonia* to the United States for study in the United States.

(b) SCHOLARSHIP PROGRAM AUTHORITY.—Subject to the availability of appropriations under subsection (d), the President, acting through the [United States Information Agency] *Department of State*, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the [Soviet Union, Lithuania, Latvia, and Estonia] *countries specified in subsection (a)* who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

* * * * *

(c) GUIDELINES.—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

* * * * *

(5) Each participant shall be selected on the basis of academic and leadership potential [in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.] *in the fields of business administration, economics, journalism, law, library*

and information science, public administration, and public policy.

* * * * *

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the **【Soviet republics, Lithuania, Latvia, and Estonia】** *countries specified in subsection (a).*

* * * * *

【(d) FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.—There are authorized to be appropriated to the United States Information Agency \$7,000,000 for fiscal year 1992, and \$7,000,000 for fiscal year 1993, to carry out this section.**】**

(e) COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

Foreign Relations Authorization Act, Fiscal Years 1994 and 1995

* * * * *

【SEC. 106. UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.】 SEC. 106. DEPARTMENT OF STATE ARMS CONTROL AND DISARMAMENT ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated *to the Secretary of State* to carry out the purposes of the Arms Control and Disarmament Act—

* * * * *

SEC. 135. CAPITAL INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established within the Department of State a Capital Investment Fund to provide for the procurement *and Upgrade* of information technology and other related capital investments for the Department of State and to ensure the efficient management, coordination, operation, and utilization of such resources.

(b) FUNDING.—Funds otherwise available for the purposes of subsection (a) may be deposited in such Fund.

(c) AVAILABILITY.—Amounts deposited into the Fund **【are authorized to】** *shall* remain available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited in the Fund shall be **【available for expenditure to procure capital equipment and information technology.】** *for the purposes of subsection (a).*

(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 **【(22 U.S.C. 2710) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings】.**

* * * * *

PART C—DEPARTMENT OF STATE ORGANIZATION

SEC. 161. ORGANIZATION OF THE DEPARTMENT OF STATE.

(a) * * *

[(f) DEPUTY ASSISTANT SECRETARY FOR BURDENSARING.—

[(1) ESTABLISHMENT.—None of the funds authorized to be appropriated by this Act shall be available for obligation or expenditure during fiscal year 1995 unless, not later than 90 days after the date of enactment of this Act, the Secretary of State has established within the Department of State the position of Deputy Assistant Secretary for Burdensharing, the incumbent of which shall be an official of ambassadorial rank, appointed by the President by and with the advice and consent of the Senate.

[(2) RESPONSIBILITIES.—The Deputy Assistant Secretary for Burdensharing shall perform such duties and exercise such authorities as the Secretary of State shall prescribe, including the principal duty of negotiations for the following:

[(A) Increased in-kind and financial support (including increased payment of basing costs) by countries allied to the United States for Department of Defense military units and personnel assigned to permanent duty ashore outside the United States in support of the security of such countries.

[(B) Recoupment of funds associated with financial commitments from such countries for paying the United States the residual value of United States facilities in such countries that the United States relinquishes to such countries upon the termination of the use of such facilities by the United States.]

* * * * *

PART C—MIKE MANSFIELD FELLOWSHIPS

SEC. 251. SHORT TITLE.

This part may be cited as the “Mike Mansfield Fellowship Act”.

SEC. 252. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

[(a) ESTABLISHMENT.—(1) There is hereby established the “Mike Mansfield Fellowship Program” pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for period of 2 years each (or, pursuant to section 253(5)(C), for such shorter period of time as the Center may determine based on a Fellow’s level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

[(A) During the first year each fellowship recipient will study the Japanese language as well as Japan’s political economy.

[(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the

agency of the United States Government from which the fellow originated, consistent with the purposes of this part.

[(2) Fellowships under this part may be known as “Mansfield Fellowships”, and individuals awarded such fellowships may be known as “Mansfield Fellows”.

* * * * *

TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “United States International Broadcasting Act of 1994”.

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SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) ESTABLISHMENT.—There is hereby established within the [United States Information Agency] *Department of State* a Broadcasting Board of Governors (hereinafter in this chapter referred to as the “Board”).

(b) COMPOSITION OF THE BOARD.—(1) The Board shall consist of 9 members, as follows:

(A) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, who shall also be a voting member.

(2) The President shall designate one member (other than the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* as Chairman of the Board.

(3) Exclusive of the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, not more than 4 of the members of the Board appointed by the President shall be of the same political party.

(c) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, shall remain a member of the Board during the [Director's] *Under Secretary's* term of service. Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no [Director of the United States Information Agency, the acting Director of the agency] *Under Secretary of State for Public Diplomacy*, the acting Under Secretary shall serve as a member of the Board until a [Director] *Under Secretary of State for Public Diplomacy* is appointed.

* * * * *

(e) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meeting or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of Title 5. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* shall not be entitled to any compensation under this chapter, but may be allowed travel expenses as provided under this subsection.

* * * * *

SEC. 305. AUTHORITIES OF THE BOARD

(a) AUTHORITIES.—The Board shall have the following authorities:

(1) To direct and supervise all broadcasting activities conducted pursuant to this title (*including activities of the Voice of America previously carried out by the United States Information Agency*), the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

* * * * *

(9) To submit to the President and the Congress, through the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, an annual report which summarizes and evaluates activities under this chapter, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

* * * * *

(b) BROADCASTING BUDGETS.—

(1) The [Director of the Bureau] *Director of the Office* and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* for the consideration of the [Director] *Under Secretary of State for Public Diplomacy* as a part of the [Agency's] *Department's* budget submission to the Office of Management and Budget.

(2) The [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* shall include in the [Agency's] *Department's* submission to the Office of Management and Budget the comments and recommendations of the Board concerning the proposed broadcasting budget.

(c) IMPLEMENTATION.—The [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, and the Board, in carrying out their functions, shall respect the profes-

sional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and grantees.

SEC. 306. FOREIGN POLICY GUIDANCE.

To assist the Board in carrying out its functions, the Secretary of State, acting through the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, shall provide information and guidance on foreign policy issues to the Board.

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

(a) ESTABLISHMENT.—There is hereby established an International Broadcasting [Bureau] *Office* within the [United States Information Agency] *Department of State* (hereafter in this title referred to as the [Bureau] *Office*), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

(b) SELECTION OF THE DIRECTOR OF THE [Bureau] *Office*.—

(1) The [Director of the Bureau] *Director of the Office* shall be appointed by the Chairman of the Board, in consultation with the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* and with the concurrence of a majority of the Board. The [Director of the Bureau] *Director of the Office* shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

* * * * *

(g) *CONSOLIDATION OF ENGINEERING FUNCTION.*—For the purpose of achieving economies and eliminating duplication, the Director of the United States Information Agency is authorized to appoint, during 1995, up to 15 otherwise qualified United States citizens employed in the Office of the Vice President for Engineering and Technical Operations of RFE/RL, Incorporated, to the competitive service or the career Foreign Service of the United States Information Agency in accordance with the provisions of title 5 of the United States Code, and without regard to sections 301(b) and 306 of the Foreign Service Act of 1980, governing appointments in the Foreign Service. Prior service with RFE/RL, Incorporated, by an individual appointed under this subsection shall be credited in determining the length of service of the individual for reduction in force purposes and toward establishing the career tenure of the individual.

SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) BOARD OF RFE/RL, INCORPORATED.—The Board may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

* * * * *

(g) GRANT AGREEMENT.—Grants to RFE/RL, Incorporated, by the Board shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions—

(1) that a grant be used only for activities which the Board determines are consistent with the purposes of subsection (f);

(2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section;

(3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the Board or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and International Broadcasting [Bureau] be reduced to the extent appropriate, as determined by the Board; and

* * * * *

(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the [Inspector General of the United States Information Agency] *Inspector General for Foreign Affairs* shall submit to the Board, the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy*, and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The [Inspector General of the United States Information Agency] *Inspector General for Foreign Affairs* shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

(j) AUDIT AUTHORITY.—

(1) Such financial transactions of RFE/RL, Incorporated, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of RFE/RL, Incorporated, are normally kept.

* * * * *

(3) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting Act, the [Inspector General of the United States Information Agency] *Inspector General for Foreign Affairs* is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

* * * * *

SEC. 309. RADIO FREE ASIA.

(a) AUTHORITY.—

(1) Grants authorized under section 305 shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.

* * * * *

(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.—(1) No grant may be awarded to carry out this section unless the Board, through the [Director of the United States Information Agency] *Under Secretary for Public Diplomacy*, has submitted to Congress

a detailed plan for the establishment and operation of Radio Free Asia, including—

* * * * *

(4) If the Board determines that a Radio Free Asia cannot be established or operated effectively within the funding limitations for this section, the Board may submit, through the [Director of the United States Information Agency] *Under Secretary for Public Diplomacy*, an alternative plan and such proposed changes in legislation as may be necessary to the appropriate congressional committees.

* * * * *

SEC. 310. TRANSITION.

(a) AUTHORIZATION.—

(1) The President is authorized consistent with the purposes of this Act to direct the transfer of all functions and authorities from the Board for International Broadcasting to the [United States Information Agency] *Department of State*, the Board, or the [Bureau] *Office* as may be necessary to implement this chapter.

(2)(A) Not later than 120 days after April 30, 1994, the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* and the Chairman of the Board for International Broadcasting shall jointly prepare and submit to the President for approval and implementation a plan to implement the provisions of this chapter. Such plan shall include at a minimum a detailed cost analysis to implement fully the recommendations of such plan. The plan shall identify all costs in excess of those authorized for such purposes and shall provide that any excess cost to implement the plan shall be derived only from funds authorized in section 201 of this Act.

(B) The President shall transmit copies of the approved plan, together with any recommendations for legislative changes that may be necessary, to the appropriate congressional committees.

(b) NEW APPOINTEES.—The [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* may assign employees of the Agency for service with RFE/RL, Incorporated, with the concurrence of the president of RFE/RL, Incorporated. Such assignment shall not affect the rights and benefits of such personnel as employees of the United States Information Agency.

(c) BOARD FOR INTERNATIONAL BROADCASTING PERSONNEL.—All Board for International Broadcasting full-time United States Government personnel (except special Government employees) and part-time United States Government personnel holding permanent positions shall be transferred to the [United States Information Agency] *Department of State*, the Board, or the [Bureau] *Office*. Such transfer shall not cause any such employee to be separated or reduced in grade or compensation.

(d) OTHER AUTHORITIES.—The [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* is authorized to utilize the provisions of titles VIII and IX of the

United States Information and Educational Exchange Act of 1948, and any other authority available to the Director on April 30, 1994, to the extent that the Director considers necessary in carrying out the provisions and purposes of this chapter.

* * * * *

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—

All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) Which have been issued, made, granted, or allowed to become effective, by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this chapter; and

(B) which are in effect at the time this chapter, takes effect, or were final before the effective date of this chapter and are to become effective on or after the effective date of this chapter.

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* or other authorized official, a court of competent jurisdiction, or by operation of law.

* * * * *

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board for International Broadcasting relating to a function transferred under this chapter may be continued by the [United States Information Agency] *Department of State* with the same effect as if this chapter had not been enacted.

(6) REFERENCES.—A reference in any provision of law, reorganization plan, or other authority to the Associate Director for Broadcasting of the [United States Information Agency] *Department of State* shall be considered to be a reference to the Director of the International Broadcasting Bureau of the United States Information Agency.

(7) EFFECT ON OTHER LAWS.—The provisions of, and authorities contained in or transferred pursuant to, this chapter are not intended to repeal, limit, or otherwise derogate from the authorities or functions of or available to the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* or the Secretary of State under law, reorganization plan, or otherwise, unless such provision hereof—

* * * * *

SEC. 311. PRESERVATION OF AMERICAN JOBS.

It is the sense of the Congress that the [Director of the United States Information Agency] *Under Secretary of State for Public Diplomacy* and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and reorga-

nization of overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.

* * * * *

SEC. 314. DEFINITIONS.

For the purposes of this title—

(1) the term “appropriate congressional committees” means 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;

(2) the term “RFE/RL, Incorporated” includes—

(A) the corporation having the corporate title described in section 307(b)(3); and

(B) any alternative grantee described in [section 307(e)] 308(d); and

(3) the term “salary or other compensation” includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

* * * * *

[SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

[(a) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation’s assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

[(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.—

[(1) FISCAL YEARS 1994 AND 1995.—Funds authorized to be appropriated for “Contributions for International Peacekeeping Activities” for fiscal years 1994 and 1995 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 30.4 percent of the total of all assessed contributions for that operation, notwithstanding the last sentence of the paragraph headed “Contributions to International Organizations” in Public Law 92–544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note).

[(2) SUBSEQUENT FISCAL YEARS.—Funds authorized to be appropriated for “Contributions for International Peacekeeping Activities” for any fiscal year after fiscal year 1995 shall not be available for the payment of the United States assessed con-

tribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.

[(3) CONFORMING AMENDMENT.—The last sentence of the paragraph headed “Contributions to International Organizations” in Public law 92–544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note), is amended by striking “conducted by or under the auspices of the United Nations or” and inserting “(other than United Nations peacekeeping operations) conducted”.]

* * * * *

[SEC. 407. CONSULTATIONS AND REPORTS.

[(a) CONSULTATIONS AND REPORTS ON U.N. PEACEKEEPING OPERATIONS.—

[(1) CONSULTATIONS.—Each month the President shall consult with the Congress on the status of United Nations peacekeeping operations.

[(2) INFORMATION TO BE PROVIDED.—In connection with these consultations, the following information shall be provided each month to the designated congressional committees:

[(A) With respect to ongoing United Nations peacekeeping operations, the following:

[(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

[(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

[(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

[(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution, and the estimated costs to the United States of such changes.

[(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month the following information for the period covered by the resolution:

[(i) The anticipated duration, mandate, and command and control arrangements of such operation.

[(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

[(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the op-

eration, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

[(3) WRITTEN INFORMATION.—The information described in clauses (i) and (iii) of paragraph (2)(A) and the information described in clauses (i) and (ii) of paragraph (2)(B) shall be provided each month to the designated congressional committees in written form not later than the 10th day of that month.

[(4) INTERIM INFORMATION.—(A) The President shall submit to the designated congressional committees a written interim report if, during the period between the monthly consultations required by paragraph (1), the United States learns that the United Nations Security Council is likely, before the next such consultation, to vote on a resolution that would authorize a new United Nations peacekeeping operation and that resolution was not previously reported on pursuant to paragraph (2)(B). Each interim report shall include the information described in clauses (i) and (ii) of paragraph (2)(B).

[(B) Any such interim report shall be submitted not less than 5 days before the vote of the United Nations Security Council, unless the President determines that exceptional circumstances prevented compliance with the requirement to report 5 days in advance. If the President makes such a determination, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and shall include a copy of the determination and a description of the exceptional circumstances which were the basis for that determination.

[(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—(A) The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations. This subparagraph does not apply to—

[(i) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance, or

[(ii) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

[(B) The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations. Each report shall describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) of the United Nations Participation Act of 1945 (as added by subsection (b) of this

section) and shall include cumulative information for the preceding calendar year.]

* * * * *

NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

SEC. 704. (a) Amounts appropriated for a fiscal year to carry out this Act are authorized to be made available until expended.

(b) There are authorized to be appropriated for the [United States Information Agency] *Secretary of State*, in addition to amounts otherwise authorized to be appropriated for the [Agency] *Department of State* such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law *in connection with carrying out the informational and educational exchange functions of the Department*.

(c)(1) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the [United States Information Agency] *Department of State in carrying out the informational and educational exchange functions of the Department*, there are authorized to be appropriated for the [Agency] *Department of State* such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, occurring after November 30 of the earlier of (A) the calendar year which ended during the fiscal year preceding such fiscal year, or (B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

(3) In order to eliminate substantial gains to the approved levels of overseas operations for the [United States Information Agency] *Department of State in carrying out the informational and educational exchange functions of the Department* the [Director] *Secretary of State* shall transfer to the Buying Power Maintenance account such amounts appropriated for "Salaries and Expenses" as the [Director] *Secretary of State* determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

(4) In order to offset adverse fluctuations in foreign currency exchange rates or foreign wages and prices, the [Director] *Secretary of State* may transfer from the Buying Power Maintenance account to the "Salaries and Expenses" appropriations account such amounts as the [Director] *Secretary of State* determines are necessary to maintain the approved level of operations under that appropriation account.

(5) Funds transferred by the [Director] *Secretary of State* from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the [Director] *Secretary of State* from another account to the Buying Power Maintenance account shall be merged with the

funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts that may be obligated or expended by the [United States Information Agency] *Department of State in carrying out the informational and educational functions of the Department* shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

(7) (A) Subject to the limitations contained in this paragraph, not later than the end of the 5th fiscal year after the fiscal year for which funds are appropriated or otherwise made available for the "Salaries and Expenses" accounts, the [Director] *Secretary of State* may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

* * * * *

SEC. 705. (a) Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprogramming, funds appropriated for the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* shall not be available for obligation or expenditure through any such reprogramming of funds—

(1) which creates new programs;

* * * * *

(b) In addition the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* may award program grants only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

(c) Funds appropriated for the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.

TITLE VIII—ADMINISTRATIVE PROCEDURES

THE SECRETARY

SEC. 801. In carrying out the purposes of this Act, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) In carrying out title II of this Act, to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries.

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by peoples of foreign countries;

(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio and television transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer period if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and any such real property or the interests therein which are outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) [if the sufficiency of the title to such real property or interests therein is approved by the Director of the United States Information Agency;] *if the Secretary determines that title such real property or interests is sufficient;*

* * * * *

GOVERNMENT AGENCIES

SEC. 802. (a) In carrying on activities which further the purposes of this Act, subject to approval of such activities by the Secretary, the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

* * * * *

(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriation may nevertheless be made for period not in excess of 5 years when—

(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(B) the [Director of the United States Information Agency] *Secretary of State* determines that—

(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

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(4)(A) Notwithstanding the other provisions of this subsection, the [United States Information Agency] *Department of State* is authorized to enter into contracts for period not to exceed 7 years for circuit capacity to distribute radio and television programs.

* * * * *

BASIC AUTHORITY

SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) for such time and under such conditions and procedures as may be established by the [Director of the United States Information Agency] *Secretary of State* and the Attorney General;

* * * * *

[SEAL OF THE UNITED STATES INFORMATION AGENCY]

[SEC. 807. The seal of the United States Information Agency shall be the arms and crest of the United States, encircled by the words "United States Information Agency". Judicial notice shall be taken of the seal.

[ACTING ASSOCIATE DIRECTORS]

[SEC. 808. If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.]

* * * * *

USE OF ENGLISH-TEACHING PROGRAM FEES

SEC. 810. (a) Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees received by or for the use of the [United States Information Agency] *Department of State* from or in connection with English-teaching and library services, and *educational advising*, and [Agency *Department of State*-produced publications, and not to exceed \$100,000 of payments from motion picture and television programs, produced or conducted by or on behalf of the [Agency *Department of State* under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 is authorized to be credited each fiscal year to the appropriate appropriation of the [United States Information Agency] *Department of State* to such extent as may be provided in advance in an appropriation Act.

DEBT COLLECTION

SEC. 811. (a) CONTRACT AUTHORITY.—(1) Subject to the availability of appropriations, the [United States Information Agency] *Department of State* shall enter into contracts for collection services to recover indebtedness owed by a person, other than a foreign

country, to the United States which arises out of *informational and educational exchange* activities of the [United States Information Agency] *Department of State* enters into such contract shall submit to the [Director] *Secretary of State* at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

(b) DISCLOSURE OF DELINQUENT DEBT TO CREDIT REPORTING AGENCIES.—The [Director of the United States Information Agency] *Secretary of State* shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the [Director] *Secretary of State* reports loan activity information concerning any debt of more than \$100 owed by a person, other than a foreign country to the United States which arises out of *information and educational exchange* activities of the [United States Information Agency] *Department of State* and is delinquent by more than 31 days.

USIA POSTS AND PERSONNEL OVERSEAS

SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the [United States Information Agency] *Department of State* may be used to pay any expense associated with the closing of any [United States Information Agency post] *informational and educational exchange post of the Department of State* abroad.

(b) NOTIFICATION.—Not less than 45 days before the closing of any [United States Information Agency post] *informational and educational exchange post of the Department of State* abroad the [Director of the United States Information Agency] *Secretary of State* shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) EXCEPTIONS.—This section shall not apply to any [United States Information Agency post] *informational and educational exchange post of the Department of State* closed—

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

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

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INFORMATIONAL MEDIA GUARANTIES

SEC. 1011. (a) The [Director of the United States Information Agency] *Secretary of State* may make guaranties, in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided*, That the purpose of making informational media guaranties shall be the achievement of the for-

eign policy objectives of the United States, including the objective mentioned in sections 413(b)(4)(A) and 413(b)(4)(G) of the Mutual Security Act of 1954, as amended.

(b) The [Director] *Secretary of State* is authorized to assume the obligation of not to exceed \$28,000,000 of the notes authorized to be issued pursuant to subsection 111(c)(2) of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1509(c)(2)), together with the interest accrued and unpaid thereon, and to obtain advances from time to time from the Secretary of the Treasury up to such amount, less amounts previously advanced on such notes, as provided for in said notes. Such advances shall be deposited in a special account in the Treasury available for payments under informational media guaranties.

(c) The [Director] *Secretary of State* is authorized to make informational media guaranties without regard to the limitations of time contained in subsection 413(b)(4) of the Mutual Security Act of 1954, as amended (22 U.S.C. 1933(b)(4)), but the total of such guaranties outstanding at any one time shall not exceed the sum of the face amount of the notes assumed by the [Director] *Secretary of State* less the amounts previously advanced on such notes by the Secretary of the Treasury plus the amount of the funds in the special account referred to in subsection (b).

* * * * *

(e) Notwithstanding the provisions of subparagraph 413(b)(4)(E) of the Mutual Security Act of 1954, as amended (22 U.S.C. 1933(b)(4)(E)), (1) fees collected for the issuance of informational media guaranties shall be deposited in the special account and shall be available for payments under informational media guaranties; and (2) the [Director] *Secretary of State* may require the payment of a minimum charge of up to fifty dollars for issuance of guaranty contracts, or amendments thereto.

