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Calendar No. 327

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 94-337

FOREIGN AFFAIRS AUTHORIZATION BILL, FISCAL YEAR 1976

JULY 29, 1975.—Ordered to be printed

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

REPORT

[To accompany S. 1517]

The Committee on Foreign Relations, to which was referred the bill (S. 1517), to authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

AUTHORIZATIONS OF APPROPRIATIONS

The primary purpose of the bill is to authorize fiscal year 1976 appropriations for the operations of the State Department (including the Office of Foreign Buildings), the United States Information Agency, the Arms Control and Disarmament Agency, and the Board for International Broadcasting (which makes grants to Radio Free Europe and Radio Liberty). The authorization categories in the bill are organized functionally rather than by agency, as in the following table, which shows the fiscal year 1975 appropriation in each category,



together with the Administration's fiscal year 1976 request and the amounts recommended by the Committee for approval by the Senate:

	Fiscal year—		Committee recommendation
	1975 appropriation	1976 request	
I. Administrative of Foreign Affairs:			
A. State Department:			
1. Salaries and expenses.....	\$361,662,000	\$428,600,000 ¹	\$425,550,000
2. Representation allowances.....	1,385,000	1,750,000	2,000,000
3. Emergencies in the Diplomatic and Consular Service.....	2,100,000	2,100,000	2,100,000
4. Payment to the Foreign Service Retirement and Disability Fund.....	20,535,000	6,355,000	6,355,000
B. Arms Control and Disarmament Agency.....	9,410,000	10,690,000	12,130,000
C. Foreign service buildings (State Department):			
1. Foreign account.....	22,995,000	29,840,000	29,840,000
2. Foreign currency account.....	4,870,000	9,785,000	9,785,000
II. International organizations, conferences, and commissions:			
A. International organizations and conferences (State Department):			
1. Contributions to international organizations.....	203,903,000	245,707,000	223,496,000
2. Contributions to international peacekeeping activities.....	5,658,000	29,400,000	9,600,000
3. Missions to international organizations.....	6,708,000	8,696,000	8,696,000
4. International conferences and contingencies.....	6,540,000	5,840,000	5,840,000
5. International trade negotiations.....	1,900,000	2,596,000	2,596,000
B. International commissions (State Department):			
1. International Boundary and Water Commission, United States and Mexico.....	11,183,000	13,687,000	13,687,000
2. American sections, international commissions.....	1,379,000	1,576,000	1,576,000
3. International fisheries commissions.....	4,060,000	4,730,000	4,730,000
III. Information and cultural exchange:			
A. United States Information Agency:			
1. Salaries and expenses.....	230,668,000	257,692,000	257,692,000
2. Special international exhibitions.....	6,841,000	6,187,000	6,187,000
3. Acquisitions and construction of radio facilities.....	4,400,000	10,135,000	10,135,000
B. Educational exchange (State Department):			
1. Mutual education and cultural exchange activities.....	54,380,000	65,000,000	65,000,000
2. Center for cultural and technical interchange between East and West.....	7,400,000	9,000,000	9,000,000
3. United States-Japan friendship activities (foreign currency program).....	0	15,000,000	0
C. Board for International Broadcasting (Radio Free Europe/Radio Liberty):			
49,800,000	65,640,000	65,640,000	
IV. Miscellaneous:			
A. Migration and refugee assistance (State Department).....	8,420,000	10,100,000	10,100,000
B. Assistance to Soviet refugees (State Department).....	40,000,000	0	20,000,000
Total.....	1,250,106,000	1,201,485,000	

¹ This item includes the administration's supplemental request of \$15,400,000.

OTHER PROVISIONS OF THE BILL

In addition to the authorization of fiscal year 1976 appropriations, the bill—

(1) Authorizes the establishment and maintenance of a \$25 million Emergency Refugee and Migration Assistance Fund.

(2) Authorizes a special U.S. contribution of \$25 million to the UN University endowment fund.

(3) Expands the existing requirement concerning the assignment of Foreign Service officers to state or local governments, public schools, or other public organizations.

(4) Requires stricter procedures for the hiring, assignment, promotion, and conversion to career status of Foreign Service Reserve officers.

(5) Requires the State Department to prepare a comprehensive plan for the improvement and simplification of the State-USIA personnel system.

(6) Declares the sense of Congress concerning criteria for the selection and confirmation of U.S. Ambassadors.

(7) Amends the basic legislation of the Arms Control and Disarmament Agency to strengthen ACDA's role in U.S. government arms control policymaking and negotiations.

(8) Establishes a Foreign Service grievance system.

(9) Places into law a clear statement of purpose to govern broadcasts by the Voice of America.

(10) Declares the sense of Congress concerning the urgent need for negotiations concerning the presence of Soviet and American military forces in the Indian Ocean and littoral countries.

COMMITTEE ACTION

On April 24, Senator Sparkman introduced S. 1517, a consolidated bill combining the provisions of five Administration bills introduced earlier by request. On April 29, May 1, and May 5, the Committee held public hearings on the consolidated bill, at which time the following witnesses were heard:

Robert S. Ingersoll, Deputy Secretary of State, accompanied by John M. Thomas, Assistant Secretary of State for Administration, Monroe Leigh, Legal Adviser, Orlan C. Ralston, Deputy Assistant Secretary for Foreign Buildings Operations, and Don C. Eller, Director, Budget Planning and Presentation.

Thomas Boyatt, President, American Foreign Service Association; Tex Harris, Vice President; Stan Zuckerman, Board Member, USIA, Charles Hoffman, Board Member; Richard Williamson, Executive Director and Counselor.

David M. Abshire, Chairman, Board for International Broadcasting (Chairman, Center for Strategic and International Studies, Georgetown University), accompanied by Foy D. Kohler, Member, Board for International Broadcasting (Center for Advanced International Studies, University of Miami, Coral Gables, Fla.); Thomas Henry Quinn, Member, Board for International Broadcasting (Partner, O'Connor & Hannan, Washington, D.C.); Dr. John P. Roche, Member, Board for International Broadcasting (Henry R. Luce Professor of Civilization and Foreign Affairs, Fletcher School of Law and Diplomacy, Tufts University, Medford, Mass.); William P. Durkee, President, Free Europe, Inc.; and Howland H. Sargeant, President, Radio Liberty Committee, Inc.

Fred C. Ikle, Director, U.S. Arms Control and Disarmament Agency, accompanied by James I. Malone, General Counsel and James T. Hackett, Executive Officer. Dr. Charles Price, Chairman of the Board, Council for a Livable World, Washington, D.C.

Frank Lausche, Washington, D.C., former U.S. Senator, accompanied by Cyril A. Zebot, Professor of Economics, Georgetown University.

Frank Stanton, Chairman, Panel on International Information, Education, and Cultural Relations, Center for Strategic and International Studies, Georgetown University, accompanied by Peter Krogh, Vice Chairman, Dean, Edmund A. Walsh School of Foreign Service, Georgetown University; Walter Roberts, Project Director, Director of Diplomatic Studies, Center for Strategic and International Studies, Georgetown University; Rita Hauser, Member, U.S. Advisory Commission on International Educational and Cultural Affairs; James Michener, Member, U.S. Advisory Commission on Information, writer.

James Keogh, Director, U.S. Information Agency, accompanied by Stanley M. Silverman, Budget Officer, and Edward Hidalgo, General Counsel.