(f) The [Director] *Secretary of State* is further authorized, under such terms as he may prescribe, to make advance payments under informational media guaranties: *Provided*, That currencies receivable from holders of such guaranties on account of such advance payments shall be paid to the United States within nine months from the date of the advance payment and that appropriate security to assure such payments is required before any advance payment is made.

(h)(1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c), through the end of the last completed fiscal year.

(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the [Director] *Secretary of State* has determined to be unavailable for, in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the ~~Director~~ *Secretary of State* is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for, or in excess of requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts.

State Department Basic Authorities Act of 1956

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TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) SECRETARY OF STATE.—

(1) The Department of State shall be administered, in accordance with this Act and other provisions of law, under the supervision and direction of the Secretary of State (hereinafter referred to as the “Secretary”).

(2) The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(3) *The Secretary shall serve as the principal foreign policy adviser to the President and shall, under the direction of the President, be responsible for the overall direction, coordination, and supervision of United States foreign relations and for the interdepartmental activities of the United States Government abroad.*

[(3)] (4)(A) Notwithstanding any other provision of law and except as provided in this section, the Secretary shall have and exercise any authority vested by law in any office or official of the Department of State. The Secretary shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the Department of State, except where authority is inherent in or vested in the President.

(B)(i) The Secretary shall not have the authority of the Inspector General or the Chief Financial Officer.

(ii) The Secretary shall not have any authority given expressly to diplomatic or consular officers.

[(4)] (5) The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the functions of the Secretary of State and the Department of State. Unless otherwise specified in law, the Secretary may delegate authority to perform any of the functions of the Secretary or the Department to officers and employees under the direction and supervision of the Secretary. The Secretary may delegate the authority to redelegate any such functions.

[(b) UNDER SECRETARIES.—There shall be in the Department of State not more than 5 Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.]

(b) *DEPUTY SECRETARY.—(1) There shall be within the Department of State a Deputy Secretary of State, who shall be appointed by the President, by and with the advice and consent of the Senate.*

(2) The Deputy Secretary shall have primary responsibility, which may not be delegated, to assure adequate foreign policy coordination with respect to the inter-national activities of other agencies and development entities.

(3) The Deputy Secretary shall act for, and exercise the powers of, the Secretary during his absence or disability or during a vacancy in the office of the Secretary.

[(c) ASSISTANT SECRETARIES.—

[(1) IN GENERAL.—There shall be in the Department of State not more than 20 Assistant Secretaries of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5.

[(2) ASSISTANT SECRETARY OF THE STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to time designate. The Secretary of State shall carry out the Secretary's responsibility under section 502B of the Foreign Assistance Act of 1961 through the Assistant Secretary.

[(B) The Assistant Secretary of State for Democracy, Human Rights, and Labor shall maintain continuous observation and review all matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy including the following:

[(i) Gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 116 and 502B of the Foreign Assistance Act of 1961 are relevant.

[(ii) Preparing the statements and reports to Congress required under section 502B of the Foreign Assistance Act of 1961.

[(iii) Making recommendations to the Secretary of State and the Administrator of the Agency for International Development regarding compliance with sections 116 and 502B of the Foreign Assistance Act of 1961, and as part of the Assistance Secretary's overall policy responsibility for

the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 116(e) projects are development and consulting with the Administrator on the selection and implementation of such projects.

[(iv) Performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.]

(c) *AMERICA DESK.*—(1)(A) *The Secretary shall establish and maintain staff within the office of the Secretary that shall be responsible for ensuring that adequate consideration is afforded to United States commercial and business interests in the formulation of United States foreign policy.*

(B) *The staff established under subparagraph (A) may be referred to as the America Desk”.*

(2) *The America Desk shall also serve as an ombudsman and as a point of liaison to United States commercial and economic interests and to provide policymakers with input that will help keep policy responsive to the needs of United States citizens.*

(3) *In addition, in the event of certain foreign emergencies or crises affecting United States citizens, the America Desk shall help energize the Department’s resources in a coordinated response.*

(d) *RESOURCES, POLICY, AND PLANNING STAFF.*—(1) *The Secretary shall establish and maintain a Resources, Policy, and Planning Staff within the office of the Secretary to provide the Secretary, the Deputy Secretary of State, and the Under Secretaries of State precise information on and recommendations concerning the resource implications of foreign policy proposals.*

(2) *The staff shall be responsible to ensure that the Secretary of State has an independent assessment of the budgetary impact of foreign policy proposals.*

[(d)] (e) *DEPUTY ASSISTANT SECRETARIES.*—There shall be in the Department of State not more than 66 Deputy Assistant Secretaries of State.

[(e)] *OTHER SENIOR OFFICIALS.*—In addition to officials of the Department of State who are otherwise authorized to be appointed by the President, by and with the advice and consent of the Senate, and to be compensated at level IV of the Executive Schedule or section 5315 of title 5, United States Code, four other such appointments are authorized.】

SEC. 1A. UNDER SECRETARIES OF STATE.

(a) *IN GENERAL.*—(1) *There shall be in the Department of State not more than the following five Under Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate:*

(A) *The Under Secretary of State for Policy.*

(B) *The Under Secretary of State for Export, Trade, Economics, and Business.*

(C) *The Under Secretary of State for International Security.*

(D) *The Under Secretary of State for Public Diplomacy.*

(E) *The Under Secretary of State for Management.*

(2) *The responsibilities of the Under Secretaries of State include, but are not limited to, the responsibilities provided for in this section.*

(b) *UNDER SECRETARY OF STATE FOR POLICY.—*

(1) *IN GENERAL.—There is an Under Secretary of State for Policy.*

(2) *RESPONSIBILITIES.—The Under Secretary of State for Policy shall be responsible to the Secretary of State and the Deputy Secretary of State for the following:*

(A) *Assisting in the development, implementation, and conduct of foreign policy and foreign assistance policy.*

(B) *Determining the policy goals and functions of United States diplomatic missions and ensuring that overall mission staffing reflects policy priorities.*

(C) *Ensuring policy coordination of all international programs carried out by the departments and agencies of the Federal Government in the areas within the responsibilities of the Under Secretary.*

(3) *OFFICE OF THE UNDER SECRETARY.—There shall be within the Office of the Under Secretary for Policy the Office of Enterprise Fund Coordination which shall ensure that programs of enterprise funds support regional policy goals, are well managed and audited, and are sufficiently capitalized.*

(c) *UNDER SECRETARY OF STATE FOR EXPORT, TRADE, ECONOMICS, AND BUSINESS.—*

(1) *IN GENERAL.—There is an Under Secretary of State for Export, Trade, Economics, and Business.*

(2) *RESPONSIBILITIES.—(A) The Under Secretary of State for Export, Trade, Economics, and Business shall be responsible to the Secretary of State and the Deputy Secretary of State for the following:*

(i) *Assisting in the development, implementation, and conduct of foreign policy and foreign assistance policy with respect to export promotion, trade, economics, and business and with respect to science and environmental matters and the oceans.*

(ii) *Overseeing international programs with respect to the matters referred to in subparagraph (A) that are carried out by the departments and agencies of the Federal Government other than the Department of State.*

(B) *The Under Secretary shall be the representative of the Department of State on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4724).*

(d) *UNDER SECRETARY OF STATE FOR INTERNATIONAL SECURITY.—*

(1) *IN GENERAL.—There is an Under Secretary of State for International Security.*

(2) *RESPONSIBILITIES.—The Under Secretary of State for International Security shall be responsible to the Secretary of State and the Deputy Secretary of State for the following:*

(A) *Assisting in the development of policy relating to matters of international security, including arms control and nonproliferation, international narcotics and crime control, refugee and migration affairs, emergency humanitarian issues, and foreign assistance issues related thereto.*

(B) Advising on matters of arms control and disarmament, arms sales, and nonproliferation of weapons of mass destruction.

(3) OFFICE OF THE UNDER SECRETARY.—There shall be within the Office of the Under Secretary of State for International Security—

(A) the Coordinator for Economic Support Funds-Foreign Military Financing, who shall seek to assure that programs under chapter 4 of part II of the Foreign Assistance Act of 1961 and under section 23 of the Arms Export Control Act reflect United States foreign policy objectives; and

(B) the Coordinator for Counter-Terrorism, who shall develop, coordinate, and implement policy of the Department of State to counter acts of international terrorism.

(e) UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—

(1) IN GENERAL.—There is an Under Secretary of State for Public Diplomacy.

(2) RESPONSIBILITIES.—The Under Secretary of State for Public Diplomacy shall be responsible to the Secretary of State and the Deputy Secretary of State for the following:

(A) Assisting in the development, implementation, and conduct of United States policy on public diplomacy, including international exchange programs and international broadcasting.

(B) Coordinating international exchange programs that are carried out by departments and agencies of the Federal Government other than the Department of State.

(C) Disseminating information, including the use and maintenance of electronic information capabilities, such as the wireless file, and library and overseas resource centers.

(i) providing information to the public outside the United States on United States foreign policy and assistance policy; and

(ii) providing to the Secretary of State information on public reaction, foreign attitudes and media reaction to United States foreign policy.

(3) OFFICE OF THE UNDER SECRETARY.—There shall be within the office of the Under Secretary of State of Public Diplomacy the Press Office and Spokesperson which shall carry out domestic liaison activities, including authority over the current foreign press centers in the United States.

(f) UNDER SECRETARY OF STATE FOR MANAGEMENT.—

(1) IN GENERAL.—There is an Under Secretary of State for Management.

(2) RESPONSIBILITIES.—The Under Secretary of State for Management shall be responsible to the Secretary of State and the Deputy Secretary of State for the following:

(A) Assisting in the development, implementation, and conduct of policy for the management of the Department of State, including the management of United States diplomatic missions and consular posts abroad.

(B) Assuring adequate management support for the conduct of United States foreign policy and foreign assistance

policy, including personnel staffing levels adequate to support the overall foreign policy objectives.

(C) Developing and implementing policy on consular programs.

SEC. 1B. ASSISTANT SECRETARIES OF STATE.

(a) IN GENERAL.—(1) There shall be in the Department of State not more than 20 Assistant Secretaries of State, who shall be appointed by the President, by and with the advice and consent of the Senate. The responsibilities of the Assistant Secretaries of State include, but are not limited to, the responsibilities provided for in this section.

(2) Under each Assistant Secretary of State having regional responsibilities described in paragraphs (1) through (6) of subsection (b), there should be a Deputy Assistant Secretary of State for Trade, and Development Assistance.

(b) ASSISTANT SECRETARIES REPORTING TO THE UNDER SECRETARY OF STATE FOR POLICY.—The following Assistant Secretaries of State should be subject to the supervision and policy guidance of the Under Secretary of State for Policy and should have the following responsibilities:

(1) ASSISTANT SECRETARY FOR INTER-AMERICAN AFFAIRS.—There should be an Assistant Secretary of State for Inter-American Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to the Western Hemisphere.

(2) ASSISTANT SECRETARY FOR WESTERN AND CENTRAL EUROPEAN AFFAIRS.—There should be an Assistant Secretary of State for Western and Central European Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to Western and Central Europe.

(3) ASSISTANT SECRETARY FOR ASIAN AND PACIFIC AFFAIRS.—There should be an Assistant Secretary of State for Asian and Pacific Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to Asian and the Pacific.

(4) ASSISTANT SECRETARY FOR AFRICAN AFFAIRS.—There should be an Assistant Secretary of State for African Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to Africa.

(5) ASSISTANT SECRETARY FOR NEAR EASTERN AFFAIRS.—There should be an Assistant Secretary of State for Near Eastern Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to the Near East.

(6) ASSISTANT SECRETARY FOR EASTERN EUROPE AND CENTRAL ASIA AFFAIRS.—There should be an Assistant Secretary of State for Eastern Europe and Central Asia Affairs who should assist in the development and implementation of United States foreign policy and foreign assistance policy with respect to Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan.

(7) *ASSISTANT SECRETARY FOR INTERNATIONAL ORGANIZATIONS.*—There should be an Assistant Secretary for International Organizations who should have rank and status of Ambassador Extraordinary and Plenipotentiary and who—

(A) should serve as the Permanent Representative of the United States to the United Nations;

(B) may serve *ex officio* as representative of the United States in any organ, commission, or other body of any international organization other than a specialized agency of the United Nations;

(C) should develop, coordinate, and implement United States policy in the United Nations, specialized agencies, and other international organizations, including United States policy on issues relating to United Nations peace-keeping activities;

(D) should ensure that the United States participates in international organizations in a consistent fashion; and

(E) should manage United States participation in multilateral conferences, including accrediting and instructing United States delegations to such conferences and providing representational and logical support to such delegations.

(8) *ASSISTANT SECRETARY FOR DEMOCRACY AND HUMAN RIGHTS.*—There should be an Assistant Secretary of State for Democracy and Human Rights, who should—

(A) develop, coordinate, and implement United States policy and programs for the promotion of freedom, democracy, respect for human rights, and similar matters around the world;

(B) support and provide advice to the regional Assistant Secretary of State referred to in paragraphs (1) through (6) in the promotion of the matters referred to in subparagraph (A);

(C) serve as *liaison* with nongovernmental organizations that are active in the promotion of such matters;

(D) prepare the annual report of the Department of State on human rights practices; and

(E) advise the Immigration and Naturalization Service on applications by foreign nationals for political asylum in the United States.

(c) *ASSISTANT SECRETARIES REPORTING TO THE UNDER SECRETARY OF STATE FOR EXPORT, TRADE, ECONOMICS, AND BUSINESS.*—The following Assistant Secretaries of State should be subject to the supervision and policy guidance of the Under Secretary of State for Export, Trade, Economics, and Business and should have the following responsibilities:

(1) Assistant secretary for economics and business affairs.—

(A) *IN GENERAL.*—There should be an Assistant Secretary of State for Economics and Business Affairs who should—

(i) develop, coordinate, and implement United States international economic policy, including resource and food policy, energy policy, trade policy, policy with respect to economic sanctions, and policy for the pro-

motion of a stable and open international financial system;

(ii) ensure that United States economic and commercial interests are given appropriate weight in the development and implementation of United States foreign policy;

(iii) negotiate agreements for the purposes of promoting United States business abroad, improving the economic competitiveness of United States business abroad, and facilitating United States business activities abroad; and

(iv) advise other bureaus and elements of the Department of State on economic policy issues relating to the matters set forth in clauses (i) through (iii).

(B) OFFICE OF THE ASSISTANT SECRETARY.—There should be within the Office of the Assistant Secretary of State for Economic and Business Affairs the Office of Telecommunications and Aviation. The office should—

(i) develop, coordinate, and implement policy on issues relating to international telecommunications, international information utilization and exchange, and international aviation and maritime matters;

(ii) consult with and coordinate the activities of the other departments and agencies of the Federal Government with respect to the policy referred to in clause (i); and

(iii) conduct negotiations with foreign governments and international organizations with respect to such policy.

(2) ASSISTANT SECRETARY FOR OCEANS AND ENVIRONMENTAL AND SCIENCE AFFAIRS.—There should be an Assistant Secretary of State for Oceans and Environmental and Science Affairs who should develop, coordinate, and implement policy on the scientific and technological facets of the relations of the United States with foreign governments and international organizations and on matters relating to the environment, the oceans, fishing, and space.

(d) ASSISTANT SECRETARIES REPORTING TO THE UNDER SECRETARY OF STATE FOR INTERNATIONAL SECURITY.—The following Assistant Secretaries of State should be subject to the supervision and policy guidance of the Under Secretary of State for International Security and should have the following responsibilities:

(1) ASSISTANT SECRETARY FOR ARMS CONTROL AND NON-PROLIFERATION AFFAIRS.—(A) There shall be an Assistant Secretary of State for Arms Control and Non-Proliferation Affairs who shall—

(i) develop and coordinate policy on non-proliferation of weapons of mass destruction (including nuclear, chemical, and biological weapons and missile technology) and nuclear and conventional arms control; and

(ii) prepare for and operate United States participation in international control systems that may result from United States arms control activities.

(B) *DEPUTY ASSISTANT SECRETARIES.*—(i) *There shall be four Deputy Assistant Secretaries of State who shall report to the Assistant Secretary of State for Arms Control and Non-Proliferation Affairs for the following matters, respectively:*

(I) Verification of compliance with arms control agreements (including memoranda of understanding).

(II) Conventional arms control.

(III) Nuclear nonproliferation.

(IV) Control of weapons of mass destruction.

(ii) One such Deputy Assistant Secretary shall serve as the principal Deputy to the Assistant Secretary.

(2) *ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.*—*There should be an Assistant Secretary of State for International Narcotics and Law Enforcement Affairs who should—*

(A) develop, coordinate, and implement international narcotics assistance activities delegated to the Secretary of State under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.);

(B) serve as principal point of contact and provide advice on international narcotics control matters for the Office of Management and Budget, the National Security Council, and the Executive Office of the President to ensure implementation of United States policy in narcotics matters; and

(C) carry out international law enforcement activities of the Department of State under the International Narcotics Control Correction Act of 1994, including—

(i) promoting law enforcement and policy initiatives bilaterally or multilaterally which are of high priority to the national interest of the United States;

(ii) promoting improved coordination among United States policy and law enforcement agencies for their activities outside the United States; and

(iii) developing law enforcement training programs to strengthen and stabilize democracies throughout the world.

(3) *ASSISTANT SECRETARY FOR POLITICAL-MILITARY AFFAIRS.*—*There should be an Assistant Secretary of State for Political-Military Affairs who should—*

(A) serve as the Department's primary liaison with the Department of Defense;

(B) seek to further United States national security objectives by—

(i) stabilizing regional military balances through negotiations and security assistance;

(ii) maintaining global access for United States military forces;

(iii) inhibiting the access by adversaries to militarily significant technologies; and

(iv) promoting responsible United States defense trade; and

(C) coordinate with the Department of Defense on issues involving United States participation in United Nations peacekeeping activities.

(4) ASSISTANT SECRETARY FOR HUMANITARIAN ASSISTANCE, REFUGEES, AND MIGRATION AFFAIRS.—*There should be an Assistant Secretary of State for Humanitarian Assistance, Refugees, and Migration Affairs who should—*

(A) *recommend and implement policy on humanitarian assistance and refugee and migration affairs;*

(B) *operate United States refugee programs abroad, carried out in cooperation with other governments, private and international organizations, and other United States government agencies;*

(C) *carry out programs relating to the relief and repatriation of refugees, and the selection and processing of refugees to be admitted to the United States;*

(D) *implement abroad United States programs for disaster preparedness, relief, and rehabilitation, incorporating activities previously carried out by the Office of Foreign Disaster Assistance of the Agency for International Development; and*

(E) *function as primary coordination point for United States' international humanitarian emergency response efforts.*

(e) ASSISTANT SECRETARIES REPORTING TO THE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—*Except as provided in paragraph (2), the following Assistant Secretary of State and officials of the Department of State should be subject to the supervision and policy guidance of the Under Secretary of State for Public Diplomacy and should have the following responsibilities:*

(1) ASSISTANT SECRETARY FOR INTERNATIONAL EXCHANGES.—

(A) IN GENERAL.—*There shall be an Assistant Secretary of State for International Exchanges who shall—*

(i) *administer programs carried out under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) so as to ensure that such program support United States interests abroad and reflect the values of the people of the United States;*

(ii) *develop and implement policy for, and provide professional guidance, materials, and other programs support to, the libraries and binational centers of the Department of State abroad;*

(iii) *administer fine arts programs and performing arts programs abroad, including arranging for tours abroad of United States performing arts groups and fine arts exhibitions; and*

(iv) *develop and implement other programs in support of United States interests abroad, including programs for the identification and recruitment of individuals to speak of such interests abroad and for establishing links between United States and foreign cultural institutions.*

(B) OFFICE OF THE ASSISTANT SECRETARY.—*There shall be within the Office of the Assistant Secretary of State for International Exchanges the Office of Program Coordination. The Secretary of State, acting through the Office, shall be responsible for tracking identification and coordination*

of all United States Government sponsored non-military international exchange programs. The Office shall be charged to identify and make recommendations to the President on programs that are duplicative and, therefore, should be eliminated.

(2) CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS AND THE DIRECTOR OF THE INTERNATIONAL BROADCASTING OFFICE.—The Chairman of the Broadcasting Board of Governors and the Director of the International Broadcasting Office shall have the responsibilities set forth for those positions in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(f) ASSISTANT SECRETARIES REPORTING TO THE UNDER SECRETARY OF STATE FOR MANAGEMENT.—The following Assistant Secretaries of State should be subject to the supervision and policy guidance of the Under Secretary of State for Management and should have the following responsibilities.

(1) ASSISTANT SECRETARY FOR CONSULAR AFFAIRS.—There should be an Assistant Secretary of State for Consular Affairs who should develop, coordinate, and implement policy relating to the protection and welfare of United States citizens and interests abroad, the issuance of passports and visas, and the provision of other consular services.

(2) ASSISTANT SECRETARY FOR ADMINISTRATION.—There should be an Assistant Secretary of State for Administration who should—

(A) develop, coordinate, and implement policy, programs, and activities for the provision of administrative support for the Department of State, including support for building operations of the Department in the United States and abroad, support for information management, support for telecommunications, support for the Diplomat Contingency Program of the Department, support for travel abroad by the President and the Vice President, and support for schools for dependents of Department personnel abroad;

(B) manage acquisition activities of the Department in the United States;

(C) oversee acquisition activities of the Department abroad;

(D) ensure the provision of supply and transportation services to the Department; and

(E) ensure the provision of language services for the Secretary of State, the Executive Office of the President, and other officials of the Federal Government.

(3) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There should be an Assistant Secretary of State for Diplomatic Security who should—

(A) develop, coordinate, and implement policy for the purpose of ensuring the security of personnel who conduct United States diplomacy and promote United States interests abroad;

(B) assign security personnel to posts abroad for the purpose referred to in subparagraph (A);

(C) carry out the duties set forth in the Omnibus Diplomatic Security Act of 1986 (22 U.S.C. 4801 et seq.); and

(D) administer through the Office of Foreign Missions, the authorities relating to the regulation of foreign missions under title II of this Act.

(g) *POSITIONS REPORTING TO THE SECRETARY OF STATE.*—There should be in the Department of State, the following officials who should be appointed by the President, by and with the advice and consent of the Senate, and who should report to the Secretary of State and who should have the following responsibilities:

(1) *ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND STRATEGIC PLANS.*—There should be an Assistant Secretary of State for Intelligence and Strategic Plans, who should—

(A) provide the Secretary, the Deputy Secretary, and Department principals with intelligence information, briefings, analysis, and coordination necessary to carry out the President's foreign policy;

(B) serve as primary adviser to the Secretary of State and intelligence briefer for senior Department policymakers;

(C) undertake strategic (medium- and long-term) policy studies and analyses, and keep policymakers aware of strategic trends in areas of current or potential policy interest"; and

(D) provide the intelligence community guidance as necessary to help ensure products are focused adequately to support policymakers.

(2) *ASSISTANT SECRETARY OF STATE FOR LEGISLATIVE AFFAIRS.*—There should be an Assistant Secretary of State for Legislative Affairs, who should—

(A) supervise and coordinate all foreign affairs-related legislative activities within the Department of State and among the Department, Congress, and other agencies;

(B) supervise and coordinate all personnel of the Department who are designated or assigned legislative responsibilities and who should report to the Assistant Secretary of State for Legislative Affairs;

(C) ensure that congressional perspectives are considered in the foreign policymaking process, that the administration's views are accurately presented to Congress, and that a coordinated legislative strategy is implemented by executive branch agencies; and

(D) be responsible for rating and reviewing all employees of any bureau whose duties comprise primarily of legislative matters.

SEC. 1C. OTHER STATE DEPARTMENT POSITIONS.

(a) *GENERAL COUNSEL.*—

(1) There should be a General Counsel, who should be appointed by the President, by and with the advice and consent of the Senate, who should be paid at the rate provided for positions at level IV of the Executive Schedule, and who should—

(A) serve as principal adviser to the Secretary and, through the Secretary, to the President on all matters of international law arising in the conduct of United States foreign relations; and

(B) provide general legal advice and services to the Secretary and other officials of the Department on matters with which the Department and overseas posts are concerned.

(2) The General Counsel should assume the functions previously exercised by the Legal Adviser.

(b) *POSITIONS REPORTING TO THE UNDER SECRETARY OF STATE FOR MANAGEMENT.*—The following officials within the Department of State should report directly to the Under Secretary of State for Management:

(1) *CHIEF FINANCIAL OFFICER.*—There is in the Department of State a Chief Financial Officer who is appointed and paid in accordance with section 901 of title 31, United States Code, and who shall—

(A) serve as the Department's Budget Officer and shall manage the financial affairs of the Department, consistent with section 902 of title 31, United States Code;

(B) ensure adequate systems within the Department for the production of reliable and timely financial and related programmatic information;

(C) develop financial analysis and performance reports regarding the activities of the Department; and

(D) integrate functions of the Department related to budget execution and financial accounting.

(2) *DIRECTOR GENERAL OF THE FOREIGN SERVICE.*—There should be a Director General of the Foreign Service who should be appointed by the President, by and with the advice and consent of the Senate, and who should be paid at the rate of pay provided for positions at level IV of the Executive Schedule. The Director General should—

(A) Act as principal advisor to the Secretary of State on all matters relating to the Foreign Service, including matters relating to recruitment, training, professional development, assignment, and utilization of Foreign Service personnel; and

(B) provide joint training for all such personnel and ensure the assignment of such personnel to positions that require and provide experience in a variety of disciplines; and

(C) perform such functions in connection with the administration of the Foreign Service as the Secretary of State may prescribe.

(3) *DIRECTOR OF PERSONNEL.*—There should be within the Department of State a Director of Personnel who should be appointed by the President, by and with the advice and consent of the Senate, and who should be paid at the rate of pay provided for positions at level IV of the Executive Schedule. The Director of Personnel should—

(A) implement policies and programs for personnel of the Department of State, including personnel under the Civil Service system, personnel under the Foreign Service System (in consultation with the Director General for the Foreign Service), and personnel who are Foreign Service National employees; and

(B) oversee activities of the National Center for Humanities, Education, Languages, and Management Studies.

* * * * *

ADMINISTRATIVE SERVICES

SEC. 23. (a) AGREEMENTS.—Whenever the head of any Federal agency performing any foreign affairs functions [(including, but not limited to, the Department of State, the International Communication Agency, the Agency for International Development, and the Arms Control and Disarmament Agency)] determines that administrative services performed in common by the Department of State and one or more [other such agencies] *other Federal Agencies* may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

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SEC. 24. (a) * * *

(b)(1) * * *

* * * * *

(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under “Administration of Foreign Affairs”, the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

(B) The balance of the Buying Power Maintenance account may not exceed \$100,000,000 as a result of any transfer under this paragraph.

(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

[(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.]

* * * * *

SEC. 26. (a) * * *

[(b) The authority available to the Secretary of State under this section shall be available to the Director of the United States Information Agency, the chairman of the Board for International Broad-

casting, and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.】

* * * * *

SEC. 32. The Secretary of State may pay, without regard to section 5702 of title 5, United States Code, subsistence expenses of (1) special agents of the Department of State who are on authorized protective missions, and (2) members of the Foreign Service and employees of the Department who are required to spend extraordinary amounts of time in travel status. 【The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.】

SEC. 33. The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

(2) The report, designated as a "Report of Birth Abroad of a Citizen of the United States", issued by a consular officer to document a citizen born abroad. *For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.*

* * * * *

SEC. 38. (a) INTERNATIONAL AGREEMENTS.—The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations and other proceedings for the peaceful resolution of disputes under treaties or other international agreements.

(b) CONTRACTS ABROAD.—The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations arising under contracts authorized by law for the performance of services or acquisition of property, real or personal, abroad.

(c) PROCUREMENT OF SERVICES.—The Secretary of State may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a proceeding before an international tribunal or a claim by or against a foreign government or other foreign entity, whether or not the expert is expected to testify, or to procure *personal* and other support services for such proceedings or claims. The Secretary need not provide any written justification for the use of procedures other than competitive procedures when procuring such services under this subsection and need not furnish for publi-

cation in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

* * * * *

SEC. 52. FEES FOR COMMERCIAL SERVICES.

(a) * * *

(b) **USE OF FEES.**—Funds collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services. *Such fees shall remain available for obligation until expended.*

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TITLE I—BASIC AUTHORITIES GENERALLY

* * * * *

“SEC. 53. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The Secretary of State is authorized to charge a fee for use of the Department of State diplomatic reception rooms. Fees collected under the authority of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.

Department of State Appropriations Authorization Act of 1973

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[SEC. 9. (a) There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. There shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs and for such other related duties as the Secretary may from time to time designate.]

Department of State Authorization Act, Fiscal Years 1984 and 1985

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[INTERPARLIAMENTARY GROUPS]

SEC. 109. (a) * * *

[(b) There are authorized to be appropriated each fiscal year \$50,000, to be equally divided between delegations of the Senate and the House of Representatives, to assist in meeting the expenses of the United States Group of the British-American Parliamentary Group. Amounts appropriated under this section are authorized to remain available until expended.]

[(c) There are authorized to be appropriated for each fiscal year \$50,000 for expenses of United States participation in the United States-European Community Interparliamentary Group.]

**Department of State and Related Agencies Appropriations
Act, 1995**

(Public Law 103-317)

* * * * *

SEC. 507. (a) DIPLOMATIC TELECOMMUNICATIONS SERVICE FINANCIAL MANAGEMENT.—In fiscal year 1995 [and each succeeding fiscal year]—

* * * * *

(b) DTS POLICY BOARD.—Within 60 days after the date of the enactment of this Act, the Secretary of State and the Director of the DTS-PO shall restructure the DTS Policy Board to provide for representation on the Board, during fiscal year 1995 [and each succeeding fiscal year], by—

(1) the Director of the DTS-PO;

The Arms Export Control Act

* * * * *

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) * * *

(b) (1) * * *

(A) a detailed description of the defense articles, defense services, or design and construction services to be offered, including a brief description of the capabilities of any defense article to be offered;

* * * * *

(D) an evaluation, prepared by the [Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and] *Secretary of State in consultation with the Secretary of Defense*, of the manner, if any, in which the proposed sale would—

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a)(1) * * *

(2) Decisions on issuing export licenses under this section shall be made in coordination with the [Director of the United States Arms Control and Disarmament Agency, taking into account the Director's] *Secretary of State, taking into account the Secretary's* assessment as to whether the export of an article would contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements. [The Director of the Arms Control and Disarmament Agency is authorized, whenever the Director] *The Secretary of State is authorized, whenever the Secretary* determines that the issuance of an export license under this section would be detrimental to the national security of the United States, to recommend to the President that such export license be disapproved.

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Chapter 4—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 41. EFFECTIVE DATE.—This Act shall take effect on July 1, 1968.

SEC. 42. GENERAL PROVISIONS.—(a) (1) In carrying out this chapter, special emphasis shall be placed on procurement in the United States, but, subject to the provisions of subsection (b) of this section, consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this chapter, there shall be taken into consideration (A) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, (B) the portion of the defense articles so manufactured which is of United States origin, and (C) the assessment of the [Director of the United States Arms Control and Disarmament Agency] *Secretary of State* as to whether, and the extent to which, such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements.

(2) Any proposed sale made pursuant to this chapter shall be approved only after consultation with the [Director of the United States Arms Control and Disarmament Agency] *Secretary of State*. The [Director of the Arms Control and Disarmament Agency is authorized, whenever the Director] *Secretary of State is authorized, whenever the Secretary* determines that a sale under this section would be detrimental to the national security of the United States, to recommend to the President that such sale be disapproved.

* * * * *

Chapter 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

SEC. 71. LICENSING.—

(a) ESTABLISHMENT OF LIST OF CONTROLLED ITEMS.—The Secretary of State, in consultation with the Secretary of Defense [the Director of the Arms Control and Disarmament Agency,] *Secretary of State* and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the United States Munitions List, a list of all items on the MTCR Annex the export of which is not controlled under section 2405(j) of appendix to Title 50.

(b) REFERRAL OF LICENSE APPLICATIONS.—(1) A determination of the Secretary of State to approve a license for the export of an item on the list established under subsection (a) of this section may be made only after the license application is referred to the Secretary

of Defense and the [Director of the United States Arms Control and Disarmament Agency] *Secretary of State*.

(2) Within 10 days after a license is issued for the export of an item on the list established under subsection (a) of this section, the Secretary of State shall provide to the Secretary of Defense, the Secretary of Commerce, and the [Director of the United States Arms Control and Disarmament Agency] *Secretary of State* the license application and accompanying documents issued to the applicant, to the extent that the relevant Secretary [or the Director] indicates the need to receive such application and documents.

(c) INFORMATION SHARING.—The Secretary of State shall establish a procedure for sharing information with appropriate officials of the intelligence community, as determined by the Director of Central Intelligence, with the [Director of the United States Arms Control and Disarmament Agency] *Secretary of States*, and with other appropriate Government agencies, that will ensure effective monitoring of transfers of MTCR equipment or technology and other missile technology.

* * * * *

SEC. 73. TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.

(a) SANCTIONS.—(1) * * *

(d) ADVISORY OPINIONS.—The Secretary of State, in consultation with the Secretary of Defense [, the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency] *and the Secretary of Commerce*, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this section. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

Arms Control and Disarmament Act

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PURPOSE

SEC. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers, and burdens of armaments; in which the use of force has been subordinated to the rule of law, and in which international adjustments to a changing world are achieved peacefully. [It is the purpose of this chapter to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.]

Arms control, nonproliferation, and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. [The formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such

a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies and our economy.

【This organization must have the capacity to provide the essential scientific, economic political, military, psychological, and technological information which realistic arms control, nonproliferation, and disarmament policy must be based. It shall have the authority, under the direction of the President and the Secretary of State,】
The Department of State shall have the authority to carry out the following primary functions:

(1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.

(2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.

(3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.

(4) The preparation for, operation of, or, as appropriate, direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.

(5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The terms “arms control” and “disarmament” mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term “Government agency” means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

【(c) The term “Agency” means the United States Arms Control and Disarmament Agency.】

(c) The term “Department” means the Department of State.

(d) The term “Secretary” means the Secretary of State.

TITLE II—ORGANIZATION

【UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

【SEC. 21. There is hereby established an agency to be known as the “United States Arms Control and Disarmament Agency”.】

【DIRECTOR

【SEC. 22. (a) APPOINTMENT.—The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

【(b) DUTIES.—(1) The Director shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament. In carrying out his duties under this Act, the Director, under the direction of the President and the Secretary of State, shall have primary responsibility within the Government for matters relating to arms control and disarmament, and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation.

【(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.】

【DEPUTY DIRECTOR

【SEC. 23. A deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.】

【ASSISTANT DIRECTORS

【SEC. 24. Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties and exercise such powers as the Director may prescribe.】

【BUREAUS, OFFICES, AND DIVISIONS

【SEC. 25. The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this Act, including a

bureau of intelligence and information support and an office to perform legal services for the Agency.]

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SCIENTIFIC AND POLICY ADVISORY COMMITTEE

SEC. 26. (a) ESTABLISHMENT.—(1) The President may appoint a Scientific and Policy Advisory Committee (in this section referred to as the “Committee”) of not to exceed 15 members, not less than eight of whom shall be scientists.

* * * * *

(b) FUNCTION.—It shall be the responsibility of the Committee to advise the President[, the Secretary of State, and the Director] *and the Secretary of State* respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

* * * * *

PRESIDENTIAL SPECIAL REPRESENTATIVES

SEC. 27. The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament matters. Each Presidential Special Representative shall hold the rank of ambassador. One such Representative may serve in the [Agency] *Department* as Chief Science Advisor. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under the direction of the President and the Secretary of State[, acting through the Director]. The [Agency] *Department* shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.

PROGRAM FOR VISITING SCHOLARS

SEC. 28. A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the [Director] *Secretary* in order to obtain the services of scholars from the faculties of recognized institutes of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the [Agency's activities] *Department's arms control, nonproliferation, and disarmament activities* an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the [Agency] *Department* and to gain for the [Agency] *Department* the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1-year period. Fellows shall be chosen by a board consisting of the [Director] *Secretary*, who shall be the chairperson[, and all former Directors of the Agency].

TITLE III—FUNCTIONS

RESEARCH

SEC. 31. The [Director] *Secretary* is authorized and directed to exercise his powers in such manner as to insure the acquisition of

a fund of theoretical and practical knowledge concerning disarmament and nonproliferation. To this end, the [Director] *Secretary* is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the fields of arms control, nonproliferation, and disarmament by or for other Government agencies in accordance with procedures established under section 35 of this Act. In carrying out his responsibilities under this Act, the [Director] *Secretary* shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the [Director] *Secretary* with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control, nonproliferation, and disarmament:

* * * * *

(m) such related problems as the [Director] *Secretary* may determine to be in need of research, development, or study in order to carry out the provisions of this Act.

PATENTS

SEC. 32. All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the [Director] *Secretary* may find to be necessary in the public interest) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

SEC. 33. (a) FORMULATION.—The [Director] *Secretary* [shall prepare for the President, the Secretary of State,] *shall prepare for the President* and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

(b) PROHIBITION.—No action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a military significant manner, except pursuant to the treaty-making powers of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

(c) STATUTORY CONSTRUCTION.—*Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the*

lawful purpose of personal defense, sport, recreation, education, or training.

NEGOTIATION MANAGEMENT

SEC. 34. (a) RESPONSIBILITIES.—The [Director] *Secretary*, under the direction of [the President and the Secretary of State] *the President*, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the field of arms control and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States participation in international negotiations and implementation fora in the field of non-proliferation. In furtherance of these responsibilities, Special Representatives of the President appointed pursuant to section 27, shall, as directed by the President, serve as the United States Government representatives to international organizations, conferences, and activities relating to the field of non-proliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons.

[(b) FUNCTIONS WITH RESPECT TO THE UNITED STATES INFORMATION AGENCY.—The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.]

(c) AUTHORITY.—The [Director] *Secretary* is authorized—

(1) for the purpose of conducting negotiations concerning arms control, nonproliferation, or disarmament or for the purpose of exercising any other authority given him by this Act—

* * * * *

COORDINATION

SEC. 35. The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the [Agency] *Department* and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, and other affected Government agencies, in all significant aspects of United States arms control, nonproliferation, and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the [Director] *Secretary* and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the [Director] *Secretary* with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

ARMS CONTROL INFORMATION

SEC. 36. In order to assist the [Director] *Secretary* in the performance of his duties with respect to arms control, nonproliferation, and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of \$250,000,000, or

(B) an estimated total program cost in excess of \$50,000,000, or

(3) any other program involving technology with potential military application or weapons systems which such Government agency or the [Director] *Secretary* believes may have a significant impact on arms control, nonproliferation, and disarmament policy or negotiations,

shall, on a continuing basis, provide the [Director] *Secretary* with full and timely access to detailed information, in accordance with the procedures established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal.

VERIFICATION OF COMPLIANCE

SEC. 37. (a) IN GENERAL.—In order to ensure that arms control, nonproliferation, and disarmament agreements can be adequately verified, the [Director] *Secretary* shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the [Director] *Secretary* as to the degree to which the components of such agreement can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement;

(3) the amount and percentage of research funds expended by the [Agency] *Department* for the purpose of analyzing issues relating to arms control, nonproliferation, and disarmament verification; and

(4) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency.

(b) STANDARD FOR VERIFICATION OF COMPLIANCE.—In making determinations under paragraphs (1) and (2) of subsection (a), the [Director] *Secretary* shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(c) RULE OF CONSTRUCTION.—Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or

methods or persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

(d) PARTICIPATION OF THE [AGENCY] *Department*.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the [Director] *Secretary* to make the assessment required by section 51(a)(5), the [Director] *Secretary* or the [Director's designee] *Secretary's designee*, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

NEGOTIATING RECORDS

SEC. 38. (a) PREPARATION OF RECORDS.—The [Director] *Secretary* shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

(b) NEGOTIATING AND IMPLEMENTATION RECORDS.—In particular, the [Director] *Secretary* shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

(c) PARTICIPATION OF THE [AGENCY] *DEPARTMENT PERSONNEL*.—In order to implement effectively this section, the [Director] *Secretary* shall ensure that [Agency] *Department* personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.

COMPREHENSIVE COMPILATION OF ARMS CONTROL, AND DISARMAMENT STUDIES

SEC. 39. Pursuant to his responsibilities under section 31 of this Act, and in order to enhance Congressional and public understanding of arms control, nonproliferation, and disarmament issues, the [Director] *Secretary* shall provide to the Congress not later than June 30 of each year a report setting forth—

* * * * *

TITLE IV—GENERAL PROVISIONS

GENERAL AUTHORITY

[SEC. 41. In the performance of his functions, the Director is authorized to—

[(a) utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the

agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended;

[(b) appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—

[(1) any employee who is appointed under this exception is not paid at a rate—

[(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

[(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

[(2) the number of employees appointed under this exception shall not exceed 10 percent of the Agency's full-time equivalent ceiling.

[(c) enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies;

[(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 of the United States Code, and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided*, That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further*, That such contracts be renewed annually;

[(e) employ individuals of outstanding ability without compensation in accordance with the provisions of section 710(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160), and regulations issued thereunder;

[(f) establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The new members of such board may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act;

[(g) permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;

[(h) administer oaths and take sworn statements in the course of an investigation made pursuant to the Director's responsibilities under this Act;

[(i) delegate, as appropriate, to the Deputy director or other officers of the Agency, any authority conferred upon the Director by the provisions of this Act; and

[(j) make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.]

FOREIGN SERVICE PERSONNEL

SEC. 42. (a) The Secretary of State may authorize the [Director] *Secretary* to exercise, with respect to members of the Foreign Service appointed or employed for the [Agency] *Department*—

* * * * *

(b) Limited appointments of members of the Foreign Service for the [Agency] *Department* may be extended or renewed, notwithstanding section 309 of the Foreign Service Act of 1980, so long as the service of the individual under such appointment does not exceed ten consecutive years without a break in service of at least one year.

CONTRACTS OR EXPENDITURES

SEC. 43. The President may, in advance, exempt actions of the [Director] *Secretary* from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy.

CONFLICT-OF-INTEREST AND DUAL COMPENSATION LAWS

SEC. 44. The members of the General Advisory Committee created by section 26 of this Act, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 41 of this Act, may serve as such without regard to the provisions of section 281, 283, or 1914 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of

any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the [Agency] *Department* is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 201 of the Dual Compensation Act.

SECURITY REQUIREMENTS

SEC. 45. (a) The [Director] *Secretary* shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. Except as provided in subsection (d), the [Director] *Secretary* shall arrange with the Civil Service Commission for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors and subcontractors, and their officers and employees, actual or prospective. In the case of persons detailed from other Government agencies or employed directly from other Government agencies, the [Director] *Secretary* may accept the results of full-field background security and loyalty investigations conducted by such agencies as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full-field investigation. The final results of all such investigations shall be turned over to the [Director] *Secretary* for final determination. Except as provided in subsection (d), no person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the [Director] *Secretary*, and the [Director] *Secretary* shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security

procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) In the case of contractors or subcontractors and their officers or employees, actual or prospective, the [Director] *Secretary* may accept, in lieu of the investigation prescribed in subsection (a) hereof, a report of investigation conducted by a Government agency, other than the Civil Service Commission or the Federal Bureau of Investigation, when it is determined by the [Director] *Secretary* that the completed investigation meets the standards established in subsection (a) hereof: *Provided*, That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report. The [Director] *Secretary* may also grant access for information classified no higher than "confidential" to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provide*, That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a), the [Director] *Secretary* may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c).

(c) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission, or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42, to permit the [Director] *Secretary* or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 41(f), contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the [Director] *Secretary*, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the [Agency] *Department* are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such con-

tractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.

(d) the investigations and determination required under subsection (a) may be waived by the [Director] *Secretary* in the case of any consultant who will not be permitted to have access to classified information if the [Director] *Secretary* determines and certifies in writing that such waiver is in the best interests of the United States.

COMPTROLLER GENERAL AUDIT

SEC. 46. No moneys appropriated for the purposes of this Act shall be available for payment under any contract with the [Director] *Secretary*, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit by the General Accounting Office of any transactions under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

TRANSFER OF ACTIVITIES AND FACILITIES TO AGENCY

SEC. 47. (a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is hereby transferred to the [Agency] *Department*. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this Act, without regard to the requirements of apportionment under section 665 of title 31.

(b) The President, by Executive order, may transfer to the [Director] *Secretary* any activities or facilities of any government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in title II of the Reorganization Act of 1949 shall apply to any such resolution.