Carl Marcy, Washington, D.C. accompanied by Brock Brower, New York City.

On June 19, July 8, July 15, July 22, and July 25, the Committee met in executive session to consider the bill and, on the final day, by

voice vote without dissent, ordered the bill reported favorably as amended.

COMMITTEE COMMENTS

During the Committee's hearings on that portion of S. 1517 relating to the United States Information Agency, the Committee gave considerable attention to testimony concerning the proposals on State-USIA organization recently issued by the Panel on International Information, Education, and Cultural Relations, headed by Dr. Frank Stanton. While a number of Committee members have expressed approval of these recommendations, the Committee is refraining at this time from taking a formal position on the Panel's proposals, so as to allow the Administration a reasonable period during which to study the recommendations and respond. The Committee takes note also of the report just issued by the Commission on the Organization of the Government for the Conduct of Foreign Policy, headed by Mr. Robert Murphy. As with the Stanton report, the Committee expects the Administration to give immediate and serious consideration to the Murphy Commission's recommendations. While awaiting the Administration's response, the Committee will be studying and evaluating the proposals in both reports and will, at an appropriate time, seek a full explanation as to how the Administration intends to proceed.

COST ESTIMATES

Section 252(a) (1) of the Legislative Reorganization Act of 1970 requires that Committee reports on bills and joint resolutions contain an estimate of the costs of carrying out such legislation in the fiscal year in which it is reported and in each of the five fiscal years which follow.

This bill authorizes appropriations for the State Department (including the Office of Foreign Buildings), USIA, ACDA, and the Board for International Broadcasting, for one fiscal year, 1976. The total authorized by the bill for these purposes is \$1,201,485,000, plus such additional amounts as may be required for mandatory salary and employee benefit increases and non-discretionary cost increases. Future funding requirements of these agencies may be expected to approximate, in terms of real dollars, those of fiscal year 1976.

SECTION-BY-SECTION ANALYSIS

In the following section-by-section analysis of the provisions of S. 1517, one provision common to all authorizations for fiscal year 1976 appropriations should be understood to obtain, even though not mentioned: that in addition to the amounts specified, there are also authorized to be appropriated such sums as may be necessary for increases in pay, salary, retirement, or other non-discretionary costs.

Sec. 101. Administration of Foreign Affairs (State Department)

Included in this item are funds for almost all salaries, expenses and allowances for officers and employees of the State Department, both in the United States and abroad; and also funds needed for mandatory payments to the Foreign Service Retirement and Disability Fund. The

following table shows expenditures in this category in fiscal year 1975, the Administration's fiscal year 1976 request (including a supplemental request of \$15.4 million in the "salaries and expenses" item), and the Committee's recommendation:

ADMINISTRATION OF FOREIGN AFFAIRS

[In thousands of dollars]

	Fiscal year 1975	Fiscal year 1976 request	Committee recommen- dation	Difference
Salaries and expenses.....	361,662	428,600	425,300	-3,300
Representation allowances.....	1,385	1,750	2,000	+250
Emergencies in the diplomatic and consular service.....	2,100	2,100	2,100	0
Payment to foreign service retirement and disability fund.....	20,535	6,355	6,355	0
Total.....	385,682	438,805	435,755	-3,050

In considering the Administration's request in the "salaries and expenses" category, the Committee was aware that certain savings were available due to the withdrawal of the considerable American presence in Indochina. The Department estimated these potential savings to amount to roughly \$5.0 million, but requested that these funds be approved so that they could be reprogrammed by the Department into priority areas. After lengthy deliberation, the Committee determined to reduce this account by \$3.75 million which will allow a modest level of reprogramming. In reference to Indochina, the Committee wishes to express its interest in the Department making an earnest effort to find worthwhile new assignments for Department personnel who served there just prior to the American withdrawal. Having made the \$3.75 million cut, the Committee then added \$450,000 to this item, this amount being intended to provide additional State Department support for the National Commission on the Observance of International Women's Year, which is the only major IWY activity of the U.S. government.

In considering the "representation allowances" request of \$1,750,000, the Committee was aware that this amount was budgeted in the expectation that representation expenditures at this level would leave significant out-of-pocket expenditures to be borne by Department employees. The Committee therefore increased this account by \$250,000, in keeping with its desire to see American representation abroad move away from dependence on private wealth. The Committee also notes its interest in seeing a greater proportion of this account allocated to daily, routine contacts with foreign officials and citizens, with a less proportion allocated to annual 4th of July ceremonies and parties at U.S. embassies abroad.

In addressing the other two categories within the "Administration of Foreign Affairs" line-item, the Committee allowed the full amount requested. "Payments to the Foreign Service Retirement and Disability Fund" is an expenditure which derives directly from the legal provisions of the Foreign Service retirement system, while expenses under "Emergencies in the Diplomatic and Consular Services" are concomitant to the conduct of foreign policy. The bill (Sec. 101(a)(2)) also authorizes appropriation of such additional amounts as may be necessary for non-discriminatory increases in employee benefits.

In addition to the authorization of fiscal year 1976 appropriations, this section also provides a permanent general authorization for the use of appropriated funds for household operations, entertainment, and maintenance expenses for the U.S. Representative to the Organization of American States, located in Washington, D.C. Such reimbursements—which are made on a deductible basis so as to cover only expenses associated with official duties—are authorized for all other U.S. representatives to international organizations. This provision will thus correct a discrepancy in the current situation.

Sec. 102. Bequest of Ambassador Thurston

The late Ambassador Walter Thurston, a career Foreign Service Officer who left no heirs, bequeathed the sum of \$125,000 to the Government of the United States. It is the opinion of his executor and many close friends that Ambassador Thurston would have wished his bequest to be used for the benefit of the State Department. By request of these friends, Senator Byrd of Virginia has proposed that Congress act to channel the sum represented by this request into the Americana Project for furnishing the Diplomatic Reception Rooms at the State Department. This project has been underway since 1961 and is based entirely on private voluntary contributions. As Ambassador Thurston's bequest went into the Treasury, the Committee approved an appropriation of that amount for contribution to the Americana Project in the name of Ambassador Thurston.*

Sec. 103. Criteria for Selection and Confirmation of Ambassadors

This section, initiated by Senator Pell, declares the sense of Congress that:

The position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of U.S. ambassador to a foreign country primarily because of partisan political activity or financial contributions to political campaigns.

In approving this section, the Committee's intent was to set a clear standard of competence to be used in the selection and confirmation of ambassadors. The Committee does not intend that political activities or contributions be a disqualifying factor in ambassadorial selection, but rather that a high level of ability be the primary qualifying factor. The Committee is not trying to establish an iron-clad rule binding on the President.

Sec. 104. U.S. Consulate in Gothenburg

This section, sponsored in Committee by Senators Humphrey, McGee, Clark, Javits, and Pell, declares it to be the sense of the Congress that the United States Consulate in Gothenburg, Sweden, closed in 1970, should be reopened. The section also authorizes fiscal year 1976 appropriations of such sums as may be necessary for this purpose. The Committee notes that the Gothenburg consulate, established in 1797, was the first and oldest American consulate in Western Europe and that, as such, it served to strengthen Swedish-American cultural and economic relations since the founding days of the Republic. In light

of Gothenburg's continuing preeminence as a Scandinavian port—an importance which leads 45 other countries to maintain a consular presence there—the Committee believes that the U.S. Government should reopen the American Consulate so that it may continue its traditional cultural and economic role.

Sec. 105. Agricultural Attache in China

This section, initiated by Senators Humphrey and Clark, states that “it is the sense of the Congress that the President should establish an agricultural attache in the People's Republic of China.” Because 80 percent of American trade with China is agricultural and China now represents one of the fastest growing markets for American farm commodities, the Committee believes that the U.S. mission in Peking should be equipped to learn as much as possible about that market and that an agricultural attache would improve the mission's capability.

Secs. 141-143. Arms Control and Disarmament Agency

These sections authorize appropriations for the fiscal year 1976 operations of the Arms Control and Disarmament Agency, which, under its basic legislation, has responsibilities that entail active participation in such activities as the Strategic Arms Limitation Talks, negotiations on mutual and balanced force reductions in Europe, negotiations toward further limitations on the testing of nuclear weapons, and the Non-Proliferation Treaty Review Conference. Of the \$10.7 million requested by the Administration, \$9.0 million would be allocated for regular program operations including the salaries of ACDA personnel, while \$1.7 million would be devoted to ACDA's external research program. In addition to the amounts requested, the Committee approved an authorization of \$1,440,000 to be used for two studies. The first, sponsored by Senator Clark, for which \$1 million was provided, is a study regarding the impact on military expenditures of arms control agreements entered into by the Soviet Union and the United States. The ACDA Director is required to report to Congress not later than July 1, 1976, with respect to this study. This is contingent on appropriations; the funds are not to be taken from the regular budget. The second increment of \$440,000, initiated by Senator Case, is intended to support research, conducted in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques.

Arms Control and Disarmament Agency

Fiscal year 1975	\$9,410,000
Fiscal year 1976	10,690,000
Committee recommendation	12,130,000
Difference	±1,440,000

Secs. 144-150. Comprehensive ACDA Amendment

These sections, sponsored by Senator Humphrey, amend the permanent legislation authorizing and governing operations by the Arms Control and Disarmament Agency.

Section 144 changes ACDA legal mandate from that of being “able” to perform certain arms control functions to that of having “the authority, under the direction of the President and the Secretary of State,” to perform those functions.

Section 145 makes the Director of ACDA a statutory adviser to the National Security Council.

Section 146 establishes requirements concerning the advance analysis of government actions which may affect arms control and disarmament policy and negotiations. The first requirement is that any agency preparing a significant legislative or budgetary proposal concerning military weapons or facilities shall, on a continuing basis, provide the Director with full and timely access to information about such a proposal. This includes programs with an estimated annual cost of \$50 million or a total cost of \$250 million. The second requirement is that the ACDA Director, as he deems appropriate, analyze the effect of such proposals and make appropriate recommendations to the National Security Council, the Office of Management and Budget, and the proposing agency. The third requirement is that requests to Congress for such programs shall include a full statement analyzing their impact. The fourth requirement is that the ACDA Director advise any committee of Congress, when requested to do so on the implications of proposals for which an impact statement has been submitted to Congress.

Sections 147 and 148 authorize the ACDA Director to waive normal security clearance requirements for certain employees who would otherwise be denied access to classified information.

Section 149 reaffirms ACDA's public information function by specifying that the prohibition against domestic ACDA propaganda concerning its own work should not be construed to prohibit the dissemination of public information which is identified in law as a primary ACDA function.

Section 150 broadens the scope of the annual ACDA report to Congress to include:

A complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.

Section 151 requires the involvement of the ACDA Director in all U.S. government decisions concerning arms export licenses, military grant assistance, and military sales.

Sec. 171. Foreign Service Buildings (State Department)

Included in this \$39.6 million item are funds for the capital and operating programs of the State Department's Office of Foreign Building Operations, which is responsible for providing (1) consolidated office space abroad for the Foreign Service and other permanent agencies of the U.S. government operating in cooperation with the Foreign Service; and (1) government-owned furnished residences for Ambassadors, ministers, officers in charge of consular posts, and senior officers at the principal diplomatic missions, as well as for a substantial part of the American diplomatic and consular staff at posts where special housing problems exist. This item is divided into two accounts, regular and foreign currency, with each account divided into a capital and operating program. The foreign currency account is used for FBO programs in those countries whose currency the U.S. holds in quantities classified as excess.

The purpose of the capital program within each account is to study real property needs; to acquire sites or buildings, to contract for the design and construction of buildings; and, when appropriate, to dispose of properties. The purpose of the operating program within each account is to maintain, repair, and make minor improvements to government-owned buildings; to make payments on leases of ten years or more (payments on shorter-term leases are made from the "Administration of Foreign Affairs" item); and to furnish, maintain furniture in, and pay for the State Department's share of the operating expenses of, government-owned and long-term leased properties.

Because the capital programs in the regular and foreign currency accounts use carry-over appropriations, there is not a close parallel between a fiscal year appropriation and the program for that year. As the following table shows, because of the carry-over availability of \$22.7 million for the regular account capital program, the request for fiscal year 1976 authorization of \$39.6 million, which the Committee approved, will provide for a total fiscal year 1976 program of \$62.3 million:

FOREIGN SERVICE BUILDINGS					
[In thousands of dollars]					
	Planned fiscal year 1976 program	Previous appropriation to be used	Fiscal year 1976 request	Committee recommen- dation	Difference
Regular account:					
Capital program.....	22,685	22,685	0	0	0
Operations program.....	29,840	0	29,840	29,840	0
Foreign currency account:					
Capital program.....	6,785	0	6,785	6,785	0
Operations program.....	3,000	0	3,000	3,000	0
Total.....	62,310	22,685	39,625	39,625	0

Sec. 201(a)(1). International Organizations and Conferences (State Department)

Included in this item are funds to pay the regularly assessed U.S. share of contributions to the United Nations, its specialized and associated agencies, and a variety of other international organizations; funds for U.S. contributions to international peacekeeping activities; funds for the expenses of U.S. missions to various international organizations and conferences; and funds for the conduct of U.S. trade negotiations. The following table shows appropriations in this category in fiscal year 1975, the Administration's request for fiscal year 1976, and the Committee's recommendation:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
[In thousands of dollars]				
	Fiscal year 1975	Fiscal year 1976 request	Committee recommen- dation	Difference
Contributions to international organizations.....	203,903	245,707	223,496	-22,211
Contributions for international peacekeeping activities....	5,658	29,400	9,600	-19,800
Missions to international organizations.....	6,708	8,696	8,696	0
International conferences and contingencies.....	6,540	5,840	5,840	0
International trade negotiations.....	1,900	2,596	2,596	0
Total.....	224,709	292,239	250,228	-42,011

The first and major category within this line-item is "Contributions to International Organizations," for which \$245.7 million is requested to provide for U.S. contributions to the UN and its various specialized agencies, to six inter-American organizations, to six regional organizations (including NATO, SEATO, and the OECD), and to nineteen other international organizations. Following is a table detailing contributions funded through this portion of the "International Organizations and Conferences" line-item and comparing fiscal year 1975 contributions with proposed contributions for fiscal year 1976:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS
[In thousands of dollars]