USE OF FUNDS

[SEC. 48. Appropriations made to the Director for the purposes of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 U.S.C. 111); purchase or hire of one passenger motor vehicle for the official use of the Director; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this Act; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects (including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year), and expenses authorized by the Foreign Service Act of 1980, not otherwise provided for.]

SPECIALISTS FLUENT IN RUSSIAN OR OTHER LANGUAGES OF THE
INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 49. The [Director] *Secretary* is authorized to create up to eight additional permanent personal positions at both junior and more senior levels for specialists in the foreign and military policies of the independent states of the former Union, arms control, or strategic affairs of the former Soviet Union, who also demonstrate fluency in the Russian language or another language of the independent states of the former Soviet Union.

[ACDA INSPECTOR GENERAL

[SEC. 50. (a) ESTABLISHMENT AND DUTIES.—There shall be an Office of the Inspector General at the Agency headed by the Inspector General of the Agency who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978.

[(b) DUALITY OF APPOINTMENT.—An individual appointed to the position of Inspector General of the Department of State shall, by virtue of such appointment, also hold the position of Inspector General of the Agency.

[(c) UTILIZATION OF STAFF.—The Inspector General of the Agency shall utilize personnel of the Office of the Inspector General of the Department of State in performing the duties of the Inspector General of the Agency, and shall not appoint any individuals to positions within the Agency.

[(d) REFERENCES.—For purposes of this section, references in the Inspector General Act of 1978 to the establishment involved, to the head of the establishment, and to an Inspector General shall be deemed to be references to the Agency, the Director of the Agency, and Inspector General of the Agency, respectively, except to the extent inconsistent with the section.]

ANNUAL REPORT TO CONGRESS

SEC. 51. (a) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the [Secretary of State,] the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the [Director] *Secretary* of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

* * * * *

PUBLIC ANNUAL REPORT ON WORLD MILITARY EXPENDITURES AND
ARMS TRANSFERS

SEC. 52. Not later than December 31 of each year, the [Director] *Secretary* shall publish an unclassified report on world military expenditures and arms transfers. Such report shall provide detailed, comprehensive, and statistical information regarding military expenditures, arms transfers, armed forces, and related economic data for each country of the world. In addition, such report shall include pertinent in-depth analyses as well as highlights with respect to arms transfers and proliferation trends and initiatives affecting such developments.

[REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS

[SEC. 53. (a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent year, any funds appropriated for the Agency shall not be available for obligation or expenditure—

[(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

[(2) in excess of the authorized level of appropriations.

[(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

[(c) APPLICATION.—The provisions of this section—

[(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered by the Agency.]

* * * * *

TITLE V—ON-SITE INSPECTION ACTIVITIES

FINDINGS

SEC. 61. The Congress finds that—

(1) under this Act, the [United States Arms Control and Disarmament Agency is] *Department of State and the Department of Defense are respectively* charged with the “formulation and

implementation of United States arms control and disarmament policy in a manner which will promote the national security”;

* * * * *

(7) the senior officials of the On-Site Inspection [Agency] *Department* include representatives from [the United States Arms Control and Disarmament Agency and] the Department of State.

POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS

SEC. 62. (a) * * *

(c) ROLE OF THE [DIRECTOR] *SECRETARY*.—The [Director] *Secretary* should provide to the interagency mechanism described in subsection (a) appropriate recommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION

SEC. 63. There are authorized to be appropriated \$49,830,000 for fiscal year 1990 and \$48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection [Agency] *Department* in carrying out on-site inspection activities pursuant to the INF Treaty.

* * * * *

DEFINITIONS

SEC. 65. As used in this title—

(1) the term “INF Treaty” means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987);

(2) the term “OSIA” means the On-Site Inspection [Agency] *Department* established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty;

United States Information and Educational Exchange Act of 1948

* * * * *

TITLE I—SHORT TITLE, OBJECTIVES, AND DEFINITIONS

SHORT TITLE

SECTION 1. This Act may be cited as the “United States Information and Educational Exchange Act of 1948”.

* * * * *

DEFINITIONS

SEC. 4. When used in this Act, the term—

(1) “Secretary” means the Secretary of State

(2) “Department” means the Department of State.

(3) "Government agency" means any executive department, board, bureau, commission, or other agency of the Federal Government, or independent establishment, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(4) "*informational and educational exchange functions*", with respect to the Department of State, refers to functions exercised by the United States Information Agency before the effective date of section 1329 of the Foreign Affairs Reinvention Act of 1995.

* * * * *

TITLE III—ASSIGNMENT OF SPECIALISTS

PERSONS TO BE ASSIGNED

SEC. 301. The [Director of the United States Information Agency] *Secretary of State* is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the [Director] *Secretary of State* finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 302, or (3) such government shall have made an advance of funds, property, or services as provided in section 902. Nothing in this Act, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

* * * * *

ACCEPTANCE OF OFFICE UNDER ANOTHER GOVERNMENT

SEC. 303. Any person in the employ or service of the Government of the United States, while assigned for service to or in cooperation with another government under authority of this Act may, at the discretion of his Government agency, with the concurrence of the [Director of the United States Information Agency] *Secretary of State*, and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this Act: *Provided, however,*

That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

* * * * *

SEC. 501. (a) * * *

(b)(1) The [Director of the United States Information Agency] *Secretary of State* shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material prepared for dissemination abroad 12 years after the initial dissemination of the material abroad or, in the case of such material not disseminated abroad, 12 years after the preparation of the material.

(2) The [Director of the United States Information Agency] *Secretary of State* shall be reimbursed for any attendant expenses. Any reimbursement to the [Director] *Secretary of State* pursuant to this subsection shall be credited to the applicable appropriation of the [United States Information Agency] *Department of State*.

* * * * *

USIA SATELLITE AND TELEVISION

SEC. 505. (a) IN GENERAL.—The [Director of the United States Information Agency] *Secretary of State* is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

(b) BROADCAST PRINCIPLES.—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. [To be effective, the United States Information Agency] *To be effective in carrying out this subsection, the Department of State* must win the attention and respect of viewers. These principles will therefore govern the Agency's television broadcasts (hereinafter in this section referred to as "USIA-TV"):

(1) [USIA-TV] *DEPARTMENT OF STATE-TV* will serve as a consistently reliable and authoritative source of news. USIA-TV news will be accurate and objective.

(2) [USIA-TV] *DEPARTMENT OF STATE-TV* will represent the United States, not any single segment of American society and will, therefore, present a balanced and comprehensive projection of significant American thought and institutions.

(3) [USIA-TV] *DEPARTMENT OF STATE-TV* will present the policies of the United States clearly and effectively and will also present responsible discussions and opinion on these policies.

(c) PROGRAMS.—The [Director of the United States Information Agency] *Secretary of State* is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

(1) are interactive, consisting of interviews among participants in different locales;

(2) cover news, public affairs, or other current events;

(3) cover official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch; or

(4) are of an artistic or scientific character or are otherwise representative of American culture.

(d) COSTS.—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by **[USIA-TV] DEPARTMENT OF STATE-TV** the **[Director of the United States Information Agency] Secretary of State** shall use such materials in preference to **[USIA-TV] DEPARTMENT OF STATE-TV** produced materials.

[(e) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated to the United States Information Agency not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for USIA-TV.

[(2) The United States Information Agency shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4), that were produced in-house by USIA-TV. Each such report shall include a statement by the Director of the United States Information Agency that, according to the best information available to the United States Information Agency, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

[(3) Of the funds authorized to be appropriated to the United States Information Agency, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.]

VOICE OF AMERICA HIRING PRACTICES

SEC. 506. (a) PROHIBITION.—After the date of enactment of this section, the Voice of America shall not select candidates for employment who must be or are preapproved for employment at the Voice of America by a foreign government or an entity controlled by a foreign government.

* * * * *

(c) REPORT.—If the **[Director of the United States Information Agency] Secretary of State** determines that the prohibition under subsection (a) would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the **[Agency] Department of State** begins to recruit such candidates, the **[Director] Secretary of State** shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SEC. 604. (a) ESTABLISHMENT.—(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.

* * * * *

(c) DUTIES AND RESPONSIBILITIES.—(1) The Commission shall formulate and recommend to [the Director of the United States Information Agency,] the Secretary of State, and the President policies and programs to carry out the functions vested in the [Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency] *Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department.*

(2) The Commission shall submit to the Congress, the President, [the Secretary of State, and the Director of the United States Information Agency] *and the Secretary of State* annual reports on programs and activities carried out by the [Agency] *Secretary of State*, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the [Director for effectuating the purposes and the Agency] *Secretary for effectuating the information, educational, and cultural functions of the Department*, and the action taken to carry out such recommendations.

(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs conducted by the Agency.

(4) The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and non-political character of the educational and cultural exchange activities vested in the [Director of the United States Information Agency] *Secretary of State* have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

SEC. 701. (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled

“Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes”, approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.

(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the [United States Information Agency] *Department of State* as authorized by law.

(f) (1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the United States Information Agency, in the Department of State and Related Agencies Appropriations Act, for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year for any other account of the [United States Information Agency] *Department of State*.

(2) Amounts appropriated for the “Salaries and Expenses” and “Educational and Cultural Exchange Programs” accounts may not exceed by more than 5 percent the amount specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

(3) The requirements and limitations of subsection (a) shall not apply to the appropriation of funds pursuant to this subsection.

(4) This subsection shall cease to have effect after [September 30 1995] *March 1, 1997*.

United Nations Participation Act of 1945, as amended

* * * * *

SEC. 4. (a) PERIODIC REPORTS.—The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. [He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein, under his instructions, of the representative of the United States.]

* * * * *

(d) ANNUAL REPORT.—In addition to the report required by subsection (a), the President, at the time of submission of the annual budget request to the Congress, shall submit to the designated congressional committees a report that includes the following:

(1) COSTS OF PEACEKEEPING OPERATIONS.—

(A) In accordance with section 407(a)(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, a description of all assistance provided by the United States to the United Nations to support peacekeeping operations during the previous calendar quarter and during the previous year.

(B) With respect to United Nations peacekeeping operations—

(i) the aggregate cost of all United Nations peacekeeping operations for the prior fiscal year;

(ii) the cost of each United Nations peacekeeping operation for the prior fiscal year; and

(iii) the amount of United States contributions (both assessed and voluntary) to United Nations peacekeeping operations on an operation-by-operation basis for the prior fiscal year.

(C) With respect to other international peacekeeping operations in which the United States participates—

(i) the aggregate cost of all such operations for the prior fiscal year;

(ii) the costs of each such operation for the prior fiscal year; and

(iii) the amount of United States contributions (both assessed and voluntary) to such operations on an operation-by-operation basis for the prior fiscal year.

(D) *A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—*

(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.

[(D)] (E) In the case of the first 2 reports submitted pursuant to this subsection, a projection of all United States costs for United Nations peacekeeping operations during each of the next 2 fiscal years, including assessed and voluntary contributions.

* * * * *

[(a)] (e) CONSULTATIONS AND REPORTS ON U.N. PEACEKEEPING OPERATIONS.—

(1) CONSULTATIONS.—Each month the President shall consult with the Congress on the status of United Nations peacekeeping operations.

(2) INFORMATION TO BE PROVIDED.—In connection with these consultations, the following information shall be provided *in written form not later than the 10th day of each month* to the designated congressional committees:

(A) With respect to ongoing United Nations peacekeeping operations, the following:

(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (*including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)*) and the estimated costs to the United States of such changes.

(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

(i) The anticipated duration, mandate, and command and control arrangements of such operation.

(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of the cost that will be assessed to the United States.

(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

(iv) *A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.*

[(3) WRITTEN INFORMATION.—The information described in clauses (i) and (iii) of paragraph (2)(A) and the information described in clauses (i) and (ii) of paragraph (2)(B) shall be provided each month to the designated congressional committees in written form not later than the 10th day of that month.]

[(4)] (3) INTERIM INFORMATION.—(A) The President shall submit to the designated congressional committees a written interim report if, during the period between the monthly consultations required by paragraph (1), the United States learns that the United Nations Security Council is likely, before the next such consultation, to vote on a resolution that would authorize a new United Nations peacekeeping operation and that resolution was not previously reported on pursuant to paragraph (2)(B). Each interim report shall include the information described in clauses (i) [and (ii)] *through (iv)* of paragraph (2)(B).

(B) Any such interim report shall be submitted not less than 5 days before the vote of the United Nations Security Council, unless the President determines that exceptional circumstances prevented compliance with the requirement to report 5 days in advance. If the President makes such a determination, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and shall include a copy of the determination and a description of the exceptional circumstances which were the basis for determination.

(4) *NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.*—As used in paragraphs (2)(B) and (3), the term ‘new United Nations peacekeeping operation includes any existing or otherwise ongoing United Nations peacekeeping operation—

(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

(B) that is to be authorized to operate in a country in which it was not previously authorized to operate.

[(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—(A) The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations. This subparagraph does not apply to—

[(i) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance, or

[(ii) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).]

[(B) THE PRESIDENT] (5) *QUARTERLY REPORTS.*—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations. Each report shall describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by [section 4(d) of the United Nations Participation Act of 1945 (as added by subsection (b) of this section)] subsection (d) and shall include cumulative information for the preceding calendar year.

[(e)] (f) *NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.*—(1) Except as provided in paragraph (2), at least 15 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the des-

ignated congressional committees a notification with respect to the proposed action. The notification shall include the following:

(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

(2)(A) If the President determines that an emergency exists which prevents submission of the 15-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

(B) Determinations made under subparagraph (A) may not be delegated.

[(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term “designated congressional committees” has the meaning given that term by section 415 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.]

(g) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term “designated congressional committees” has the meaning given such term in section 10(d).

SEC. 5. * * *

(c)(1) During the period in which measures are applied against Southern Rhodesia under subsection (a) pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

* * * * *

(d)(1) The measures that the United States may apply under subsection (a) do not include any measure to prohibit assistance that promotes—

(A) respect for human rights,

(B) the exchange of information (as described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(B)(3)), or

(C) the development of democratic institutions.

(2) Not less than 15 days before approving a license for export of any item under paragraph (1), the President shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

* * * * *

SEC. 9. * * *

SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) WITHHOLDING OF CONTRIBUTIONS.—

(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations

budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

(3) The Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations;

(C) have direct and prompt access to any official of the United Nations; and

(D) have access to all records and officials of the specialized agencies of the United Nations.

(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General

are made available to the General Assembly without modification.

(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.

SEC. 11. CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.

(a) **REASSESSMENT OF CONTRIBUTION PERCENTAGES.**—The Permanent Representative of the United States to the United Nations should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping operations. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that, when appropriate, host governments and other governments in the region where a United Nations peacekeeping operation is carried out should bear a greater burden of its financial cost.

(b) **LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.**—(1) Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.

(2) Any penalties, interest, or other charges imposed on the United States in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence.

(c) **BUY AMERICA REQUIREMENT.**—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

(d) **DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.**—As used in this section, the term 'designated congressional committees' means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED STATES.

(a) **PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.**—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress

that the Director of Central Intelligence (in this section referred to as the "DCI"), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented requirements which have been formally agreed to and implemented by the United Nations for protecting intelligence sources and methods as a condition for the provision of United States intelligence information to the United Nations. Those requirements shall include, but not be limited to—

(A) the adoption by the United Nations of formal security violation investigation procedures and security clearance background investigation procedures certified by the DCI as comparable to United States procedures;

(B) the agreement by the United Nations to protect United States-provided intelligence information in a manner certified by the DCI as comparable to protections maintained by the United States Government of such information;

(C) the agreement by the United Nations to immediately notify the United States Government of any unauthorized disclosure of United States-provided intelligence, and to permit the full participation of United States law enforcement personnel in the investigation of such disclosure;

(D) prohibitions on access to United States-provided intelligence information by nationals of countries not otherwise eligible for the receipt of such information;

(E) prohibitions on access to United States-provided intelligence information by the government of any country designated by the Secretary of State as a state supporter of terrorism;

(F) prohibitions on access to United States-provided intelligence information by any government not eligible for the direct provision of such information by the United States through existing bilateral intelligence-sharing agreements; and

(G) other measures which protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the vital national security interests of the United States and that all possible measures protecting such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided.

(b) PERIODIC AND SPECIAL REPORTS.—

(1) The President shall periodically report, but not less frequently than quarterly, to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence of the Senate and the Perma-

ment Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government regarding any unauthorized disclosure of intelligence provided by the United States to the United Nations.

(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately-cleared United States Government personnel serving with the United Nations.

(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 13. DEFINITION.

For purposes of this Act, the term “United Nations peacekeeping activities” means any peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations, the costs of which will be assessed by the United Nations to its member countries.

Agricultural Trade Development and Assistance Act of 1954

* * * * *

TITLE II—EMERGENCY AND PRIVATE ASSISTANCE PROGRAMS

SEC. 201. GENERAL AUTHORITY.

The President shall establish a program under this title to provide agricultural commodities to foreign countries on behalf of the people of the United States to—

- (1) address famine or other urgent or extraordinary relief requirements;
- (2) combat malnutrition, especially in children and mothers;
- (3) carry out activities that attempt to alleviate the cause of hunger, mortality and morbidity;
- (4) promote economic and community development;
- (5) promote sound environmental practices; and
- (6) carry out feeding programs.

Such program shall be implemented by the [Administrator.] *Secretary of State.*

SEC. 202. PROVISION OF AGRICULTURAL COMMODITIES.

(a) EMERGENCY ASSISTANCE.—Notwithstanding any other provision of law, the [Administrator] *Secretary of State* may provide agricultural commodities to meet emergency food needs under this title through governments and public or private agencies, including

intergovernmental organizations such as the World Food Program and other multilateral organizations, in such manner and on such terms and conditions as the [Administrator] *Secretary of State* determines appropriate to respond to the emergency.

(b) NON-EMERGENCY ASSISTANCE.—The [Administrator] *Secretary of State* may provide agricultural commodities for non-emergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the [Administrator] *Secretary of State* to use such commodities in accordance with this title.

(c) USES OF ASSISTANCE.—Agricultural commodities provided under this title may be made available for direct distribution, sale, barter, or other appropriate disposition.

(d) ELIGIBLE ORGANIZATIONS.—To be eligible to receive assistance under subsection (b) an organization shall be—

(1) a private voluntary organization or cooperative that is, to the extent practicable, registered with the [Administrator] *Secretary of State*; or

(2) an intergovernmental organization, such as the World Food Program.

(e) SUPPORT FOR PRIVATE VOLUNTARY ORGANIZATIONS AND CO-OPERATIVES.—

(1) IN GENERAL.—Of the funds made available in each fiscal year under this title to private voluntary organizations and cooperatives, not less than \$10,000,000 and not more than \$13,500,000 shall be made available by the [Administrator] *Secretary of State* to assist such organizations and cooperatives in—

(A) establishing new programs under this title; and

(B) meeting specific administrative, management, personnel and internal transportation and distribution costs for carrying out programs in foreign countries under this title.

(2) REQUEST FOR FUNDS.—In order to receive funds made available under paragraph (1), a private voluntary organization or cooperative must submit a request for such funds (which must be approved by the [Administrator] *Secretary of State* when submitting a proposal to the [Administrator] *Secretary of State* for an agreement under this title. Such request for funds shall include a specific explanation of—

(A) the program costs to be offset by such funds;

(B) the reason why such funds are needed in carrying out the particular assistance program; and

(C) the degree to which such funds will improve the provision of food assistance to foreign countries (particularly those in sub-Saharan Africa suffering from acute, long-term food shortages).

(3) ASSISTANCE WITH RESPECT TO SALE.—Upon the request of a private voluntary organization or cooperative, the [Administrator] *Secretary of State* may provide assistance to that organization or cooperative with respect to the sale of agricultural commodities made available to it under this title.

(f) EFFECTIVE USE OF COMMODITIES.—To ensure that agricultural commodities made available under this title are used effectively

and in the areas of greatest need, organizations or cooperatives through which such commodities are distributed shall—

- (1) to the extent feasible, work with indigenous institutions and employ indigenous workers;
- (2) assess and take into account nutritional and other needs of beneficiary groups;
- (3) help such beneficiary groups design and carry out mutually acceptable projects;
- (4) recommend to the [Administrator] *Secretary of State* methods of making assistance available that are the most appropriate for each local setting;
- (5) supervise the distribution of commodities provided and the implementation of programs carried out under this title; and
- (6) periodically evaluate the effectiveness of projects undertaken under this title.

(g) LABELING.—Commodities provided under this title shall, to the extent practicable, be clearly identified with appropriate markings on the package or container of such commodity in the language of the locality in which such commodities are distributed, as being furnished by the people of the United States of America.

SEC. 203. GENERATION AND USE OF FOREIGN CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

(a) LOCAL SALE AND BARTER OF COMMODITIES.—An agreement entered into between the [Administrator] *Secretary of State* and a private voluntary organization or cooperative to provide food assistance through such organization or cooperative under this title may provide for the sale or barter in the recipient country of the commodities to be provided under such agreement.

(b) MINIMUM LEVEL OF LOCAL SALES.—In carrying out agreements of the type referred to in subsection (a), the [Administrator] *Secretary of State* shall permit private voluntary organizations and cooperatives to sell, in recipient countries, an amount of commodities equal to not less than 10 percent of the aggregate amounts of all commodities distributed under non-emergency programs under this title for each fiscal year, to generate foreign currency proceeds to be used as provided in this section.

(c) DESCRIPTION OF INTENDED USES.—A private voluntary organization or cooperative submitting a proposal to enter into a non-emergency food assistance agreement under this title shall include in such proposal a description of the intended uses of any foreign currency proceeds that may be generated through the sale, in the recipient country, of any commodities provided under an agreement entered into between the [Administrator] *Secretary of State* and the organization or cooperative.

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SEC. 204. LEVELS OF ASSISTANCE.

(a) MINIMUM LEVELS.—

- (1) MINIMUM ASSISTANCE.—Except as provided in paragraph (3), the [Administrator] *Secretary of State* shall make agricultural commodities available for food distribution under this title in an amount that—

(A) for fiscal year 1991, is not less than 1,925,000 metric tons;

(B) for fiscal year 1992, is not less than 1,950,000 metric tons;

(C) for fiscal year 1993, is not less than 1,975,000 metric tons;

(D) for fiscal year 1994, is not less than 2,000,000 metric tons;

(E) for fiscal year 1995, is not less than 2,025,000 metric tons.