	Fiscal year—	
	1975	1976 request
United Nations (U.N.)	59,555	77,334
United Nations Educational, Scientific and Cultural Organization	15,821	22,211
International Civil Aviation Organization—Budget	2,445	3,765
Joint Financing Program	2,300	1,872
World Health Organization (WHO)	26,802	29,401
Food and Agriculture Organization (FAO)	13,531	13,547
International Labor Organization	11,284	12,371
International Telecommunication Union	1,138	1,250
World Meteorological Organization (WMO)	1,571	1,683
Intergovernmental Maritime Consultative Organization	152	160
Universal Postal Union		168
International Atomic Energy Agency (IAEA)	7,779	7,432
Inter-American Indian Institute	62	62
Inter-American Institute of Agricultural Sciences	3,939	4,510
Pan American Institute of Geography & History	195	195
Pan American Railway Congress	15	15
Pan American Health Organization	13,898	15,862
Organization of American States (OAS)	22,711	25,001
South Pacific Commission	398	457
North Atlantic Treaty Organization	9,763	12,630
North Atlantic Assembly	125	183
Southeast Asia Treaty Organization	469	542
Colombo Plan Council for Technical Cooperation	8	12
Organization for Economic Cooperation and Development (OECD)	7,934	11,175
Interparliamentary Union	75	75
International Bureau for the Permanent Court of Arbitration	2	2
International Bureau for the Protection of Intellectual Property	45	54
International Bureau for the Publication of Customs Tariffs	26	28
International Bureau of Weights and Measures	149	165
International Hydrographic Organization	19	25
International Wheat Council	60	
International Coffee Organization	278	320
International Institute for the Unification Of Private Law	20	23
Hague Conference on Private International Law	21	23
Maintenance of Certain Lights in the Red Sea	6	7
International Bureau of Exhibitions	9	11
Customs Cooperation Council	807	897
Rome (Conservation) Center	70	95
Nice Union	4	4
Locarno Union	3	4
International Organization for Legal Metrology	17	18
International Agency for Research on Cancer	397	430
General Agreement on Tariffs and Trade		1,688
Total	203,903	245,707

In acting on this proposal, the Committee made one reduction: the elimination of all funds proposed for contribution to the United Nations Educational, Scientific and Cultural Organization (UNESCO). Under the provisions of existing law, contributions to that agency are prohibited until the President certifies to Congress that UNESCO has taken satisfactory steps to reverse its recent actions of a political character, focused against Israel. If and when the President is able to make such a certification, the Committee will be prepared to give

prompt consideration to any new request for the authorization of contributions to UNESCO.

The second category within this line-item is "Contributions for International Peacekeeping," for which \$29.4 million was requested to fund U.S. contributions to the International Commission of Control and Supervision (ICCS) in Vietnam and to the UN Peacekeeping Force in Cyprus. Because events have now rendered the contribution to the ICCS unnecessary, the Committee made an appropriate reduction in this category.

The third category within this line-item is "Missions to International Organizations," for which \$8.7 million was requested to fund U.S. Missions to various international organizations such as the United Nations, the Organization of American States, and the Food and Agriculture Organization, as well as the costs of U.S. participation in inter-parliamentary conferences.

The fourth category in this line-item is "International Conferences and Contingencies," for which \$5.8 million was requested and approved to pay for U.S. participation in international conferences (travel, per diem, and administrative costs) and for U.S. contributions to so-called new or provisional international organizations. Of the conferences for which U.S. participation is funded through this category, approximately half are meetings of the United Nations and its specialized agencies; the other half are meetings of regional organizations, commodity groups, and specialized bodies dealing with a variety of economic, political and scientific matters.

The fifth category in this line-item is "International Trade Negotiations," for which \$2.6 million was requested and approved to pay for U.S. participation in the special GATT negotiations which began in Geneva in late 1973. These funds will pay the salaries and administrative expenses of a permanent staff, as well as the logistical expenses of other delegates who may attend periodically.

Sec. 201(a)(2). International Commissions (State Department)

Included in this item are funds to pay U.S. expenses in certain international commissions through which the United States cooperates with other nations (principally Mexico and Canada) in efforts to preserve common resources, protect life and property, maintain boundary areas, and preserve and improve fisheries resources. For this item, the following table shows FY 1975 appropriations, the Administration's FY 1976 request, and the Committee's recommendation:

INTERNATIONAL COMMISSIONS
[In thousands of dollars]

	Fiscal year 1975	Fiscal year 1976 request	Committee recommendation	Difference
International Boundary and Water Commission, United States and Mexico	11,183	13,687	13,687	0
American sections, International Commissions	1,379	1,576	1,576	0
International Fisheries Commissions	4,060	4,730	4,730	0
Total	16,622	19,993	19,993	0

The first category, "International Boundary and Water Commission, United States and Mexico," provides funds both for salaries and routine expenses of the Commission and for Commission projects undertaken to solve problems arising on the United States-Mexico boundary. Such projects include the Lower Rio Grande Flood Control Project, the Settlement of Boundary Disputes Project, and the Tijuana Flood Control Project.

The Second category in this line-item, "American Sections, International Commissions," provides funds for two United States-Canadian commissions: the International Boundary Commission, which maintains markers and clears vegetation along the boundary, and the International Joint Commission, which supervises industrial and commercial activity affecting the quality and level of boundary waters.

The third category in this line-item, "International Fisheries Commissions," provides funds for scientific studies conducted by a number of regional fisheries commissions on the fish resources for which they are responsible. Based on these studies, the various commissions recommend conservation measures to member governments.

Sec. 202. Exception to Limitation on Payments

Beginning on January 1, 1974, U.S. contributions to the UN and its affiliated agencies were limited by law to 25% of the total assessment made by each of those organizations. Subsequently, in P.L. 93-475, Congress authorized a one-year delay of this limitation for contributions to three agencies—the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), and the World Health Organization (WHO)—because the timetables by which those agencies set their assessment scales had not allowed for conformance to the U.S. requirement. However, because delays in the appropriations process have prevented completion of these CY 1974 contributions, the Administration this year requested a further extension, to allow completion of CY 1974 contributions to UNESCO and ICAO if and when funds for that purpose are appropriated. (The request was not made for the CY 1974 contribution to WHO, according to the Administration, because WHO has not yet agreed to lower the U.S. assessment to 25% for years after CY 1974.) This section, which involves no change in the policy approved in P.L. 93-475, provides for that further extension. In approving this section, the Committee notes that even with this extension, the Administration will be unable to complete the CY 1974 contribution to UNESCO unless funds are provided for that purpose; and, as described in the analysis of section 201 (a) (1), those funds have been removed from this bill.

Sec. 203. Exception for International Peace-keeping

Under present law, two general limitations govern U.S. contributions and assessed payments to international organizations:

- (1) payments and contributions carried in the State Department Appropriations Act (with exceptions for payments and contributions to inter-American organizations and the Joint Financing Program of the International Civil Aviation Organization) shall constitute no more than 33 $\frac{1}{3}$ % of the recipient organization's budget; and

- (2) assessed payments to the U.N. or any affiliated agency (with exceptions for the Joint Financing Program of ICAO and for the International Atomic Energy Agency) shall constitute no more than 25% of the recipient organization's total assessment.

These limitations do not apply to voluntary contributions funded through legislation other than the State Department Appropriations Act.

This section, requested by the Administration, adds international peace-keeping activities to the exceptions from these limitations. At present the U.S. is participating in two peacekeeping activities, both sponsored by the U.N.: the Emergency Force in the Middle East (UNEF) and the U.N. Force in Cyprus (UNICYP). The contribution to UNEF is an assessed contribution, and thus subject to the 25% limitation; however, Congress has, for this specific case, authorized an exception. The contribution to UNICYP is a voluntary contribution; heretofore, being carried in the foreign aid appropriations act, it has not been subject to any limitation. This year, however, the Administration has shifted the UNICYP contribution to the State Department authorization and appropriations bills, making it subject to the 33 $\frac{1}{3}$ % limitation.

This section thus serves two purposes: one immediate and one general. The immediate purpose is to allow contributions to UNICYP in excess of 33 $\frac{1}{3}$ %, even though this item is being carried in the State Department appropriations bill. Administration officials believe that a U.S. contribution in excess of 33 $\frac{1}{3}$ % may prove necessary if UNICYP is to continue in effective operation. The general purpose is to remove any future U.S. participation in international peacekeeping activities from percentage limitations. While the Committee intends that the Administration always make every effort to effect fair burden-sharing in all multilateral activities, the Committee recognizes that peacekeeping contingencies may arise which merit and require a major U.S. contribution in excess of the customary limitations on American contributions to multilateral activities.

Sec. 204. Higher Ceiling for Contributions to the Interparliamentary Union

For participation in the Interparliamentary Union, the U.S. expenditures are divided into two parts: (1) the U.S. assessment which provides the U.S. share of the organization's basic operating budget and (2) the expenses of the U.S. delegation to IPU activities. At the present the overall ceiling on such expenditures is \$120,000 with a sub-ceiling of \$75,000 on annual payments for the U.S. assessment. This section, requested by the Administration, would raise the sub-ceiling on annual payments for the U.S. assessment to \$125,000, raising the overall ceiling accordingly to \$170,000—leaving, as before, \$45,000 for the expenses of the U.S. delegation. U.S. expenditures for the IPU were originally authorized in 1935 and the ceiling on annual expenditures has been periodically increased to keep up with inflation. The U.S. assessment covers approximately 19% of the IPU budget.

Sec. 205. United Nations University

This section, sponsored by Senators Clark and Percy, authorizes the appropriation of \$25 million, to be available until expended, for con-

tribution by the United States to the endowment fund of the United Nations University.

Originally proposed by Secretary-General U Thant in 1969, the UN University was formally chartered by the General Assembly in 1973 to deal with "the pressing global problems of human survival, development, and welfare." Rather than a degree-granting institution, the University is conceived to be a worldwide network of advanced study institutes devoted to research, post-graduate training, and dissemination of knowledge. This network, which is yet to be established, is envisioned to be larger in scope and structure than any existing institution for training or research.

The University's overall objective is to focus the best thought throughout the world on the major problems of humanity. These efforts would be strongly oriented toward the needs of developing countries, which is where the major problems are concentrated. The designated subjects of first priority are world hunger, management of natural resources, and human and social development. Among other things, the University is mandated to be an anti-brain-drain agency, enhancing the intellectual resources available to developing countries. Its emphasis is to be on practical problem-solving; and it is responsible for becoming a trusted information source, accessible to people throughout the world.

The University's status is that of an autonomous agency within the United Nations framework. The governing body of the University is its Council, made up of 24 academic leaders and prominent citizens, each from a different country. Council members are expected to serve as individuals, rather than as country representatives. Initial Council members were appointed one year ago; and an executive head of the University, its Rector, was appointed in the fall. The Rector is an American, Dr. James M. Hester. With support from a small group of Vice-Rectors and staff, the Rector will make recommendations to the Council on priority areas for research and training, and on specific projects.

Once fully operational, the University will be composed of both incorporated and associated institutes. Incorporated institutes will be integral parts of the University itself; associated institutes will be joint efforts of the University and other organizations. The Rector will administer projects in the incorporated institutes and will coordinate the University's overall system of incorporated and associated institutes. The University is intended to operate with a minimum of structure and staff, striving to foster productive contacts among the world's leading scientists and scholars.

Financing for the University will come primarily from income from its endowment which—once created—should enable the University to operate with financial, and thus political, independence. Contributions to the endowment are being sought from nations, organizations, and individuals. The initial endowment goal is \$250 million; the ultimate goal is \$500 million. To date, the only sizable contribution has come from Japan, which has pledged \$100 million, to be paid over five years. The Committee believes that the United States

should join with Japan in providing early support for the University and was thus prepared to approve the authorization of a \$25 million contribution has come from Japan, which has pledged \$100 million, to U.S. support for the University, while reserving for Congress the opportunity to evaluate proposals for additional U.S. contributions on the basis of the University's demonstrated ability to fulfill its stated goals.

Sec. 301. United States Information Agency

Included in this section are funds for all of the activities of the United States Information Agency, a total authorization of \$274 million.

The "salaries and expenses" are funds for almost all of USIA's programs and activities: press and publications, motion pictures and television, centers and related activities, and radio broadcasting by the Voice of America. Because many Agency personnel are engaged in activities supporting more than one function, it is not possible to assign exact expenditure levels to any one functional area. A rough estimate, however, would show the following break-down of the \$255.7 million "salaries and expenses" item:

Press and Publications would receive \$54 million, for activities which include the production and dissemination of Agency publications and the effort to encourage accurate and favorable coverage of the U.S. in the foreign press.

Motion Pictures and Television would receive \$28 million, principally for the production and acquisition of a variety of films which are made available to various groups and television stations around the world.

Centers and Related Activities would receive \$97 million, for the operation of overseas information centers, libraries and reading rooms, support for binational centers (which are cultural institutions sponsored jointly by USIA and host countries), the dissemination of books about American life, and overseas support for the State Department's cultural exchange program.

Radio Broadcasting would receive \$78 million, to be used for all activities, other than broadcast facility construction and maintenance, surrounding the operation of the Voice of America broadcasting system.

The following shows the FY1975 appropriation for this item, the Administration's FY1976 request, and the Committee's recommendation:

Salaries and expenses (USIA)

Fiscal year 1975 appropriation.....	\$230,668,000
Fiscal year 1976 request.....	257,692,000
Committee recommendation.....	257,692,000
Difference	0

During the Committee's hearing on that portion of S. 1517 relating to USIA, the Committee heard persuasive testimony as to the importance of broadcasts in Slovenian, which were recently terminated by VOA. The Committee intends that such broadcasts, which have

in the past been budgeted from the "salaries and expenses" account at roughly \$80,000 per year, be reinstated.