(2) MINIMUM NON-EMERGENCY ASSISTANCE.—Of the amounts specified in paragraph (1), and except as provided in paragraph (3), the [Administrator] *Secretary of State* shall make agricultural commodities available for non-emergency food distribution through eligible organizations under section 202 in an amount that—

(A) for fiscal year 1991, is not less than 1,450,000 metric tons;

(B) for fiscal year 1992, is not less than 1,475,000 metric tons;

(C) for fiscal year 1993, is not less than 1,500,000 metric tons;

(D) for fiscal year 1994, is not less than 1,525,000 metric tons;

(E) for fiscal year 1995, is not less than 1,550,000 metric tons.

(3) EXCEPTION.—The [Administrator] *Secretary of State* may waive the requirements of paragraphs (1) and (2) for any fiscal year if the [Administrator] *Secretary of State* determines that such quantities of commodities cannot be used effectively to carry out this title or in order to meet an emergency. In making a waiver under this paragraph, the [Administrator] *Secretary of State* shall prepare and submit to the Committee on Foreign Affairs and Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the reasons for the waiver.

(b) USE OF VALUE-ADDED COMMODITIES.—

(1) MINIMUM LEVELS.—Except as provided in paragraph (2), in making agricultural commodities available under this title, the [Administrator] *Secretary of State* shall ensure that not less than 75 percent of the quantity of such commodities required to be distributed during each fiscal year under subsection (a)(2) be in the form of processed, fortified, or bagged commodities.

(2) WAIVER OF MINIMUM.—The [Administrator] *Secretary of State* may waive the requirement of paragraph (1) for any fiscal year in which the [Administrator] *Secretary of State* determines that the requirements of the programs established under this title will not be best served by the enforcement of such requirement under such paragraph.

SEC. 205. FOOD AID CONSULTATIVE GROUP.

(a) ESTABLISHMENT.—There is established a Food Aid Consultative Group (hereinafter referred to in this section as the “Group”)

that shall meet regularly to review and address issues concerning the effectiveness of the regulations and procedures that govern food assistance programs established and implemented under this title, and the implementation of other provisions of this title that may involve private voluntary organizations, cooperatives and indigenous non-governmental organizations.

(b) MEMBERSHIP.—The Group shall be composed of—

- (1) the [Administrator] *Secretary of State*;
- (2) the Under Secretary for International Affairs and Commodity Programs;
- (3) the Inspector General of the Agency for International Development;
- (4) a representative of each private voluntary organization and cooperative participating in a program under this title, or receiving planning assistance funds from the Agency to establish programs under this title; and
- (5) representatives from African, Asian and Latin American indigenous non-governmental organizations determined appropriate by the [Administrator] *Secretary of State*.

(c) CHAIRPERSON.—The [Administrator] *Secretary of State* shall be the chairperson of the Group.

(d) CONSULTATIONS.—In preparing regulations, handbooks, or guidelines implementing this title, or significant revisions thereto, the [Administrator] *Secretary of State* shall provide such proposals to the Group for review and comment. The [Administrator] *Secretary of State* shall consult and, when appropriate, meet with the Group regarding such proposed regulations, handbooks, guidelines, or revisions thereto prior to the issuance of such.

(e) ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Group.

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SEC. 207. ADMINISTRATION.

(a) PROPOSALS.—

(1) TIME FOR DECISION.—Not later than 45 days after the receipt by the [Administrator] *Secretary of State* of a proposal submitted—

(A) by a private voluntary organization or cooperative, with the concurrence of the appropriate United States field mission, for commodities; or

(B) by a United States field mission to make commodities available to a private voluntary organization or cooperative;

under this title, the [Administrator] *Secretary of State* shall make a decision concerning such proposal.

(2) DENIAL.—If a proposal under paragraph (1) is denied, the response shall specify the reasons for denial and the conditions that must be met for the approval of such proposal.

(b) NOTICE AND COMMENT.—Not later than 30 days prior to the issuance of a final guideline to carry out this title, the [Administrator] *Secretary of State* shall—

(1) provide notice of the existence of a proposed guideline, and that such guideline is available for review and comment, to private voluntary organizations and cooperatives that par-

ticipate in programs under this title, and to other interested persons;

(2) make the proposed guideline available, on request, to the organizations, cooperatives, and other persons referred to in paragraph (1); and

(3) take any comments received into consideration prior to the issuance of the final guideline.

(c) REGULATIONS.—

(1) IN GENERAL.—The [Administrator] *Secretary of State* shall promptly issue all necessary regulations and make revisions to agency guidelines with respect to changes in the operation or implementation of the program established under this title.

(2) REQUIREMENTS.—The [Administrator] *Secretary of State* shall develop regulations with the intent of—

* * * * *

(3) HANDBOOKS.—Handbooks developed by the [Administrator] *Secretary of State* to assist in carrying out the program under this title shall be designed to foster the development of programs under this title by eligible organizations.

(d) DEADLINE FOR SUBMISSION OF COMMODITY ORDERS.—Not later than 15 days after receipt from a United States field mission of a call forward for agricultural commodities for programs that meet the requirements of this title, the order for the purchase or the supply, from inventory, of such commodities or products shall be transmitted to the Commodity Credit Corporation.

TITLE III—FOOD FOR DEVELOPMENT

SEC. 301. BILATERAL GRANT PROGRAM.

(a) IN GENERAL.—The President shall establish a program under which agricultural commodities are donated in accordance with this title to least developed countries. The revenue generated by the sale of such commodities in the recipient country may be utilized for economic development activities. Such program shall be implemented by the [Administrator] *Secretary of State*.

(b) GENERAL AUTHORITY.—To carry out the policies and accomplish the objectives described in section 2, the [Administrator] *Secretary of State* may negotiate and execute agreements with least developed countries to provide commodities to such countries on a grant basis.

SEC. 302. ELIGIBLE COUNTRIES.

(a) LEAST DEVELOPED COUNTRIES.—A country shall be considered to be a least developed country and eligible for the donation of agricultural commodities under this title if—

(1) such country meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference for providing financial assistance; or

(2) such country is a food deficit country and is characterized by high levels of malnutrition among significant numbers of its population, as determined by the [Administrator] *Secretary of State* under subsection (b).

(b) INDICATORS OF FOOD DEFICIT COUNTRIES.—To make a finding under subsection (a)(2) that a country is a food deficit country and

is characterized by high levels of malnutrition, the [Administrator] *Secretary of State* must determine that the country meets all of the following indicators of national food deficit and malnutrition:

- * * * * *
- (c) PRIORITY.—In determining whether and to what extent agricultural commodities shall be made available to least developed countries under this title, the [Administrator] *Secretary of State* shall give priority to countries that—
- (1) demonstrate the greatest need for food;
 - (2) demonstrate the capacity to use food assistance effectively;
 - (3) have demonstrated a commitment to policies to promote food security, including policies to reduce measurably hunger and malnutrition through efforts such as establishing and institutionalizing supplemental nutrition programs targeted to reach those who are nutritionally at risk; and
 - (4) have a long-term plan for broad-based, equitable, and sustainable development.

SEC. 303. GRANT PROGRAMS.

To carry out the policies and accomplish the objectives described in section 2, the [Administrator] *Secretary of State* may negotiate and execute agreements with least developed countries to provide commodities to such countries on a grant basis either through the Commodity Credit Corporation or through private trade channels.

SEC. 304. DIRECT USES OF SALES OF COMMODITIES.

Agricultural commodities provided to a least developed country under this section—

- (1) may be used in such country for—
 - (A) direct feeding programs, including programs that include activities that deal with the special health needs of children and mothers consistent with section 104(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(2)), relating to the Child Survival Fund; or
 - (B) the development of emergency food reserves; or
- (2) may be sold in such country by the government of the country or the [Administrator] *Secretary of State* (or their agencies) as provided in the agreement, and the proceeds of such sale used in accordance with this title.

SEC. 305. LOCAL CURRENCY ACCOUNTS.

(a) RETENTION OF PROCEEDS.—To the extent determined to be appropriate by the [Administrator] *Secretary of State* revenues granted from the sale, under section 304(2), of agricultural commodities provided under this title shall be deposited into a separate account (that may be interest bearing) in the recipient country to be disbursed for the benefit of such country in accordance with local currency agreements entered into between the recipient country and the [Administrator] *Secretary of State*. The [Administrator] *Secretary of State* may determine not to deposit such revenues in a separate account if—

- (1) local currencies are to be programmed for specific economic development purposes listed in section 306(a); and

(2) the recipient country programs an equivalent amount of money for such purposes as specified in an agreement entered into by the Administrator and the recipient country.

(b) OWNERSHIP AND PROGRAMMING OF ACCOUNTS.—The proceeds of sales pursuant to section 304(2) shall be the property of the recipient country or the United States, as specified in the applicable agreement. Such proceeds shall be utilized for the benefit of the recipient country, shall be jointly programmed by the [Administrator] *Secretary of State* and the government of the recipient country, and shall be disbursed for the benefit of such country in accordance with local currency agreements between the [Administrator] *Secretary of State* and that government.

(c) OVERALL DEVELOPMENT STRATEGY.—The [Administrator] *Secretary of State* shall consider the local currency proceeds as an integral part of the overall development strategy of the Agency for International Development and the recipient country.

* * * * *

(d) SUPPORT FOR CERTAIN EDUCATIONAL INSTITUTIONS.—If the [Administrator] *Secretary of State* determines that local currencies deposited in a special account pursuant to this title are not needed for any of the activities prescribed in paragraphs (1) through (13) of subsection (a) or for any other specific economic development purpose in the recipient country, the [Administrator] *Secretary of State* may use those currencies to provide support for any institution (other than an institution whose primary purpose is to provide religious education) located in the recipient country that provides education in agricultural sciences or other disciplines for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

* * * * *

SEC. 402. DEFINITIONS.

As used in this Act:

[(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Agency for International Development, unless otherwise specified in this Act.]

[(2)] (1) AGRICULTURAL COMMODITY.—The term “agricultural commodity”, unless otherwise provided for in this Act, includes any agricultural commodity or the products thereof produced in the United States, including wood and processed wood products, fish, and livestock as well as value-added, fortified, or high-value agricultural products. Effective beginning on October 1, 1991, for purposes of title II, a product of an agricultural commodity shall not be considered to be produced in the United States if it contains any ingredient that is not produced in the United States, if that ingredient is produced and is commercially available in the United States at fair and reasonable prices.

[(3)] (2) COOPERATIVE.—The term “cooperative” means a private sector organization whose members own and control the organization and share in its services and its profits and that provides business services and outreach in cooperative development for its membership.

[(4)] (3) DEVELOPING COUNTRY.—The term “developing country” means a country that has a shortage of foreign exchange earnings and has difficulty meeting all of its food needs through commercial channels.

[(5)] (4) FOOD SECURITY.—The term “food security” means access by all people at all times to sufficient food and nutrition for a healthy and productive life.

[(6)] (5) INDIGENOUS NONGOVERNMENTAL ORGANIZATION.—The term “indigenous nongovernmental organization” means an organization that operates under the laws of the recipient country, or that has its principal place of activity in such country, and that works at the local level to solve development problems in the foreign country in which it is located, except that the terms does not include an organization that is primarily an agent or instrumentality of the foreign government.

[(7)] (6) PRIVATE VOLUNTARY ORGANIZATION.—The term “private voluntary organization” means a not-for-profit, nongovernmental organization (in case of a United States organization, an organization that is exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code of 1986) that receives funds from private sources, voluntary contributions of money, staff time, or in-kind support from the public, and that is engaged in or is planning to engage in voluntary, charitable, or development assistance activities (other than religious activities).

[(8)] (7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified in this Act.

SEC. 403. GENERAL PROVISIONS.

(a) PROHIBITION.—No agricultural commodity shall be made available under this Act unless it is determined that—

(1) adequate storage facilities will be available in the recipient country at the time of the arrival of the commodity to prevent the spoilage or waste of the commodity; and

(2) the distribution of the commodity in the recipient country will not result in a substantial disincentive to or interference with domestic production or marketing in that country.

(b) CONSULTATIONS.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, as appropriate, shall consult with representatives from the International Monetary Fund, the International Bank for Reconstruction and Development, the World Bank, and other donor organizations to ensure that the importation of United States agricultural commodities and the use of local currencies for development purposes will not have a disruptive impact on the farmers or the local economy of the recipient country.

(c) TRANSSHIPMENT.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, shall, under such terms and conditions as are determined to be appropriate, require commitments from countries designed to prevent or restrict the resale or transshipment to other countries, for use for other than domestic purposes, of agricultural commodities donated or purchased under this Act.

* * * * *

(g) PARTICIPATION OF PRIVATE SECTOR.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, shall encourage the private sector of the United States and private importers in developing countries to participate in the programs established under this Act.

(h) SAFEGUARD USUAL MARKETINGS.—In carrying out this Act, reasonable precautions shall be taken to safeguard the usual marketings of the United States and to avoid displacing any sales of the United States agricultural commodities that the Secretary or [Administrator] *Secretary of State* determines would otherwise be made.

(i) MILITARY DISTRIBUTION OF FOOD AID.—

(1) IN GENERAL.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, shall attempt to ensure that agricultural commodities made available under this Act will be provided without regard to the political affiliation, geographic location, ethnic, tribal, or religious identity of the recipient or without regard to other extraneous factors.

(2) PROHIBITION ON HANDLING OF COMMODITIES BY THE MILITARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary or the [Administrator] *Secretary of State*, as appropriate, shall not enter into an agreement under this Act to provide agricultural commodities if such agreement requires or permits the distribution, handling, or allocation of such commodities by the military forces of any government or insurgent group.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary or the [Administrator] *Secretary of State*, as appropriate, may authorize the handling or distribution of commodities by the military forces of a country in exceptional circumstances in which—

(i) nonmilitary channels are not available for such handling or distribution;

(ii) such action is consistent with the requirements of paragraph (1); and

(iii) the Secretary or the [Administrator] *Secretary of State*, as appropriate, determines that such action is necessary to meet the emergency health, safety, or nutritional requirements of the recipient population.

(C) REPORT.—Not later than 30 days after an authorization is provided under subparagraph (B), the Secretary of the [Administrator] *Secretary of State*, as appropriate, shall prepare and submit to the appropriate committees of Congress a report concerning such authorization and include in any such report the reason for the authorization, including an explanation of why no alternatives to such handling or distribution were available.

(3) ENCOURAGEMENT OF SAFE PASSAGE.—When entering into agreements under this Act that involves areas within recipient countries that are experiencing protracted warfare or civil strife, the Secretary or the [Administrator] *Secretary of State*, as appropriate, shall, to the extent practicable, encourage all parties to the conflict to permit safe passage of the commod-

ities and other relief supplies and to establish safe zones for medical and humanitarian treatment and evacuation of injured persons.

(j) VIOLATIONS OF HUMAN RIGHTS.—

(1) INELIGIBLE COUNTRIES.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, shall not enter into any agreement under this Act to provide agricultural commodities, or to finance the sale of agricultural commodities, to the government of any country determined by the President to engage in a consistent pattern of gross violations of internationally recognized human rights, including—

* * * * *

SEC 404. AGREEMENTS.

(a) IN GENERAL.—Before entering into agreements under titles I and III for the provision of commodities, the Secretary or the [Administrator] *Secretary of State*, as appropriate, shall consider the extent to which the recipient country is undertaking measures for economic development purposes in order to improve food security and agricultural development, alleviate poverty, and promote broad-based, equitable, and sustainable development.

(b) TERMS OF AGREEMENT.—An agreement entered into under this Act shall—

(1) include an estimate of the annual value or volume of agricultural commodities proposed to be made available to the country or eligible organization under the agreement;

(2) with respect to agreements entered into under titles I and III, include a statement of the manner in which the agricultural commodities provided under the agreement or the revenues generated by the sale of such commodities (if such commodities are sold), will be integrated into the overall development plans of the country to improve food security and agricultural development, alleviate poverty, and promote broad-based, equitable, and sustainable agriculture;

(3) with respect to agreements entered into under titles I and III, include a statement of the manner in which competitive private sector participation within the recipient country in the storage, marketing, transportation, and distribution of agricultural commodities made available under this Act will be encouraged;

(4) include a statement that such agreement shall be subject to the availability, during each fiscal year to which the agreement applies, of the necessary appropriations and agricultural commodities; and

(5) contain such other terms and conditions as the Secretary or the [Administrator] *Secretary of State*, as appropriate, determines to be necessary.

(c) MULTI-YEAR AGREEMENTS.—

(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis under this Act shall be made available to recipient countries or to eligible organizations.

(2) EXCEPTION.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, may determine not to make assistance available on a multi-year basis with respect to a recip-

ient country or an eligible organization if it is determined that assistance should be provided to such country or through such organization only on an annual basis because—

(A) the past performance of the country or organization in meeting program objectives does not warrant a multi-year agreement;

(B) it is anticipated that the need of the country or organization for food aid does not extend beyond 1 year; or

(C) other circumstances, as determined by the Secretary or the [Administrator] *Secretary of State*, as appropriate, indicate there is only a need for a 1 year agreement.

(d) REVIEW OF AGREEMENTS.—The Secretary or the [Administrator] *Secretary of State*, as appropriate, may make a determination to terminate, or refuse to enter into, a multi-year agreement with respect to a recipient country if the Secretary or the [Administrator] *Secretary of State* determines that such country is not fulfilling the objectives or requirements of this Act. In making such a determination, the Secretary or the [Administrator] *Secretary of State*, as appropriate, may consider the extent to which the country is—

- (1) making significant economic development reforms;
- (2) promoting free and open markets for food and agricultural producers; and
- (3) fostering increased food security.

SEC. 405. CONSULTATION.

The Secretary and the [Administrator] *Secretary of State* shall cooperate and consult in the implementation of this Act.

SEC. 406. USE OF COMMODITY CREDIT CORPORATION.

(a) IN GENERAL.—The Commodity Credit Corporation shall acquire and make available such agricultural commodities (that have been determined to be available under section 401(a)) as necessary to carry out agreements under this Act.

* * * * *

SEC. 407. * * *

(d) TITLE II AND III PROGRAM.—

(1) ACQUISITION.—The [Administrator] *Secretary of State* shall transfer, arrange for the transportation, and take other steps necessary to make available agricultural commodities to be provided under title II and title III.

(2) FULL AND OPEN COMPETITION.—No purchase of agricultural commodities from private stocks or purchase of ocean transportation services by the United States Government shall be financed under titles II and III unless such purchases are made on the basis of full and open competition utilizing such procedures as are determined necessary and appropriate by the Administrator.

(3) AVOIDANCE OF CONFLICT OF INTEREST.—Freight agents employed by the Agency for International Development under titles II and III shall not represent any foreign government during the period of their contract with the United States Government.

(4) OCEAN TRANSPORTATION SERVICES.—Notwithstanding any provision of the Federal Property and Administrative Services

Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions relating to the making or performance of Federal Government contracts, the [Administrator] *Secretary of State* may procure ocean transportation services under this Act under such full and open competitive procedures as the [Administrator] *Secretary of State* determines are necessary and appropriate.

(e) TIMING OF SHIPMENTS.—In determining the timing of the shipment of agricultural commodities to be provided under this Act, the Secretary or the [Administrator] *Secretary of State*, as appropriate, shall consider—

* * * * *

(h) WORLD FOOD DAY REPORT.—On World Food Day, October 16 of each year, the President shall submit to the appropriate committees of Congress a report, prepared with the assistance of the Secretary and the [Administrator] *Secretary of State*, assessing progress towards food security in each country receiving United States Government food assistance. Special emphasis should be given in such report to the nutritional status of the poorest populations in such countries.

Anglo-Irish Agreement Support Act of 1986

(Public Law 99-415)

* * * * *

[(SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR “INTERNATIONAL ORGANIZATIONS AND CONFERENCES”).

[(a) DISBURSEMENTS, AUDITS, AND REPORTS.—The provisions relating to disbursements on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).]

Mutual Security Act of 1960

* * * * *

SEC. 703. In order to carry out the purpose of this subchapter the [Director of the United States Information Agency (hereinafter referred to as the “Director”)] *Secretary of State* (hereinafter referred to as the “Secretary”) shall provide for—

(1) the [establishment and] operation in Hawaii of an educational institution to be known as the Center for Cultural and Technical Interchange Between East and West, through arrangements with public, educational, or other nonprofit institutions;

* * * * *

SEC. 704. (a) In carrying out the provisions of this subchapter, the [Director] *Secretary* may utilize his authority under the provisions of the United States Information and Educational Exchange Act of 1948, as amended [22 U.S.C.A. § 1431 et seq.]

(b) The [Director] *Secretary* may, in administering the provisions of this subchapter, accept from public and private sources money and property to be utilized in carrying out the purposes and func-

tions of the Center. In utilizing any gifts, bequests, or devises accepted there shall be available to the [Director] *Secretary* the same authorities as are available to him in accepting and utilizing gifts, bequests, and devises to the Foreign Service Institute under the provisions of section 2697 of this title. For the purposes of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the [Director] *Secretary* under the authority of this subchapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

(c) The [Director of the United States Information Agency] *Secretary of State* shall make periodic reports, as he deems necessary, to the Congress with respect to his activities under the provisions of this subchapter, and such reports shall include any recommendation for needed revisions in this subchapter.

Mutual Educational and Cultural Exchange Act of 1961

* * * * *

SEC. 102. (a) The [President] *Secretary of State* is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) educational exchange, (i) by financing studies, research, instructions, and other educational activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

(2) cultural exchanges, by financing—

(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the [President] *Secretary of State* determines that such participation is in the national interest.

(3) United States participation in international fairs and expositions abroad, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

(b) In furtherance of the purposes of this Act, the [President] *Secretary of State* (except, in the case of paragraphs (6) and (10), the President) is further authorized to provide for—

* * * * *

SEC. 103. (a) The [President] *Secretary of State* is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this Act. In such agreements the [President] *Secretary of State* is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 115(b)(6) of the Economic Cooperation Act of 1948, or any similar agreements, in providing for the activities authorized in section 102, and particularly those authorized in subsection 102(a)(1), of this Act with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the borders of such other nations.

(b) Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

(c) In such agreements with international organizations, the [President] *Secretary of State* may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

SEC. 104. (a) The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act: *Provided*, That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

* * * * *

(d) For the purpose of performing functions under this Act outside the United States, the [President] *Secretary of State* is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the [President] *Secretary of State* may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of the Foreign Service Act of 1980, for individuals appointed to the Foreign Service.

(e)(1) In providing for the activities and interchanges authorized by section 102 of this Act, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the [Director of the International Communications Agency] *Secretary of State*, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

(2) Funds available for programs under this Act may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, an (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the [President] *Secretary of State* may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The [President] *Secretary of State* is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this Act, and of similar services and opportunities for interchange not supported by the United States Government.

* * * * *

SEC. 105. (a) Amounts appropriated to carry out the purposes of this Act are authorized to be made available until expended.

* * * * *

(e) The [President] *Secretary of State* is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections 102 (a) and (b) of this Act, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other

indebtedness incurred by that Republic and owing to the United States as a result of World War I.

* * * * *

SEC. 106. (a)(1) * * *

[(c)(1) There is hereby continued the Advisory Committee on the Arts (hereinafter referred to as the "Committee") created under section 10 of the International Cultural Exchange and Trade Fair Participation Act of 1956, consisting of a Chairman and nine other members of whom at least one shall be a member of the Commission. Appointment of all members and selection of the Chairman of this Committee shall hereafter be made by the Secretary of State. In making such appointments due consideration shall be given to the recommendations for nomination submitted by leading national organizations in the major art fields.

[(2) The members of the Committee shall be individuals whose knowledge of or experience in, or whose profound interest in, one or more of the arts will enable them to assist the Commission, the President, and other officers of the Government in performing the functions described in paragraph (3) of this subsection.

[(3) The Committee shall, in connection with activities authorized under subsection 102(a)(2) of this Act—

[(A) advise and assist the Commission in the discharge of its responsibilities in the field of international educational exchange and cultural presentations with special reference to the role of the arts in such fields;

[(B) advise other interested officers of the Government in the discharge of their responsibilities in connection with such activities and in connection with other international activities concerned with the arts;

[(C) provide such other advice and assistance as may be necessary or appropriate.

[(4) The term of office of each of the members of the Committee shall be three years.]

* * * * *

(e) The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), shall be applicable to any interagency committee created pursuant to the provisions of this Act. Members of the Commission, the Committee, and other committees provided for in this section shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2), while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of \$50 per diem while performing services for Commission, Committee, or other committee. Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the [Director of the International Communication Agency] *Secretary of State*,

not in excess of the daily rate for the first step of GS-15 of the General Schedule under section 5332 of title 5, United States Code.

* * * * *

SEC. 108. (a)(1) Whenever the President determines it to be in furtherance of this Act, the functions authorized in section 102(a) (2) and (3) may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(2) Notwithstanding any other provision of law, the [Director of the International Communication Agency] *Secretary of State* may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this Act when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.

* * * * *

SEC. 112. (a) [In order to carry out the purposes of this Act, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau").] *In order to carry out the purposes of this Act, there is established in the Department of State a Bureau of International Exchange Activities (in this section referred to as the "Bureau").* The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this Act, including but not limited to—

* * * * *

(c) The [President] *Secretary of State* shall insure that all programs under the authority of the Bureau shall maintain their non-political character and shall be balanced and representative of the diversity of American political, social, and cultural life. The [President] *Secretary of State* shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

Television Broadcasting to Cuba Act

* * * * *

SEC. 243. TELEVISION BROADCASTING TO CUBA.

(a) TELEVISION BROADCASTING TO CUBA.—In order to carry out the purposes set forth in section 242 and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the [United States Information Agency (hereafter in this part referred to as the "Agency")] *Department of State (hereafter in this title referred to as the "Department")* shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve

as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

* * * * *

SEC. 244. TELEVISION MARTI SERVICE OF THE UNITED STATES INFORMATION AGENCY.

(a) TELEVISION MARTI SERVICE.—[The Director of the United States Information Agency shall establish within the Voice of America a Television Marti Service.] *The Secretary of State shall administer within the Voice of America the Television Marti Service.* The Service shall be responsible for all television broadcasts to Cuba authorized by this part. The [Director of the United States Information Agency] *Secretary of State* shall appoint a head of the Service who shall report directly to the Director of the [Voice of America] *International Broadcasting Bureau*. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) USE OF EXISTING FACILITIES OF THE [USIA] *Department of State*.—To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this part, the Television Marti Service shall make maximum feasible utilization of [Agency facilities] *Department facilities* and management support, including Voice of America: Cuba Service, Voice of America, and the [United States Information Agency Television Service] *Department of State Television Service*.

(c) [USIA AUTHORITY.—The Agency] *SECRETARY OF STATE AUTHORITY*.—*The Secretary of State* may carry out the purposes of this part by means of grants, leases, or contracts (subject to the availability of appropriations), or such means as the [Agency] *Secretary of State* determines will be most effective.

* * * * *

SEC. 246. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

In order to assist the [United States Information Agency] *Department of State* in carrying out the provisions of this part, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of [the Agency] *the Department*.

SEC. 247. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the United States Information Agency, \$16,000,000 for the fiscal year 1990 and \$16,000,000 for the fiscal year 1991 for television broadcasting to Cuba in accordance with the provisions of this part.]

Radio Broadcasting to Cuba Act

* * * * *

ADDITIONAL FUNCTIONS OF THE [UNITED STATES INFORMATION
AGENCY] DEPARTMENT OF STATE

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the [United States Information Agency (hereafter in this Act referred to as the "Agency")] *Department of State (hereafter in this Act referred to as the "Department")* shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

* * * * *

[(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programming broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.]

* * * * *

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the [Director of the United States Information Agency] *Secretary of State* may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. [The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service").] *The Secretary of State shall administer within the Voice of America the Cuba Service (hereafter in this section referred to as the "Service").* The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The [Director of the United States Information Agency] *Secretary of State* shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the [Director of the Voice of America.] *Director of the International Broadcasting Bureau.*

* * * * *

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the [United States Information Agency] *Department of State* in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of [the Agency] *the Department*. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) [The Agency] *The Department* may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as [the Agency] *the Secretary of State* determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, [the Agency] *the Department* may make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment replaced (less depreciation) and associated technical and engineering costs.

* * * * *

(d) There are authorized to be appropriated to the [Agency] *Department*, \$5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. [(a) There are authorized to be appropriated for the United States Information Agency \$14,000,000 for fiscal year 1984, and \$11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.] (a) *The amount obligated by the Department of State each fiscal year to carry out this Act shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal*

year 1985 level of obligations by the former United States Information Agency for such broadcasts.

[(b)] In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency \$54,800,000 for the fiscal year 1984 and \$54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.]

[(c)] (b) Amounts appropriated under this section are authorized to be made available until expended.

Convention on Cultural Property Implementation Act

* * * * *

TITLE III—IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

SEC. 301. SHORT TITLE.

This title may be cited as the “Convention on Cultural Property Implementation Act”.

* * * * *

SEC. 305. DESIGNATION OF MATERIALS COVERED BY AGREEMENTS OR EMERGENCY ACTIONS.

After any agreement enters into force under section 303, or emergency action is taken under section 304, the Secretary, after consultation with the [Director of the United States Information Agency] *Secretary of States*, shall by regulation promulgate (and when appropriate shall revise) a list of the archaeological or ethnological material of the State Party covered by the agreement or by such action. The Secretary may list such material by type or other appropriate classification, but each listing made under this section shall be sufficiently specific and precise to insure that (1) the import restrictions under section 307 are applied only to the archaeological and ethnological material covered by the agreement or emergency action; and (2) fair notice is given to importers and other persons as to what material is subject to such restrictions.

SEC. 306. CULTURAL PROPERTY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Cultural Property Advisory Committee.

* * * * *

(e) STAFF AND ADMINISTRATION.—

(1) The [Director of the United States Information Agency] *Secretary of State* shall make available to the Committee such administrative and technical support services and assistance as it may reasonably require to carry out its activities. Upon the request of the Committee, the head of any other Federal agency may detail to the Committee, on a reimbursable basis any of the personnel of such agency to assist the Committee in carrying out its functions, and provide such information and assistance as the Committee may reasonably require to carry out its activities.

(2) The Committee shall meet at the call of the [Director of the United States Information Agency] *Secretary of State*, or when a majority of its members request a meeting in writing.

* * * * *

(i) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—Any information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the Committee in connection with the responsibilities of the Committee shall not be disclosed to any person other than to—

(A) officers and employees of the United States designated by the [Director of the United States Information Agency] *Secretary of State*;

* * * * *

(2) GOVERNMENTAL INFORMATION.—Information submitted in confidence by officers or employees of the United States to the Committee shall not be disclosed other than in accordance with rules issued by the [Director of the United States Information Agency] *Secretary of State*, after consultation with the Committee. Such rules shall define the categories of information which require restricted or confidential handling by such Committee considering the extent to which public disclosure of such information can reasonably be expected to prejudice the interests of the United States. Such rules shall, to the maximum extent feasible, permit meaningful consultations by Committee members with persons affected by proposed agreements authorized by this title.

National and Community Service Act of 1990

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TITLE VI—MISCELLANEOUS PROVISIONS

* * * * *

SEC. 602. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY

(a) AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.—Pursuant to the Mutual Educational and Cultural Exchange Act of 1961 and using the authorities contained therein, the President is authorized, when the President considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for exchanges with countries that are in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania—

(1) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries; and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, State, and Federal Gov-

ernment agencies, located in or outside the United States;
and
(2) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy.

The program under this section shall be coordinated by the [United States Information Agency] *Department of State*.

(b) TRANSFER OF FUNDS.—The President is authorized to transfer to the [appropriations account of the United States Information Agency] *appropriate appropriations account of the Department of State* such sums as the President shall determine to be necessary out of the travel accounts of the departments and agencies of the United States, except for the Department of State [and the United States Information Agency], as the President shall designate. Such transfers shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. In addition, the President is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program under this section.

Woodrow Wilson Memorial Act of 1968

* * * * *

SEC. 3. (a) * * *

(b) The Board of Trustees shall be composed of [19 members] *18 members* as follows:

- (1) the Secretary of State;
- (2) the Secretary of Health and Human Services;
- (3) the Secretary of Education;
- (4) the Chairman of the National Endowment for the Humanities;
- (5) the Secretary of the Smithsonian Institution;
- (6) the Librarian of Congress;
- [(7) the Director of the United States Information Agency;]
- [(8)] *(7)* the Archivist of the United States;
- [(9)] *(8)* one member appointed by the President from time to time from within the Federal Government; and
- [(10)] *(9)* 10 members appointed by the President from private life.

National Foundation on the Arts and the Humanities Act of 1965

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SEC. 9. (a) * * *

(b) The Council shall be composed of the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Building Service, General Services Administration, the Assistant Secretary for Aging, [a member designated by the Director of the United

States Information Agency] *a member designated by the Secretary of State*, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. The President shall designate the presiding officer of the Council from among the members. The President is authorized to change the membership of the Council from time to time as the President deems necessary to meet changes in Federal programs or executive branch organization.

Arts and Artifacts Indemnity Act

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SEC. 3. (a) * * *

(1) * * *

(4) photographs, motion pictures, or audio and video tape; which are (A) of educational, cultural, historical, or scientific value, and (B) the exhibition of which is certified by the [Director of the United States Information Agency] *Secretary of State* or his designee as being in the national interest.

Federal Triangle Development Act

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SEC. 7. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the International Cultural and Trade Center Commission.

* * * * *

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of [15 members] *14 members* as follows:

(A) The Secretary of State or his delegate.

(B) The Secretary of Commerce or his delegate.

(C) The Secretary of Agriculture or his delegate.

(D) The United States Trade Representative or his delegate.

(E) The Administrator or his delegate.

[(F) The Director of the United States Information Agency or his delegate.]

[(G)] (F) The Chairman of the Corporation or his delegate.

[(H)] (G) The Mayor of the District of Columbia or his delegate.

[(I)] (H) The Chairman of the National Endowment for the Arts or his delegate.

[(J)] (I) 6 individuals appointed by the President one of whom shall be a resident and registered voter of the District of Columbia and all of whom shall be specially qualified to serve on the Commission by virtue of their education, training, or experience in international trade, commerce, cultural exchange, finance, business, or management of facilities similar to the international cultural and trade center described in section 8.

Nuclear Non-Proliferation Act of 1978

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DEFINITIONS

SEC. 4. (a) As used in this Act, the term—

(1) “Commission” means the Nuclear Regulatory Commission;

[(2) “Director” means the Director of the Arms Control and Disarmament Agency;]

(3) “IAEA” means International Atomic Energy Agency;

* * * * *

TITLE I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

* * * * *

URANIUM ENRICHMENT CAPACITY

SEC. 102. The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, [the Secretary of State, and the Director of the Arms Control and Disarmament Agency] *and the Secretary of State* are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this Act, orderly processing of subsequent arrangements and export licenses with minimum time delay.

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TITLE VI—EXECUTIVE REPORTING

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ADDITIONAL REPORTS

SEC. 602. (a) * * *

(c) The Department of State, the Department of Defense, [the Arms Control and Disarmament Agency,] the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representative fully and currently informed with respect to their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

Atomic Energy Act of 1954

* * * * *

SEC. 57. PROHIBITION.

a. Unless authorized by a general or specific license issued by the Commission, which the Commission is authorized to issue pursuant to section 53, no person may transfer or receive

in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into or export from the United States any special nuclear material.

b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States. *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the the Department of State and after consultation with [the Arms Control and Disarmament Agency,] the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense. The Secretary of Energy shall, within ninety days after the enactment of the Nuclear Non-Proliferation Act of 1978, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which as mutually agreeable to the Secretaries of State, Defense, and Commerce, [the Director of the Arms Control and Disarmament Agency,] and the Nuclear Regulatory Commission for the consideration of requests for authorization under this subsection. Such procedures shall include, at a minimum explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information, required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decision required under this subsection. The processing of any request proposed and filed as of the date of enactment of the Nuclear Non-Proliferation Act of 1978 shall not be delayed pending the development and establishment of procedures to implement the requirements of this subsection. Any trade secrets or proprietary information submitted by any person seeking an authorization under this subsection shall be afforded the maximum degree of protection allowable by law: *Provided further*, That the export of component parts as defined in subsection 11 v. (2) 11 cc. (2) shall be governed by sections 109 and 126 of this Act: *Provided*

further, That notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section, section 54 d., section 64, or section 111 b.

* * * * *

SEC. 123. COOPERATION WITH OTHER NATIONS.—

No cooperation with any nation, group of nations, or regional defense organization pursuant to section 53, 54 a., 57, 82, 91, 103, 104, or 144 shall be undertaken until—

a. the proposed agreement for cooperation has been submitted to the President, which proposed agreement shall include the terms, conditions, duration, nature, and scope of the cooperation; and shall include the following requirements;

(1) * * *

(9) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperation party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology transferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection.

The President may exempt a proposed agreement for cooperation (except an agreement arranged pursuant to subsection 91 c., 144b., or 144 c.) from any of the requirements of the foregoing sentence if he determines that inclusion of any such requirement would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize that common defense and security. Except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be negotiated by the Secretary of State, with the technical assistance and concurrence of the Secretary of Energy [and in consultation with the Director of the arms Control and Disarmament Agency (“the Director”)]; and after consultation with the Commission shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendation of the Secretary of State, the Secretary of Energy, the Nuclear Regulatory Commission, [and the Director] *and the Secretary of Defense*, who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement (A) which shall analyze the consistency of the text of the proposed agreement for cooperation with all the requirements of this Act, with specific attention to whether the proposed agreement is consistent with each of the criteria set forth in this subsection, and (B)⁷⁸ regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or

nuclear explosive purpose. In the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be submitted to the President by the Secretary of Energy or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c., or 144 b. which are to be implemented by the Department of Defense, by the Secretary of Defense;

* * * * *

d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President, for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Commission on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress adopts, and there is enacted, a joint⁸¹ resolution stating in substance that the Congress does not favor the proposed agreement for cooperation: *Provided*, That the sixty-day period shall not begin until a Nuclear Proliferation Assessment Statement prepared by the [Director of the Arms Control and Disarmament Agency] *Secretary of Defense*, when required by subsection 123 a., has been submitted to the Congress: *Provided further*, That an agreement for cooperation exempted by the President pursuant to subsection a. from any requirement contained in that subsection shall not become effective unless the Congress adopts, and there is enacted, a joint resolution stating that the Congress does favor such agreement.⁸² During the sixty-day period the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall each hold hearings on the proposed agreement for cooperation and submit a report to their respective bodies recommending whether it should be approved or disapproved.⁸³ Any such proposed agreement for cooperation shall be considered pursuant to the procedures set forth in section 130 i. of this Act for the consideration of Presidential submissions.

Following submission of a proposed agreement for cooperation (except an agreement for cooperation arranged pursuant to subsection 91 c., 144b., or 144 c.) to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the Nuclear Regulatory Commission, the Department of State, the Department of Energy, [the Arms Control and Disarmament Agency,] and the Department of Defense shall, upon the request of either of those committees, promptly furnish to these committees their views as to whether the

safeguards and other controls contained therein provide an adequate framework to ensure that any exports as contemplated by such agreement will not be inimical to or constitute an unreasonable risk to the common defense and security.

United States Institute of Peace Act

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TITLE XVII—UNITED STATES INSTITUTE OF PEACE

SHORT TITLE

SEC. 1701. This title may be cited as the “United States Institute of Peace Act”.

* * * * *

BOARD OF DIRECTORS

SEC. 1706. (a) The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this title.

(b) The Board shall consist of fifteen voting members as follows:

* * * * *

[(3) The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).]

[(4)] (3) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).

[(5)] (4) [Eleven] *Twelve* individuals appointed by the President, by and with the advice and consent of the Senate.

Omnibus Diplomatic Security and Antiterrorism Act of 1986

* * * * *

[SEC. 413. INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE.

[(a) DIRECTOR TO ESTABLISH.—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress of establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

[(b) DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

[(c) EARMARK.—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading “Administration of Foreign Affairs”, not less than \$6,500,000 shall be used for the

sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

[(d) LIMITATION ON APPOINTMENT.—No career member of the Foreign Service, as defined by section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

[(e) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following:

["Inspector General, Department of State.".]

TARIFF ACT OF 1930, AS AMENDED

* * * * *

SEC. 307. CONVICT-MADE GOODS; IMPORTATION PROHIBITED

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in on case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

SEC. 307A. FORFEITURE OF SLAVE-MADE PRODUCTS.

Merchandise imported in violation of section 307 shall be subject to seizure, forfeiture and destruction under the customs laws of the United States.

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Taiwan Relations Act

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SEC. 3. * * *

(c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

(d) *The provisions of subsections (a) and (b) supersede any provision of the Joint Communiqué of the United States and China of August 17, 1982.*

Eisenhower Exchange Fellowship Act of 1990

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[SEC. 8. EXTENSION OF AU PAIR PROGRAMS.

【The United States Information Agency shall continue to implement the au pair programs designated by the Director of the United States Information Agency as of July 10, 1990, until such au pair programs are authorized and implemented by another agency of the United States Government.】

Migration and Refugee Assistance Act of 1982

* * * * *

SEC. 5. (a) Funds made available for the purposes of this Act shall be available for—

(1) compensation, allowances, and travel of personnel, including members of the Foreign Service whose services are utilized primarily for the purpose of this Act *and other personnel assigned to the bureau charged with carrying out this Act*, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act;

* * * * *

【(c) Personnel funded pursuant to this section are authorized to provide administrative assistance to personnel assigned to the bureau charged with carrying out this Act.】

Export Enhancement Act of 1988

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SEC. 2312. TRADE PROMOTION COORDINATING COMMITTEE.

* * * * *

(d) MEMBERSHIP.—

(1) IN GENERAL.—Members of the TPCC shall include representatives from—

- (A) the Department of Commerce;
 - (B) the Department of State;
 - (C) the Department of the Treasury;
 - (D) the Department of Agriculture;
 - (E) the Department of Energy;
 - (F) the Department of Transportation;
 - (G) the Office of the United States Trade Representative;
 - (H) the Small Business Administration;
 - 【(I) the Agency for International Development;】
 - 【(J)】 *(I)* the Trade and Development Program;
 - 【(K)】 *(J)* the Overseas Private Investment Corporation;
 - 【(L)】 *(K)* the Export-Import Bank of the United States;
- and

[(M)] (L) at the discretion of the President, such other departments or agencies as may be necessary.

* * * * *

(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the *Committee on Foreign Relations* and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on [(Foreign Affairs)] *International Relations* of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto.

Support for East European Democracy (SEED) Act of 1989

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SEC. 2. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.

(a) SEED PROGRAM.—The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the “SEED Program”). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

* * * * *

(c) SEED ACTIONS.—Assistance and other activities under the SEED Program (which may be referred to as “SEED Actions”) shall include activities such as the following:

(1) LEADERSHIP IN THE WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting—

* * * * *

(17) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the [(United States Information Agency)] *Department of State*.

Inspector General Act of 1978

* * * * *

[§8A. Special provisions relating to the Agency for International Development

[(a) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Agency for International Development—

[(1) shall supervise, direct, and control all security activities relating to the programs and operations of that Agency, subject to the supervision of the Administrator of that Agency; and

[(2) to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator of the Agency for International Development), shall supervise, direct, and control all audit, investigative, and security activities relating to pro-

grams and operations with the United States International Development Cooperation Agency.

[(b) In addition to the Assistant Inspector Generals provided for in section 3(d) of this Act, the Inspector General of the Agency for International Development shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Security who shall have the responsibility for supervising the performance of security activities relating to programs and operations of the Agency for International Development.

[(c) The semiannual reports required to be submitted to the Administrator of the Agency for International Development pursuant to section 5(b) of this Act shall also be submitted to the Director of the United States International Development Cooperation Agency.

[(d) In addition to the officers and employees provided for in section 6(a)(6) of this Act, members of the Foreign Service may, at the request of the Inspector General of the Agency for International Development, be assigned as employees of the Inspector General. Members of the Foreign Service so assigned shall be responsible solely to the Inspector General, and the Inspector General (or his or her designee) shall prepare the performance evaluation reports for such members.

[(e) In establishing and staffing field offices pursuant to section 6(c) of this Act, the Administrator of the Agency for International Development shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

[(f) The reference in section 7(a) of this Act to an employee of the establishment shall, with respect to the Inspector General of the Agency for International Development, be construed to include an employee of or under the United States International Development Cooperation Agency.