In the "special international exhibitions" item are funds for various international exhibitions undertaken by authority of the Mutual Educational and Cultural Exchange Act. Funds for the program are appropriated to the Agency on a no-year (available until expended) basis and may be allocated in part to other agencies for the conduct of collateral activities. The current program focuses on East Europe, the Soviet Union, and Berlin, where exhibitions are conducted featuring various aspects of American life and culture. The FY1976 program, for which \$6.2 million is requested represents a slight reduction from the FY1975 level, is shown below:

Special International Exhibitions (USIA)

Fiscal year 1975 appropriation-----	\$6,841,000
Fiscal year 1976 request-----	6,187,000
Committee recommendation-----	6,187,000
Difference-----	0

In the "acquisition and construction of radio facilities" item are funds appropriated on an available-until-expended basis for use by the Agency in maintaining, and when possible improving, the capabilities of the VOA broadcasting system. The FY1976 request of \$10.1 million includes \$6.8 million for the initial stages of construction of new facilities in the Philippines and \$3.3 million for general maintenance, improvements, and research. The following shows the FY1975 appropriation in this category, the Administration's FY1976 request, and the Committee's recommendation:

Acquisition and construction of radio facilities (USIA)

Fiscal year 1975 appropriation-----	\$4,400,000
Fiscal year 1976 request-----	10,135,000
Committee recommendation-----	10,135,000
Difference-----	0

Sec. 302. Voice of America Charter

This section, sponsored by Senator Percy, places into law the charter of the Voice of America. Originally set forth by executive directive during the Eisenhower Administration, the charter comprises a set of principles intended to govern broadcasts by the Voice of America. In the Committee's view, the broadcasts of VOA can be effective only if they have the respect of their listeners, and such respect can be built only through a tradition of accurate and balanced news presentation. Because the VOA charter expresses this idea clearly, the Committee approved its inclusion in the basic USIA legislation.

Sec. 341. Educational Exchange (State Department)

Included in this line-item are funds for activities conducted under the Mutual Educational and Cultural Exchange Act and for the operation of the Center for Cultural and Technical Interchange between East and West, located in Hawaii. For this item, the following table shows FY1975 appropriations, the Administration's FY1976 request, and the Committee's recommendation:

EDUCATIONAL EXCHANGE

(In thousands of dollars)

	Fiscal year 1975	Fiscal year 1976 request	Committee recommen- dation	Difference
Mutual educational and cultural exchange activities-----	5,380	65,000	65,000	0
Center for Cultural and Technical Interchange between East and West-----	7,400	9,000	9,000	0
United States-Japan friendship activities (foreign cur- rency program)-----	0	15,900	0	-15,000
Total-----	61,780	89,000	74,000	-15,000

In the first category, which is administered by the State Department's Bureau of Educational and Cultural Affairs, the major activity is the exchange-of-persons program. This program, which has traditionally received strong support from the Foreign Relations Committee, is focused primarily on bringing to the United States persons who are influential or potentially influential in their own countries. The time spent in the United States ranges from a few weeks to a year, with the grantee participating in a seminar program or a university year. The program also provides for the sending of Americans to participate in institutions in reciprocating countries. In addition to the exchange program, this item includes funds for aid to American schools abroad, American cultural presentations abroad in the area of the performing arts, and American liaison with UNESCO.

The second category contains funds for the East-West Center, located in Hawaii, which was established by Congress in 1960 as a focal point for private and government-sponsored activities promoting educational and cultural exchange between the United States and the nations of Asia and the Pacific. The Committee notes that the Center is now proposed to become an incorporated, public, non-profit educational organization.

A third category of funding was also proposed by the Administration, which requested authorization to use \$15 million in Japanese currency available in U.S. accounts in Japan as a result of payments by the Government of Japan pursuant to Article V of the U.S.-Japanese Agreement concerning the Settlement of Post-War Economic Assistance, signed in Tokyo on January 9, 1962. These funds are more commonly known as the G.A.R.I.O.A. (Government and Relief in Occupied Areas) Funds and are reserved for educational exchange programs. The Committee deleted this authorization from S. 1517 because the use of these funds for these purposes has already been authorized in S. 824, the U.S.-Japanese Friendship Act, reported by the Committee on June 10, 1975, and passed by the Senate on June 13.

Sec. 371. Board for International Broadcasting

Included in this item are funds for the fiscal year 1976 operations of Radio Free Europe and Radio Liberty, and of the Board for International Broadcasting which makes grants to the radios. Beginning with fiscal year 1976, the radios are operating under unified management. The following shows the fiscal year 1975 appropriation

for this item, the fiscal year 1976 request, and the Committee's recommendation:

Board for International Broadcasting

Fiscal year 1975 appropriation.....	\$49, 800, 000
Fiscal year 1976 request.....	65, 640, 000
Committee recommendation.....	65, 640, 000
Difference.....	0

While the fiscal year 1976 request represents a marked increase over the fiscal year 1975 appropriation, the Committee noted that the increase is in large part attributable to (a) expenses necessitated by recent U.S. and West German pension reform legislation, and (b) expenses incurred in the course of personnel reductions and management consolidation, both of which should eventually produce savings in the costs of the radios' operations. The Committee expects that the fiscal year 1977 request for the radios will, in some measure, reflect these economies.

Sec. 401. Standards for FSR Hiring and Conversion

This section, sponsored by Senator Pell, is intended to improve the Foreign Service by requiring the Secretary of State to establish regulations incorporating the merit principle in the procedures by which Foreign Service Reserve officers are hired, assigned, promoted, and converted to career status. The Committee recognizes that some Foreign Service Reserve officers are hired in anticipation of their subsequent conversion to career status, while some are hired only on a temporary basis, and that any merit-hiring or competitive procedures must accommodate this distinction. The Committee believes, however, that the need for different standards for different personnel categories should not prevent the Department from insuring that, within any category, the merit principle has been observed.

In the requirement of this section for a generalized application of the merit principle, two exceptions have been allowed. The first, which applies to those Reserve officers hired prior to enactment of this section, allows their conversion to career status in accordance with previously announced Departmental policy rather than the new merit principle procedures. Because the law requires that Reserve officers be converted to career status within five years of their entry into the Reserve, this exception will have significance for no longer than five years.

The second exception, a permanent one, allows merit-hiring procedures to be by-passed for a limited number of persons brought into the Reserve to fill policy support or confidential employee positions. Unlike other agencies, the State Department does not have an allocation of Schedule C positions from the Civil Service; and Schedule C-type appointments to the Foreign Service Reserve have traditionally served this function. Because the Committee believes that the Department should retain the administrative flexibility to continue to make a limited number of such appointments, this section allows merit procedures to be by-passed for the hiring of Foreign Service officers in policy support or confidential employee positions, provided that, beginning in fiscal year 1977, no more than 50 such persons may serve in the Department at any one time. (According to the Department, there are now 51 such persons.) The section also requires the Secretary of State

to transmit to Congress an annual report on his use of this authority to by-pass merit-hiring procedures.

Sec. 402. Assignments to Public Organization

Last year, through a provision of the fiscal year 1975 State Department-USIA Authorization Act, Congress established the requirement that each year at least fifty Foreign Service officers be given one-year assignments—on a non-reimbursable basis—to State and local governments, public schools, community colleges, and other “grass roots” organizations. The assignments were to be given to officers between their eighth and fifteenth years of service, the purpose being to provide a broadening experience in mid-career.

As originally proposed by Senator Pearson, and approved by the Committee and the Senate, such mid-career assignments would be for two years and would be required for *all* FSOs and FSIOs. The reason for the inclusion of all officers was given in the Committee's report:

At present, Foreign Service duty is generally limited to assignments in U.S. embassies abroad and in the State Department in Washington, and it is rare that a Foreign Service officer has either the opportunity or the incentive to spend any period of time outside the narrow functional “cone” through which he advances in rank and importance. This section is intended to provide a period of two years—some-time between each officer's eighth and 15th years of service—during which he may and will, without jeopardy to his career, step outside the cone and into an entirely different kind of activity that will broaden his perspective and enhance his sensitivity to the nation he serves . . . The Committee recognized that the Department has in the past requested an expansion of this authority to allow the assignment of officers to state and local governments; but Committee Members expressed doubt that such authority alone would result in the Department incorporating into its personnel assignment practices the kind of “other-service sabbatical” system which this section envisions. Foreign Service officers, like military officers, regard a period of duty away from the mainstream as a potential hazard on the path of promotion, and are therefore generally reluctant to seek or accept such assignments. Under present circumstances, the Committee recognizes such concern is not without foundation; and the Committee believes that only a mandatory system, affecting all officers, can remove the inequalities and apprehensions currently associated with assignments outside the traditional advancement pattern.

During the House-Senate conference, the broad coverage of the provision was eliminated and replaced by the reduced requirement that such assignments be given to “at least 50” FSOs (and FSIOs) per year; the required assignments were also reduced in length from two years to one year. As so amended, the provision then became law.

This year, through its proposed bill, the Administration requested a further amendment of the provision. The principal element of the Administration's proposal was that the authority for such assignments be retained, but that any requirement for its exercise be eliminated. Department representatives also indicated the Department's de-

sire that the authority be broadened to allow assignments in offices of the Congress.

In considering this request, the Committee again found persuasive the premise behind Senator Pearson's original conception—that such assignments would be most effective in strengthening the Foreign Service if they were a career requirement for all Foreign Service officers. Thus, rather than approving a further weakening of the provision, the Committee supported a new formulation proposed by Senator Pearson, the effect of which is to move the provision back in the direction of its original design. The following table compares the provision as enacted last year, the Administration's proposed amendments (including the informal request that assignments to Congress be authorized), and the Pearson amendment as approved this year by the Committee:

Existing law	Administration request	Committee recommendation
At least 50 FSO's per year shall be assigned.	Eliminate any required level of participation.	All FSO's shall receive such assignments sometime before their 15th yr. Applies to all FSO's who reach their 10th yr of service after Oct. 1 1975 (this allows for a phase-in of the program).
	Include Congress in the assignments authorized by this provision.	Include Congress, but limit this to 20 percent of the program and prohibit assignments to the foreign affairs committees. Secretary may exempt individual FSO's from requirement with determination of national interest. Secretary shall report annually on actions under this authority (report will include explanation of any exemptions).
Assignments to be made between 8th and 15th yr of service.	Anytime before 15th yr.	Accept administration request.
Assignments to be made between 8th and 15th yr of service.	Anytime before 15th yr.	Accept administration request.
Duration of assignment is 1 yr.	Allow longer if appropriate.	Accept administration request.
Assignments shall be on a nonreimbursable basis.	Allow reimbursement.	Accept administration request.
Assignments shall be in United States.	Include U.S. territories and possessions.	Accept administration request.
FSO's may not state a geographical preference.	Allow such a statement.	Accept administration request.
Assignment is not counted as time toward selection out.	Count assignment as time toward selection out.	Accept administration request.

Sec. 403. Technical Amendments

This section, requested by the Administration, contains three technical amendments relating to personnel administration. The first eliminates the existing requirement that, following each promotion, every Foreign Service officer re-execute affidavits concerning bribery, loyalty, and striking against the Government. The Committee approved eliminating this requirement as a means of reducing unnecessary paperwork. The second shifts the effective date of within-grade salary increases in the Foreign Service from the first day of a fiscal year to the first pay period after July 1 of each year. This change was requested by the Administration in order to eliminate the expense of administering pay changes in the middle of pay periods, and also to accommodate the shift in the fiscal year's beginning from July 1 to October 1, which will take effect in 1976. The third change made by this section is to allow a new Foreign Service officer to receive credit toward his first

within-grade salary increase for prior Federal service, if he did not receive the equivalent of a step increase upon appointment as an FSO.

Sec. 404. Foreign Service Grievance Procedure

This section, which with slight variation has already passed the Senate three times, is intended to establish a fair grievance procedure for all Foreign Service personnel and their survivors.

The key element in this procedure is a distinguished, impartial Grievance Board which would be established to hear and act on all grievances brought to it by Foreign Service employees or their survivors after informal procedures for relief had proven unsatisfactory. The Board would consist of three members: one appointed by the Secretary of State, one appointed by the recognized employee's representative organization, and the third appointed by agreement of the first two from a roster of twelve persons previously selected by mutual agreement. No officer or employee of the State Department, the Foreign Service, AID, or USIA would be eligible for Board membership. Board members would serve two-year terms, and additional three-man panels would be appointed to the Board if the workload of grievance cases so required.

The Board would be required to conduct a hearing on any case filed with it, and such hearings would be open unless the Board determined otherwise. Any grievant, witness, or other person involved in a proceeding before the Board would, in the language of the provision, "be free from any restraint, interference, coercion, discrimination or reprisal." During any proceeding, the grievant would have the right to representation, the right of access to documents relevant to the grievant's case, and the right to call relevant witnesses from the State Department or other agencies and to cross-examine those provided by the other side.

In cases directly involving promotion, assignment, or selection-out, the Board would certify its resolution to the Secretary of State together with recommendations for relief. Those recommendations would then be final and binding on all parties, except that the Secretary could reject a recommendation by determining and fully explaining that such recommendation would adversely affect the foreign policy or security of the United States. For other cases—those not relating to promotion, duty assignment, or selection-out—the Board's determination would be final and binding on all parties, without qualification.

Any action taken by the Board or the Secretary would be subject to judicial review.

For the implementation of this provision, the Secretary would be required, within 90 days of enactment, to establish implementing regulations and to make his appointment to the Board.

Sec. 405. Pre-departure Lodging Allowance

This section, sponsored by Senator Clark, authorizes provision of a pre-departure housing allowance to Foreign Service officers being assigned abroad. Under current law, allowance is provided for the expenses incurred by a government employee in moving his family and household effects to a foreign post and in obtaining temporary lodging, if necessary, before moving into permanent quarters. However, for

temporary lodging in the United States between the time the employee ships his effects and the time of his actual departure, no allowance is provided for Foreign Service officers, although there is such an allowance for Civil Service personnel. This provision would eliminate that disparity by authorizing such an allowance for Foreign Service officers. The annual cost of this provision, as estimated by the State Department, is \$132,000, payable from the "Salaries and Expenses" account.

Sec. 406. Authority for the Carrying of Firearms

This section, requested by the Executive Branch, authorizes certain officers and employees of the State Department, under regulations established by the Secretary, to carry firearms for the purpose of protecting U.S. and foreign officials, both in the United States and abroad. The section also requires the Secretary of State to transmit these regulations to the Congress at least 20 days before they are to take effect.

Sec. 407. Plan for Improving Personnel System

This section, initiated by Senator Pell, is intended to establish a Congressional mandate for a thorough review and appropriate revision of the Foreign Service personnel system. The language of the section is self-explanatory:

"It is the sense of Congress that the proliferation of personnel categories within the State Department and the United States Information Agency—the several categories being characterized by various standards for hiring, tenure, and pay—has resulted in a personnel system susceptible to inefficiency, inequity, and abuse. Therefore, within 120 days of the enactment of this act, the Secretary of State shall present to Congress a comprehensive plan for the improvement and simplification of this system, such plan to include a reduction in the number of personnel categories, and proposed legislation if necessary."

Sec. 451. Transfer of Appropriation Authorization

This section provides that any unappropriated portion of one of the five State Department authorization items contained in sections 101 (a), 201 (a), 301 (a), 341 (a), and 453 (b) of this bill may be considered an authorization for another of those items, provided that no item is increased by more than 10 percent.

Sec. 452. Higher Ceiling for Expenditures on the Rio Grande Canalization Project

The Rio Grande Canalization Project, under the jurisdiction of the International Boundary and Water Commission, was authorized in 1936 and completed in 1943 at a cost of the nearly \$4 million which had been authorized for that purpose. Improvements are now necessary along three short segments of the 105-mile project in order to maintain the same degree of flood protection originally provided. This section, requested by the Administration, would allow this additional construction by raising the originally authorized level of cumulative expenditure from \$4 million to \$5.5 million. Of this additional \$1.5 million, \$350,000 has been budgeted for FY 1976 and is included in authorization for "International Commissions" contained in section 201.

Sec. 453. Migration and Refugee Assistance (State Department)

Included in this item are funds for a variety of programs which assist international refugees and migrants. Some of these funds are used for contributions to standing agencies, namely, the International Committee of the Red Cross, the Intergovernmental Committee for European Migration, and the UN Commissioner for Refugees. Other funds, carried under the general heading of the United States Refugee Program, are used to support a variety of voluntary agencies and religious and ethnic groups engaged in refugee assistance. Funds provided under this category are administered by the Special Assistant to the Secretary for Refugee and Migration Affairs. The following shows the FY 1975 appropriation in this category, the Administration's FY 1976 request, and the Committee's recommendation:

Migration and refugee assistance (State Department)

Fiscal year 1975 appropriation	\$8,420,000
Fiscal year 1976 request	10,100,000
Committee recommendation	10,100,000
Difference	0

In addition to this \$10.1 million item, this section includes an authorization, initiated by Senator Javits, for \$20 million to provide assistance to refugees from the Soviet Union and the communist countries of Eastern Europe. Through Congressional initiative, the Foreign Relations Authorization Act of 1972 authorized "assistance to Israel or another suitable country, including assistance for the resettlement in Israel or such country of Jewish or other similar refugees from the Union of Soviet Socialist Republics." In fiscal years 1973, 1974, and 1975, funds were authorized and appropriated for this purpose. This section providing funds for FY 1976, would extend the coverage of the program to include refugees from Eastern Europe as well as the Soviet Union, while specifying that no more than 20% of the funds appropriated be used to settle refugees in any country other than Israel.

Beyond the \$10.1 million regular appropriation and the \$20 million Congressionally-initiated program, this section includes an authorization of appropriations, initiated by Senator McGee, for the establishment and maintenance of a new \$25 million United States Emergency Refugee and Migration Assistance Fund to be available to meet unexpected urgent refugee and migration needs. Under present law, if the President determines it to be important to the national interest, the Administration may transfer as much as \$10 million of foreign aid funds to augment funds appropriated explicitly for migration and refugee assistance. This year the Administration requested that this transfer authority be increased from \$10 million to \$25 million. This section, establishing a standing emergency Fund, represents an alternative to the transfer authority approach. Once created through this authorization and the necessary appropriation, the Fund would be available to meet emergency needs as determined by the President. For specific uses of the Fund, Congressional oversight would be retrospective, with justifications being sent to the foreign affairs and appropriations committees after the event. Over the longer run, however,

the need for appropriations to replenish the Fund should enable Congress to maintain control and effective oversight.

Sec. 454. UN Assistance on MIA's

This section instructs the President to direct the United States Ambassador to the United Nations to "insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces missing in action in Southeast Asia and to call on North Vietnam to comply with the provisions of the Paris agreement."

Sec. 455. Control of Military Forces in the Indian Ocean

This section declares the sense of Congress that the President should undertake to enter as soon as possible into comprehensive negotiations with the Soviet Union "intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union in the Indian Ocean and littoral countries." The provision also requires the President to report to Congress by July 1, 1976, on steps he has taken to achieve the negotiations envisioned in the Congressional declaration.

CHANGES IN EXISTING LAW

Paragraph 4 of rule XXIX of the Standing Rules of the Senate requires that changes in existing law be shown in the report on any bill reported from Committee. Due, however, to the exigencies surrounding the printing of this bill for its timely consideration by the Senate, compliance with this rule could not be accomplished.



FOREIGN AFFAIRS AUTHORIZATION BILL, FISCAL YEAR 1976

SEPTEMBER 8, 1975.—Ordered to be printed

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

REPORT

[To accompany S. 1517]

CHANGES IN EXISTING LAW

In compliance with paragraph 4 of rule XXIX 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) :

ACT OF AUGUST 1, 1956, AS AMENDED (22 U.S.C. 2669)

* * * * *

Sec. 17. The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5, United States Code, incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States.

Sec. 18. It is sense of Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of partisan political activity or financial contributions to political campaigns.

ARMS CONTROL AND DISARMAMENT ACT (22 U.S.C. 2551)

* * * * *



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 Act 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 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 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 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 and disarmament policy must be based. **[It must be able]** *It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:*

- (a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;
- (b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
- (c) The dissemination and coordination of public information concerning arms control and disarmament; and
- (d) 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 and disarmament activities.

* * * * *

DIRECTORS

SEC. 22. The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act. He shall be appointed by the President, by and with the advice and consent of the Senate.

* * * * *

ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

SEC. 36. (a) *In order to assist the Director in the performance of his duties with respect to arms control 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 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 annual program cost in excess of \$50,000,000, or*

(2) *any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations.*

shall, on a continuing basis, provide the Director 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.

(b) (1) *The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.*

(2) *Any request to the Congress for authorization or appropriations for—*

(A) *any program described in subsection (a) (1), or*

(B) *any program described in subsection (a) (2) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.*

(3) *Upon the request of any appropriate committee of either House of Congress, the Director shall, after informing the Secretary of State, advise the Congress on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).*

(c) *No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).*

* * * * *

SECURITY REQUIREMENTS

SEC. 45. (a) *The Director 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. [The Director] *Except as provided in subsection (d), the Director 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 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 for final determination. [No person] 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, and the Director 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 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 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 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: Provided, That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a), the Director 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 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, 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 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 contractor 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 in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.*

* * * * *

APPROPRIATION

SEC. 49 (a) There are hereby authorized to be appropriated not to exceed \$10,000,000 to remain available until expended, to carry out the purposes of this Act. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of \$20,000,000, and for the three fiscal years 1966 through 1968, the sum of \$30,000,000, and for the two fiscal years 1969 through 1970, the sum of \$18,500,000, and for the two fiscal years 1971 and 1972, the sum of \$17,500,000, and for the two fiscal years 1973 and 1974, the sum of \$22,000,000, and for the fiscal year 1975, the sum of \$10,100,000, and for fiscal year 1976, the sum of \$12,130,000 to remain available until expended, to carry out the purposes of this Act. Notwithstanding any other provisions of this Act, not more than \$7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other

government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this Act.

(b) Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

(c) Not more than 20 percentum of any appropriation made pursuant to this Act shall be obligated and/or reserved during the last month of a fiscal year.

(d) [None] *Except as may be necessary to carry out the purposes of this Act specified under section 2(c), none of the funds herein authorized to be appropriated shall be used to pay for the dissemination within the United States of propaganda concerning the work of the United States Arms Control and Disarmament