[(g) The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 624(a) of the Foreign Assistance Act of 1961 [22 U.S.C.A. § 2384(a)].

[(h) As used in this Act, the term "Agency for International Development" includes any successor agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 [22 U.S.C.A. § 2151 et seq.].]

* * * * *

§ [8G.] 8H. Requirements for Federal entities and designated Federal entities

(a) Notwithstanding section 11 of this Act, as used in this section—

(1) the term "Federal entity" means any Government corporation (within the meaning of section 103(1) of title 5, United States Code), any Government controlled corporation (within the meaning of section 102(2) of such title), or any other entity in the Executive branch of the Government, or any independent regulatory agency, but does not include—

* * * * *

§ [8G.] 8I. Rule of construction of special provisions

The special provisions under section 8, 8A, 8B, 8C, 8D, or 8E of this Act relate only to the establishment named in such section and no inference shall be drawn from the presence or absence of a provision in any such section with respect to an establishment not named in such section or with respect to a designated Federal entity as defined under section 8F(a).

* * * * *

§ 8F. Rule of construction of special provisions

The special provisions under section 8, 8A, 8B, 8C, or 8D of this Act relate only to the establishment named in such section and no inference shall be drawn from the presence or absence of a provision in any such section with respect to an establishment not named in such section or with respect to a designated Federal entity as defined under section 8E(a).

SEC. 8G. In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Department of State (also known as the 'Inspector General for Foreign Affairs') shall exercise the authorities of section 209 of the Foreign Service Act of 1980 (including authorities with respect to the Broadcasting Board of Governors).

§ 11. Definitions

As used in this Act—

(1) the term “head of the establishment” means the Secretary of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, State, Transportation, or the Treasury; the Attorney General; the Administrator of the [Agency for International Development,] Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans’ Affairs; the Director of the Federal Emergency Management Agency, the Office of Personnel Management [or the United States Information Agency]; the Chairman of the Nuclear Regulatory Commission or the Railroad Retirement Board; the Oversight Board and the Board of Directors of the Resolution Trust Corporation; as the case may be;

(2) the term “establishment” means the Department of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, or the Treasury; [the Agency for International Development,] the Environmental Protection Agency, the Federal Emergency Management Agency, the General Services Administration, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission, the Office of Personnel Management, the Railroad Retirement Board, the Resolution Trust Corporation, the Small Business Administration, [the United States Information Agency,] or the Veterans’ Administration; as the case may be;

THE ACT OF JULY 9, 1949

* * * * *

[AN ACT To make certain Government-owned facilities available for international broadcasting in the furtherance of authorized programs of the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of assuring continued operation of the facilities hereinafter described for international broadcasting as a means of achieving the objectives of the United States Information and Educational Exchange Act of 1948 (Public Law 402, Eightieth Congress) under authority of that Act, the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944, as amended, and without reimbursement or transfer of funds, to the Secretary of State (hereinafter referred to as the "Secretary") all of its right, title, and interest in and to the facilities known as Plancors 1805, 1985, and 1986 located in Butler County, Ohio, in the vicinity of Delano, California, and Dixon, California, respectively, together with the equipment and other property appurtenant thereto. For the purposes of this Act, the Secretary is authorized to acquire property or rights or interests therein necessary or desirable for the operation of such facilities by purchase, lease, gift, transfer, condemnation, or otherwise.

[SEC. 2. Whenever the Secretary finds that the operation of the facilities herein authorized to be transferred is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition of such facilities.

[SEC. 3. The Department of State shall assume all obligations of the Reconstruction Finance Corporation covering operations of said facilities, equipment, and appurtenant property outstanding at the date of transfer.

[Approved July 9, 1949.]

TITLE 5—UNITED STATES CODE

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§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Secretary of Defense.

Deputy Secretary of State.

[Administrator, Agency for International Development.]

Administrator of the National Aeronautics and Space Administration.

Deputy Secretary of Veterans' Affairs.

Deputy Secretary of the Treasury.

Deputy Secretary of Transportation.

Chairman, Nuclear Regulatory Commission.

Chairman, Council of Economic Advisers.
 Chairman, Board of Governors of the Federal Reserve System.
 Director of the Office of Science and Technology.
 [Director of the United States Arms Control and Disarmament Agency.]
 [Director of the United States Information Agency.]
 Director of Central Intelligence.
 Secretary of the Air Force.
 Secretary of the Army.
 Secretary of the Navy.
 Administrator, Federal Aviation Administration.
 Director of the National Science Foundation.
 Deputy Attorney General.
 Deputy Secretary of Energy.
 Deputy Secretary of Agriculture.
 Director of the Office of Personnel Management.
 Administrator, Federal Highway Administration.
 Administrator of the Environmental Protection Agency.
 Under Secretary of Defense for Acquisition and Budget.
 Deputy Secretary of Labor.
 Deputy Director of the Office of Management and Budget.
 Independent Members, Thrift Depositor Protection Oversight Board.
 Deputy Secretary of Health and Human Services.
 Deputy Secretary of the Interior.
 Deputy Secretary of Education.
 Deputy Secretary of Housing and Urban Development.
 Deputy Director for Management, Office of Management and Budget.
 Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.
 Deputy Commissioner of Social Security, Social Security Administration.
 Administrator of the Community Development Financial Institutions Fund.

§ 5314. Position at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.
 Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration, and Under Secretary of Commerce for Travel and Tourism.
 [Under Secretaries of State (5).]
Under Secretary of State for Policy.
 Under Secretary of State for Export, Trade, Economics, and Business.
Under Secretary of State for International Security.
Under Secretary of State for Public Diplomacy.
Under Secretary of State for Management.

Under Secretaries of the Treasury (3).
 Administrator of General Services.
 Administrator of the Small Business Administration.
 [Deputy Administrator, Agency for International Development.]
 Chairman of the Merit Systems Protection Board.
 Chairman, Federal Communications Commission.
 Chairman, Board of Directors, Federal Deposit Insurance Corporation.

* * * * *

Executive Director, Property Review Board.
 Deputy Administrator of the Environmental Protection Agency.
 Archivist of the United States.
 [Deputy Director of the United States Arms Control and Disarmament Agency.]
 Executive Director, Federal Retirement Thrift Investment Board.
 Deputy Under Secretary of Defense for Acquisition and Technology.
 Under Secretary of Commerce for Technology.
 Under Secretary for Health, Department of Veterans Affairs.
 Under Secretary for Benefits, Department of Veterans Affairs.

* * * * *

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.
 Associate Administrator of the National Aeronautics and Space Administration.
 [Assistant Administrators, Agency for International Development (6).]
 [Regional Assistant Administrators, Agency for International Development (4).]
 Under Secretary of the Air Force.
 Under Secretary of the Army.
 Under Secretary of the Navy.

* * * * *

Director of Civil Defense, Department of the Army.
 Deputy Director of the Office of Emergency Planning.
 Deputy Director of the Office of Science and Technology.
 Deputy Director of the Peace Corps.
 [Deputy Director of the United States Information Agency.]
 Assistant Director of the Office of Management and Budget (3).
 General Counsel of the Department of Agriculture.
 General Counsel of the Department of Commerce.
 General Counsel of the Department of Defense.

General Counsel of the Department of Health and Human Services.

Solicitor of the Department of the Interior.

Solicitor of the Department of Labor.

General Counsel of the National Labor Relations Board.

General Counsel of the Department of the Treasury.

First Vice President of the Export-Import Bank of Washington.

【Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency.】

Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State.

Members, Council of Economic Advisers.

Members, Board of Directors of the Export-Import Bank of Washington.

Members, Federal Communications Commission.

Members, Board of Directors of the Federal Deposit Insurance Corporation.

Directors, Federal Housing Finance Board.

Members, Federal Energy Regulatory Commission.

Members, Federal Trade Commission.

* * * * *

Director, National Institute of Standards and Technology, Department of Commerce.

【Assistant Directors, United States Arms Control and Disarmament Agency (4).】

【Inspector General, United States Information Agency.】

【Inspector General, Department of State.】

Inspector General for Foreign Affairs, Department of State.

* * * * *

Inspector General, Department of Commerce.

Inspector General, Department of the Interior.

Inspector General, Department of Justice.

Inspector General, Department of the Treasury.

【Inspector General, Agency for International Development.】

Inspector General, Environmental Protection Agency.

Inspector General, Federal Emergency Management Agency.

Inspector General, General Services Administration.

* * * * *

Commissioner of Customs, Department of the Treasury.

Director of the Office of Educational Technology.

【20 Assistant Secretaries of State and 4 other State Department official to be appointed by the President, by and with the advice and consent of the Senate.】

In addition of other positions of the Department of State specifically referenced in this section, 18 Assistant Secretaries of State and 4 other State Department official who are appointed by the President, by and with the advice and consent of the Senate.

Assistant Secretary of State for Arms Control and Non-Proliferation Affairs.

Assistant Secretary of State for International Exchanges.

[Director of the International Broadcasting Bureau, the United States Information Agency.]

Inspector General, Social Security Administration.

The Commissioner of Labor Statistics, Department of Labor.

Administrator, Rural Utilities Service, Department of Agriculture.

Director of the International Broadcasting Office, the Department of State.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Administrator, Bonneville Power Administration, Department of the Interior.

Administrator of the National Capital Transportation Agency.

Associate Administrators of the Small Business Administration (4).

Associate Administrators, National Aeronautics and Space Administration (7).

Associate Deputy Administrator, National Aeronautics and Space Administration.

* * * * *

Deputy Commissioner of Internal Revenue, Department of the Treasury.

[Deputy Director, Policy and Plans, United States Information Agency.]

Deputy General Counsel, Department of Defense.

Associate Director of the Federal Mediation and Conciliation Service.

Associate Director for Volunteers, Peace Corps.

Associate Director for Program Development and Operations, Peace Corps.

Assistants to the Director of the Federal Bureau of Investigation, Department of Justice (2).

Assistant Directors, Office of Emergency Planning (3).

Fiscal Assistant Secretary of the Treasury.

[General Counsel of the Agency for International Development.]

General Counsel of the Nuclear Regulatory Commission.

[General Counsel of the United States Arms Control and Disarmament Agency.]

General Counsel of the National Aeronautics and Space Administration.

Manpower Administrator, Department of Labor.

Members, Renegotiation Board.

* * * * *

Assistant Administrator of General Services.

Director, United States Travel Service, Department of Commerce.

Administrator, Wage and Hour and Public Contracts Division, Department of Labor.

Assistant Director (Program Planning, Analysis and Research), Office of Economic Opportunity.

【Associate Director (Policy and Plans), United States Information Agency.】

Deputy Director, National Security Agency.

Director, Bureau of Land Management, Department of the Interior.

Director, National Parks Service, Department of the Interior.

* * * * *

§ 5544. Wage board overtime and Sunday rates; computation

(a) An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week. However, an employee subject to this subsection who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled to overtime pay only for hours of duty, exclusive of eating and sleeping time, in excess of 40 a week. The overtime hourly rate of pay is computed as follows:

* * * * *

An employee subject to this subsection whose regular work schedule includes an 8-hour period of service a part of which is on Sunday is entitled to additional pay at the rate of 25 percent of his hourly rate of basic pay for each hour of work performed during that 8-hour period of service. *For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence.* Time spent in a travel status away from the official duty station of an employee subject to this subsection is not hours of work unless the travel (i) involves the performance of work while traveling, (ii) is incident to travel that involves the performance of work while traveling, (iii) is carried under arduous conditions, or (iv) results from an event which could not be scheduled or controlled administratively.

* * * * *

§ 5546. Pay for Sunday and holiday work

(a) An employee who performs work during a regularly scheduled 8-hour period of service which is not overtime work as defined by section 5542(a) of this title a part of which is performed on Sunday is entitled to pay for the entire period of service at the rate of his basic pay, plus premium pay at a rate equal to 25 percent of his rate of basic pay. *For employees serving outside the United States*

in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which additional pay is authorized by the preceding sentence.

TITLE 8—UNITED STATES CODE

* * * * *

§ 1101. Definitions

(a) As used in this chapter—

(1) The term “administrator” means the official designated by the Secretary of State pursuant to section 1104(b) of this title.

* * * * *

(9) The term “consular officer” means any consular, diplomatic, or other officer of the United States designated under regulations prescribed under authority contained in this chapter, for the purpose of issuing immigrant or nonimmigrant visas. In cases of aliens, in the Canal Zone and the outlying possessions of the United States, the term “consular officer” means an officer designated by the Governor of the Canal Zone, or the governors of the outlying possessions, for the purpose of issuing immigrant or nonimmigrant visas under this chapter. *As used in title III, the term “consular officer” includes any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.*

* * * * *

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

* * * * *

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the [Director of the United States Information Agency] *Secretary of State*, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182(j) of this title, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

* * * * *

(42) The term “refugee” means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and

is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. *For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or be subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.*

* * * * *

(b) As used in subchapters I and II of this chapter—

(1) The term "child" means an unmarried person under twenty-one years of age who is—

(A) a [legitimate child] *child born in wedlock*; or

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred; or

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation.

(D) [an illegitimate child], by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother;

* * * * *

(2) The terms "parent", "father", or "mother" mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of [an illegitimate child] *a child born out of wedlock*, described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or

deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

* * * * *

§ 1182. Excludable aliens

(a) * * *

(3) SECURITY AND RELATED GROUNDS.—

* * * * *

(B) TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Any alien who—

(I) has engaged in a terrorist activity, [or]

(II) a consular officer or the Attorney General knows, or has reasonable ground to believe, is likely to engage after entry in any terrorist activity (as defined in clause (iii)), [or]

(III) is a member of a terrorist organization or who actively supports or advocates terrorist activity, or

(IV) has advocated terrorism or has incited targeted racial vilification or has advocated the death or destruction of United States citizens, United States Government officials, or the overthrow of the United States Government,

* * * * *

is excludable. An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this chapter, to be engaged in a terrorist activity.

* * * * *

(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term “engage in terrorist activity” means to commit, in an individual capacity or as a member of an organization, an act of terrorist activity or an act which the actor knows, or reasonably should know, affords material support to any individual, organization, or government in conducting a terrorist activity at any time, including any of the following acts:

(I) The preparation or planning of a terrorist activity.

(II) The gathering of information on potential targets for terrorist activity.

(III) The providing of any type of material support, including a safe house, transportation, communications, funds, false identification, weapons, explosives, or training, to any individual the actor knows or has reason to believe has committed or plans to commit a terrorist activity.

(IV) The soliciting of funds or other things of value for terrorist activity or for any terrorist organization.

(V) The solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorist activity.

(iv) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term “terrorist organization” means an organization that engages in, or has engaged in, terrorist activity as

determined by the Attorney General, in consultation with the Secretary of State.

* * * * *

(c) INTERNATIONAL CHILD ABDUCTION.—

(i) IN GENERAL.—Except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is excludable until the child is surrendered to the person granted custody by that order.

(ii) EXCEPTION.—Clause (i) shall not apply so long as the child is located in a foreign state that is a party to the Hague Convention on the Civil Aspects of International Child Abduction.

(D) ALIENS WHO HAVE CONFISCATED AMERICAN PROPERTY ABROAD AND RELATED PERSONS.—(i) Any alien whom the Secretary of State determines is a person who—

(I) has confiscated, or has directed or overseen the confiscation of, property which is owned by a national of the United States, or converts or has converted for personal gain confiscated property which is owned by a national of the United States, or

(II) traffics in confiscated property which is owned by a national of the United States,
is excludable.

(ii) As used in this subparagraph:

(I) CONFISCATED.—The term “confiscated” refers to the nationalization, expropriation, or other seizure by governmental authority of ownership or control of property on or after January 1, 1959—

(aa) without having returned the property or provided adequate and effective compensation or in violation of the law of the place where the property was situated when the confiscation occurred; and

(bb) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure.

(II) PROPERTY.—The term “property” means—

(aa) any rights, security, or other interest, including any leasehold interest;

(bb) debts owed or repudiated by a foreign government or by any enterprise which has been confiscated by a foreign government; and

(cc) debts which are a charge on property confiscated by a foreign government.

The term “property” does not include default by a foreign government on securities, bonds, or other instruments issued by that foreign government, unless those obligations were incurred in settlement of a confiscated property claim.

(III) TRAFFIC.—The term “traffic” means—

(aa) to sell, transfer, distribute, dispense, broker, manage, or otherwise dispose of confiscated property, or otherwise acquire an interest in confiscated property, or

- (bb) to engage in a commercial activity using or otherwise benefiting from a confiscated property, without the authorization of the national of the United States who holds a claim to the property.
- (iii) This subparagraph shall be construed and applied consistent with the North American Free Trade Agreement, the General Agreement on Tariffs and Trade, and other applicable international agreements.
- (iv) This subparagraph shall not apply—
- (I) to claims arising from territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved; or
- (II) where the Secretary of State deems that making such a determination would be contrary to the national interest of the United States.

* * * * *

(e) EDUCATIONAL VISITOR STATUS; FOREIGN RESIDENCE REQUIREMENT; WAIVER.—No person admitted under section 1101(a)(15)(J) of this title or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 1101(a)(15)(J) of this title was a national or resident of a country which the [Director of the United States Information Agency] *Secretary of State*, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged, in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 1101(a)(15)(H) or section 1101(a)(15)(L) of this title until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the [Director of the United States Information Agency] *Secretary of State*, pursuant to the request of an interested United States Government agency, (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent) or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest except that in the case of a waiver requested by a State De-

partment of Public Health, or its equivalent the waiver shall be subject to the requirements of section 1184(k) of this title: *And provided further*, That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the [Director] *Secretary*, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the [Director] *Secretary* a statement in writing that it has no objection to such waiver in the case of such alien.

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TITLE 18—UNITED STATES CODE

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§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

* * * * *

(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who—

(A) serves in the position of Vice President of the United States,

(B) is employed in a position in the executive branch of the United States (including any independent agency) at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, [or]

(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3, or

(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),

and who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

* * * * *

§ 3492. Commission to consular officers to authenticate foreign documents

* * * * *

(c) The provisions of this section and sections 3493–3496 of this title applicable to consular officers shall be applicable to diplomatic officers pursuant to such regulations as may be prescribed by the President. *For purposes of this section and sections 3493 through*

3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).

TITLE 22—UNITED STATES CODE

* * * * *

§214. Fees for execution and issuance of passports; persons excused from payment

There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport; *except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service.*

* * * * *

[Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service.] No passport fee shall be collected from an officer or employee of the United States proceeding aboard in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties abroad an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

* * * * *

§276. Bureau of Interparliamentary Union; American group; authorization of appropriations; disbursements

[There is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

[(1) for the annual contribution of the United States toward the maintenance of the Bureau of Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and

[(2) to assist in meeting the expenses of the American group for such fiscal year, \$90,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf.

[§276a. Reports to Congress by American group]

[The American group of the Interparliamentary Union shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

[§276a-1. Conference of the Interparliamentary Union; appointment of delegates from House of Representatives; Chairman; Vice Chairman]

[There shall be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on Foreign Affairs) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. The Chairman or Vice Chairman of the House delegation shall be a member from the Committee on Foreign Affairs. The Speaker shall designate the Chairman and the Vice Chairman of the House delegation for each such Conference.

[§276a-2. Conference of the Interparliamentary Union and all other parliamentary conferences; appointment of delegates from Senate; Chairman; Vice Chairman]

[Senate delegates to each conference of the Interparliamentary Union, and to all other parliamentary conferences, shall be designated by the President of the Senate upon recommendations of the majority and minority leaders of the Senate. Unless the President of the Senate, upon the recommendation of the majority leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. Not fewer than two Senators designated to be in the Senate delegation to each conference of the Interparliamentary Union shall be members of the Committee on Foreign Relations.

[§276a-3. Executive secretary of American group of the Interparliamentary Union]

[After December 31, 1977, the executive secretary of the American group of the Interparliamentary Union shall be an officer or employee of the Senate or the House of Representatives and shall be appointed—

[(1) by the Chairman of the Senate delegation upon recommendations of the majority and minority leaders of the Senate for service during odd-numbered Congresses; and

[(2) by the Chairman of the House delegation for service during even-numbered Congresses.

[§276a-4. Auditing of accounts of House and Senate delegations to the Interparliamentary Union; finality and conclusiveness of certificate of Chairman]

[The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.]

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[§276c-1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional Committees; public inspection]

[Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on Foreign Affairs of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on Foreign Affairs of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection.]

[§276d. United States group; appointment; term; meetings]

[Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held

in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Members Committee).

[Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the Foreign Affairs Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.]

[The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.]

[§ 276e. Authorization of appropriations; disbursements]

[An appropriation of \$50,000 annually is authorized, \$25,000 of which shall be for the House delegation and \$25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Canada-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.]

[§ 276f. Report to Congress]

[The United States group of the Canada-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.]

[§ 276g. Auditing of accounts]

[The certificate of the Chairman of the House delegation or the Senate delegation of the Canada-United States Interparliamentary group shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Canada-United States Interparliamentary group.]

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[Subchapter II—Mexico-United States Interparliamentary Group]

[§ 276h. United States group; appointment; term; meetings]

[Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United States Interparliamentary group except for the four members of the Foreign Affairs Committee, and the four members of the Foreign Relations Committee whose appointments shall be for the duration of each Congress. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a member from the Foreign Relations Committee.]

[§ 276i. Authorization of appropriations; disbursements]

[An appropriation of \$50,000 annually is authorized, \$25,000 of which shall be for the House delegation and \$25,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Mexico-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.]

[§ 276j. Report to Congress]

[The United States group of the Mexico-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.]

[§ 276k. Auditing of accounts]

[The certificate of the Chairman of the House delegation or the Senate delegation of the Mexico-United States Interparliamentary group shall on and after April 9, 1960 be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Mexico-United States Interparliamentary group.]

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[Subchapter II-A—British-American Interparliamentary Group]

[§ 276]. *BRITISH-AMERICAN INTERPARLIAMENTARY GROUP*

[(a) ESTABLISHMENT AND MEETINGS.—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Congress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the “United States group” of the United States Interparliamentary Group.

[(b) APPOINTMENT OF MEMBERS.—Of the Members of Congress appointed for purposes of this section—

[(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

[(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

[(c) CHAIR AND VICE CHAIR.—

[(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

[(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

[(d) FUNDING.—There is authorized to be appropriated \$50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

[(e) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

[(f) ANNUAL REPORT.—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

[(g) [Omitted]

[Subchapter II-B—United States Delegation to Parliamentary Assembly of Conference on Security and Cooperation in Europe CSCE

[§276m. United States Delegation to Parliamentary Assembly of Conference on Security and Cooperation in Europe (CSCE)

[(a) ESTABLISHMENT.—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as the “CSCE Assembly”) not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

[(1) assessing the implementation of the objectives of the CSCE;

[(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

[(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

[(b) APPOINTMENT OF DELEGATION.—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

[(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

[(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

[(c) ADMINISTRATIVE SUPPORT.—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom

shall be appointed by the Chairman of the Delegation of the Senate).

[(d) FUNDING.—

[(1) UNITED STATES PARTICIPATION.—There is authorized to be appropriated for each fiscal year \$80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

[(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

[(e) ANNUAL REPORT.—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.]

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§ 277b. Works or projects under treaty

(a) CONSTRUCTION, OPERATION, MAINTENANCE AND SUPERVISION; SEWAGE INTERCEPTOR SYSTEM.—

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(c) ANZALDUAS DIVERSION DAM.—The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of the United States for such portions of the dam as shall have been allocated to such purposes by the Secretary of State.

(d) Pursuant to the authority of subsection (a) and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso."

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§ 1464a. USIA satellite and television

(a) IN GENERAL.—The [Director of the United States Information Agency] Secretary of State is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

(b) **BROADCAST PRINCIPLES.**—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. **【To be effective, the United States Information Agency】** *To be effective in carrying out this subsection, the Department of State* must win the attention and respect of viewers. These principles will therefore govern the Agency's television broadcasts (hereinafter in this section referred to as **【USIA-TV】**):

(1) **【USIA-TV】** *DEPARTMENT OF STATE-TV* will serve as a consistently reliable and authoritative source on news. **【USIA-TV】** *DEPARTMENT OF STATE-TV* news will be accurate and objective.

(2) **【USIA-TV】** *DEPARTMENT OF STATE-TV* will represent the United States, not any single segment of American society and will, therefore, present a balanced and comprehensive projection of significant American thought and institutions.

(3) **【USIA-TV】** *DEPARTMENT OF STATE-TV* will present the policies of the United States clearly and effectively and will also present responsible discussions and opinion on these policies.

(c) **PROGRAMS.**—The **【Director of the United States Information Agency】** *Secretary of State* is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

(1) are interactive, consisting of interviews among participants in different locales;

(2) cover news, public affairs, or other current events;

(3) cover official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch; or

(4) are of an artistic or scientific character or are otherwise representative of American culture.

(d) **COSTS.**—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by USIA-TV, the Director of the United States Information Agency shall use such materials in preference to USIA-TV produced materials.

【(e) ALLOCATION OF FUNDS.—

【(1) Of the funds authorized to be appropriated to the United States Information Agency not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for USIA-TV.

【(2) The United States Information Agency shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4) of this section, that were produced in-house by USIA-TV. Each such report shall include a statement by the Director of the United States Information Agency that, according to the best information available to the United States Information Agency, no

comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

[(3) Of the funds authorized to be appropriated to the United States Information Agency, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.]

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§ 1465cc. Television Marti Service of United States Information Agency

(a) TELEVISION MARTI SERVICE.—The Director of the United States Information Agency shall establish within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this subchapter. The Director of the United States Information Agency shall appoint a head of the Service who shall report directly to the Director of the [Voice of America.] *International Broadcasting Bureau*. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

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§ 1469. United States Advisory Commission on Public Diplomacy

(a) ESTABLISHMENT.—

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(c) DUTIES AND RESPONSIBILITIES.—

(1) The Commission shall formulate and recommend to [the Director of the United States Information Agency], the Secretary of State, and the President policies and programs to carry out the functions vested in the [Director or the Agency, and shall appraise the effectiveness of policies and programs of the Agency.] *Secretary of State or the Department of State, and shall appraise the effectiveness of the information, educational, and cultural policies and programs of the Department.*

(2) The Commission shall submit to the Congress, the President, [the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency] *and the Secretary of State*, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the [Director for effectuating the purposes of the Agency] *Secretary for effectuating the information, educational, and cultural functions of the Department*, and the action taken to carry out such recommendations.

(3) The Commission may also submit such other reports to the Congress as it considers appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the [programs con-

ducted by the Agency] *information, educational, and cultural programs conducted by the Department of State.*

(4) The Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the [Director of the United States Information Agency] *Secretary of State* have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

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§ 1471. * * *

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(3) whenever necessary in carrying out subchapter V of this chapter, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 278a of title 40, and any such real property or interests therein which are outside the United States may be acquired without regard to section 255 of title 40 [if the sufficiency of the title to such real property or interests therein is approved by the Director of the United States Information Agency;] *if the Secretary determines that title to such real property or interests is sufficient;*

* * * * *

§ 1475b. Seal of United States Information Agency; judicial notice

[The seal of the United States Information Agency shall be the arms and crest of the United States, encircled by the words "United States Information Agency". Judicial notice shall be taken of the seal.

§ 1475c. Acting Associate Directors

[If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.]

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§ 1475f. Debt collection

(a) CONTRACT AUTHORITY.—

(1) Subject to the availability of appropriations, the Director of the United States Information Agency shall enter into contracts for collection services to recover indebtedness owned by a person, other than a foreign country, to the United States which arises out of *informational and educational exchange* activities of the United States Information Agency and is delinquent by more than 90 days.

(2) Each contract entered into under this section shall provide that the person with whom the Director of the United States Information Agency enters into such contract shall submit to the Director at least once every 180 days a status report on the success of the person in collecting debts. Section 3718 of Title 31 shall apply to any such contract to the extent that such section is not inconsistent with this subsection.

(b) DISCLOSURE OF DELINQUENT DEBT TO CREDIT REPORTING AGENCIES.—The Director of the United States information Agency shall, to the extent otherwise allowed by law, disclose to those credit reporting agencies to which the Director reports loan activity information concerning any debt of more than \$100 owed by a person, other than a foreign country, to the United States which arises out of *informational and educational exchange* activities of the United States Information Agency and is delinquent by more than 31 days.

1475g. USIA posts and personnel overseas

(a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any [United States Information Agency post] *informational and educational exchange post of the Department of State* abroad.

(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the house of Representatives and the Committee on Foreign Relations of the Senate.

(c) EXCEPTIONS.—This section shall not apply to any [United States Information Agency post] *informational and educational exchange post of the Department of State* closed—

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

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

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§ 1477b. Nondiscretionary personnel costs and currency fluctuations

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(b) ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated for the [United States Information Agency] *Department of State in carrying out the informational and educational exchange functions of the Department*, in addition to amounts otherwise authorized to be appropriated for the Agency, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law *in connection with carrying out the informational and educational exchange functions of the Department*.

(c) APPROPRIATIONS AUTHORIZATION BASED ON CURRENCY FLUCTUATIONS.—In order to maintain the levels of program activity provided for by the annual authorizing legislation for the [United States Information Agency] *Department of State in carrying out the informational and educational exchange functions of the Department*, there are authorized to be appropriated for the Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, occurring after November 30 of the earlier of (1) the calendar year which ended during the fiscal year preceding such fiscal year, or (2) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

§ 1477c. Notification of reprogramings and grants; covered programs, projects, or activities; award of program grants

(a) AVAILABILITY OF APPROPRIATED FUNDS.—Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprogramming, funds appropriated for the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* shall not be available for obligation or expenditure through any such reprogramming of funds—

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(b) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—In addition, the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* may award program grants only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

(c) PERIOD OF AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated for the [United States Information Agency] *Department of State in carrying out its informational and educational exchange functions* may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.

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§ 2551. Congressional statement of purpose

An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. [It is the purpose of this chapter to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.]

Arms control, nonproliferation, and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. [The formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.]

[This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control, nonproliferation, and disarmament policy must be based.] [It shall have the authority, under the direction of the President and the Secretary of State,] *The Department of State shall have the authority* to carry out the following primary functions:

(1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.

(2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.

(3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.

(4) The preparation for, operation of, or, as appropriate, direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.

(5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

§2552. Definitions

As used in this chapter—

(a) The terms “arms control” and “disarmament” mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term “Government agency” means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

[(c) The term “Agency” means the United States Arms Control and Disarmament Agency.]

- (c) *The term "Department" means the Department of State.*
 (d) *The term "Secretary" means the Secretary of State.*

* * * * *

[§ 2562. Director

(a) APPOINTMENT.—The agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

[(b) DUTIES.—

[(1) The Director shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament. In carrying out his duties under this chapter, the Director, under the direction of the President and the Secretary of State, shall have primary responsibility within the Government for matters relating to arms control and disarmament, and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation.

[(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.]

§ 2563. Deputy Director of Agency; appointment; powers and duties

[A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.

[§ 2564. Assistant Directors of Agency; number; appointment; powers and duties

[Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties and exercise such powers as the Director may prescribe.

[§ 2565. Bureaus, offices, and divisions

[The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this chapter, including a bu-

reau of intelligence and information support and an office to perform legal services for the Agency.]

§2566. Scientific and Policy Advisory Committee

(a) ESTABLISHMENT.—

(1) The President may appoint a Scientific and Policy Advisory Committee (in this section referred to as the “Committee”) of not to exceed 15 members, not less than eight of whom shall be scientists.

(2) The members of the Committee shall be appointed as follows:

(A) One member, who shall be a person of renown and distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee

(B) Fourteen other members shall be appointed by the President

(3) The Committee shall meet at least twice each year.

(b) FUNCTION.—

It shall be the responsibility of the Committee to advise the President[, the Secretary of State, and the Director *and the Secretary of State* respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament

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§2567. Presidential Special Representatives

The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament matters. Each Presidential Special Representatives shall hold the rank of ambassador. One such Representative appointed under this section shall perform their duties and exercise their powers under the direction of the President and the Secretary of State[, acting through the Director]. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all President Special Representatives.

§2568. Program for visiting scholars

A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutions of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the [Agency’s activities] *Department’s arms control, nonproliferation, and disarmament activities* an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such terms may be extended for a 1-year period. Fellows shall

be chosen by a board consisting of the Director, who shall be the chairperson~~], and all former Directors of the Agency.]~~ .

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§ 2573. Policy formulation

(a) FORMULATION.—The Director ~~]~~ shall prepare for the President, the Secretary of State,~~]~~ *shall prepare for the President* and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

(b) PROHIBITION.—No action shall be taken pursuant to this chapter or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

§ 2574. Negotiation management

(a) RESPONSIBILITIES.—The Director, under the direction of ~~]~~ the President and the Secretary of State,~~]~~ *the President*, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the field of arms control and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States participation in international negotiations and implementation fora in the field of nonproliferation. In furtherance of these responsibilities, Special Representatives of the President appointed pursuant to section 2567 of this title, shall, as directed by the President, serve as the United States Government representatives to international organizations, conferences, and activities relating to the field of nonproliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons.

~~[(b) FUNCTIONS WITH RESPECT TO THE UNITED STATES INFORMATION AGENCY.—The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.]~~

* * * * *

§ 2577. Verification of Compliance

(a) IN GENERAL.—

* * * * *

(d) PARTICIPATION OF THE AGENCY.—In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 2593a(a)(5) of this title, the Director, or the ~~]~~Di-

rector's designee,] *Secretary's designee*, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

* * * * *

§ 2581. General authority of Director

[In the performance of his functions, the Director is authorized to—

[(a) Utilization of other Federal agencies; general administrative services; transfers of supplies, equipment and surplus property utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C.A. § 471 et seq.];

[(b) Employment of personnel appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of Title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of Title 5, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—

[(1) any employee who is appointed under this exception is not paid at a rate—

[(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

[(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

[(2) the number of employees appointed under this exception shall not exceed 10 percent of the Agency's full-time-equivalent ceiling.

[(c) Detail of other agency personnel without prejudice to status or advancement enter into agreements with other Gov-

ernment agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this chapter without prejudice to the status or advancement of such officers or employees within their own agencies;

[(d) Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of Title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of substance while away from their homes of regular places of business, as authorized by section 5703 of such title; Provided, That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: And provided further, That such contracts may be renewed annually;

[(e) Employment of outstanding personnel employ individuals of outstanding ability without compensation in accordance with the provisions of section 2160(b) of the Appendix to Title 50 and regulations issued thereunder;

[(f) Establishment of advisory boards; compensation and expenses establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

[(g) Travel and subsistence expenses from private sources; reimbursement permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;

[(h) Oaths and sworn statements administer oaths and take sworn statements in the course of an investigation made pursuant to the Director's responsibilities under this chapter;

[(i) Delegation of functions delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this chapter; and

[(j) Rules and regulations make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or

desirable to the exercise of any authority conferred upon the Director by the provisions of this chapter.

* * * * *

[§ 2588. Use of funds

[Appropriations made to the Director for the purposes of this chapter, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this chapter, including, without limitation, expenses of printing and binding without regard to the provisions of section 501 of Title 44; purchase or hire of one passenger motor vehicle for the official use of the Director; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this chapter; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects (including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year), and expenses authorized by the Foreign Service Act of 1980 [22 U.S.C.A. § 3901 et seq.], not otherwise provided for.]

* * * * *

[§ 2593a. Annual report to Congress

Not later than January 31 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with [the Secretary of State,] the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include——

* * * * *

[§ 2593c. Requirements for authorization of appropriations

[(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent year, any funds appropriated for the Agency shall not be available for obligation or expenditure—

[(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

[(2) in excess of the authorized level of appropriations.

[(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) of this section shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

[(c) APPLICATION.—The provisions of this section——

[(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

[(2) shall not apply to, or affect in any manner, permanent appropriations, trust, funds, and other similar accounts which are authorized by law and administered by the Agency.]

§ 2595. Findings

The Congress finds that—

(1) under this chapter, the [United States Arms Control and Disarmament Agency] *Department of Defense* is charged with the “formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security”;

* * * * *

(7) the senior officials of the On-Site Inspection Agency include representatives from [the United States Arms Control and Disarmament Agency and] the Department of State.

* * * * *

§ 3003. Commission membership

(a) SELECTION AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of [twenty-one members] *18 members* as follows:

(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five Members shall be selected from the majority party and four Members shall be selected, after consultation with the minority leader of the House, from the minority party.

(2) Nine Members of the Senate appointed by the President of the Senate. Five Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and four Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

[(3) One member of the Department of State appointed by the President of the United States.

[(4) One member of the Department of Defense appointed by the President of the United States.

[(5) One member of the Department of Commerce appointed by the President of the United States.]

* * * * *

§ 4191. General application of provisions to consular officers

The various provisions of title 18 of the Revised Statutes which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers *and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary*

may prescribe, so far as may be consistent with the subject matter of the same and with the treaties of the United States.

* * * * *

§ 4413. Eligibility of the Endowment for grants

* * * * *

(g) AUDIT BY UNITED STATES INFORMATION AGENCY.—The financial transactions of the Endowment for each fiscal year shall be audited by the [United States Information Agency] *Department of State* under the conditions set forth in subsection (f)(1) of this section.

* * * * *

§ 4415. Freedom of Information

* * * * *

(b) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to subsection (a) of this section with section 552(a)(1) of Title 5, the Endowment shall make available to the [Director] *Secretary of [the United States Information Agency] State* such records and other information as the [Director] *Secretary* determines may be necessary for such purposes. The [Director] *Secretary* shall cause such records and other information to be published in the Federal Register.

(c) REVIEW BY [UNITED STATES INFORMATION AGENCY] *DEPARTMENT OF STATE*.—

(1) In the event that the Endowment determines not to comply with a request for records under section 552 of Title 5, the Endowment shall submit a report to the [Director] *Secretary of the United States Information Agency] State* explaining the reasons for not complying with such request.

(2) If the [Director] *Secretary* approves the determination not to comply with such request, the [United States Information Agency] *Department of State* shall assume full responsibility, including financial responsibility, for defending the Endowment in any litigation relating to such request.

(3) If the [Director] *Secretary* disapproves the determination not to comply with such request, the Endowment shall comply with such request.

* * * * *

§ 4704.* * *

(11) The [United States Information Agency] *Department of State* shall recommend to each student, who receives a scholarship under this chapter for study at a college or university, that the student enroll in a course on the classics of American political thought or which otherwise emphasizes the ideas, principles, and documents upon which the United States was founded.

* * * * *

§ 5731. Reporting requirement

Not later than March 31, 1993, [March 31, 1995,] *March 31, 1996, March 31, 1997, March 31, 1998, March 31, 1999, [and*

March 31, 2000,] *March 31, 2000, and every year thereafter*, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on conditions in Hong Kong of interest to the United States. This report shall cover (in the case of the initial report) the period since October 5, 1992, or (in the case of subsequent reports) the period since the most recent report pursuant to this section and shall describe—

* * * * *

§ 6101. Establishment of fellowship program

[(a) ESTABLISHMENT.—

[(1) There is hereby established the “Mike Mansfield Fellowship Program” pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 6102(5)(C) of this title, for such shorter period of time as the Center may determine based on a Fellow’s level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

[(A) During the first year each fellowship recipient will study the Japanese language as well as Japan’s political economy.

[(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the agency of the United States Government from which the fellow originated, consistent with the purposes of this chapter.

[(2) Fellowships under this chapter may be known as “Mansfield Fellowships”, and individuals awarded such fellowships may be known as “Mansfield Fellows”.]

TITLE 31—UNITED STATES CODE

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§ 901. Establishment of agency Chief Financial Officers

(a) There shall be within each agency described in subsection (b) an agency Chief Financial Officer. Each agency Chief Financial Officer shall—

* * * * *

(b)(1) The agencies referred to in subsection (a)(1) are the following:

* * * * *

(2) The agencies referred to in subsection (a)(2) are the following:

[(A) The Agency for International Development.]

[(B)] (A) The Federal Emergency Management Agency.

[(C)] (B) The General Services Administration.

- [(D)] (C) The National Science Foundation.
- [(E)] (D) The Nuclear Regulatory Commission.
- [(F)] (E) The Office of Personnel Management.
- [(G)] (F) The Small Business Administration.
- [(H)] (G) The Social Security Administration.

TITLE 35—UNITED STATES CODE

* * * * *

§ 115. Oath of applicant

The applicant shall make oath that he believes himself to be the original and first inventor of the process, machine, manufacture, or composition of matter, or improvement thereof, for which he solicits a patent; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority is proved by certificate of a diplomatic or consular officer of the United States, or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States, and such oath shall be valid if it complies with the laws of the state or country where made. When the application is made as provided in this title by a person other than the inventor, the oath may be so varied in form that it can be made by him. *For purposes of this section, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).*

TITLE 50—UNITED STATES CODE

* * * * *

§ 1903. National Security Education Board

(a) ESTABLISHMENT.—

The Secretary of Defense shall establish a National Security Education Board.

(b) COMPOSITION.—

The Board shall be composed of the following individuals or the representatives of such individuals:

- (1) The Secretary of Defense, who shall serve as the chairman of the Board.
- (2) The Secretary of Education.
- (3) The Secretary of State.
- (4) The Secretary of Commerce.
- (5) The Director of Central Intelligence.
- [(6)] The Director of the United States Information Agency.]

**[(7)] (6) The Chairperson of the National Endowment
for the Humanities.**

* * * * *

(c) TERM OF APPOINTEES.—

Each individual appointed to the Board pursuant to [subsection (b)(7)] *subsection (b)(6)* of this section shall be appointed for a period specified by the President at the time of the appointment, but not to exceed four years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

JOINT RESOLUTION To authorize participation by the United States in
parliamentary conferences of the North Atlantic Treaty Organization

[Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That not to exceed eighteen Members of Congress shall be appointed to meet jointly and annually and when Congress is not in session, with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the Speaker of the House from Members of the House, and half shall be appointed by the President of the Senate from Members of the Senate. Not more than five of the appointees from the respective Houses shall be of the same political party.]

[SEC. 2. An appropriation of \$36,000 annually is authorized, \$6,000 of which shall be for the annual contribution of the United States toward the maintenance of the North Atlantic Treaty Parliamentary Conference and \$30,000, \$15,000 for the House delegation and \$15,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States Group of the North Atlantic Treaty Parliamentary Conference for each fiscal year for which an appropriation is made, such appropriation to be dispersed on voucher to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation.

[SEC. 3. The United States Group of the North Atlantic Treaty Parliamentary Conference shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

[SEC. 4 The certificate of the Chairman of the House delegation and the Senate delegation of the North Atlantic Treaty Parliamentary Conference shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Group of the North Atlantic Treaty Parliamentary Conference.

[Approved July 11, 1956.]

AN ACT To provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1959, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska or the continental United States either directly or via a foreign port, or for any part of the transportation, unless the Secretary of Commerce determines that United States flag service is available to provide such transportation.

Approved June 30, 1958.

* * * * *

MISSIONS TO INTERNATIONAL ORGANIZATIONS

[For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; attendance at meetings of societies or associations concerned with the work of the organizations; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; \$1,690,000: *Provided*, That, hereafter, Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate.]

PUBLIC LAW 95-86

* * * * *

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed \$20,000), and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United

States not to exceed \$5,000; purchase for use abroad of (not to exceed sixty-nine, of which forty-four are for replacement only), and hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 804(14) of the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1474); radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; and purchase of objects for presentation to foreign governments, schools, or organizations; \$262,000,000: *Provided*, That not exceed \$290,000 may be used for representation abroad: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be replaced in accordance with section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the cost, including the exchange allowance, of each such replacement, shall not exceed such amounts as may be otherwise provided by law (except that right-hand drive vehicles may be purchased without regard to any maximum price limitation otherwise established by law): *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), [the United States Information Agency is authorized,] *the Secretary of State may* in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

PUBLIC LAW 98-164-NOV. 22, 1983

SEC. 503. (a) the [Director of the United States Information Agency] *Secretary of State* shall make an annual grant to the Endowment to enable the Endowment to carry out its purposes as specified in section 502(b). Such grants shall be made with funds specifically appropriated for grants to the Endowment or with funds appropriated to [the Agency] *the Department of State* for the "Salaries and Expenses" account. Such grants shall be made pursuant to a grant agreement between [the Director] *Secretary of State* and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 502(b), that the Endowment will allocate funds in accordance with subsection (e) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) funds so granted may be used by the Endowment to carry out the purposes described in section 502(b), and otherwise applicable limitations on the purposes for which funds appropriated to the [Unites States Information Agency] *Department of State* may be used shall not apply to funds granted to the Endowment.

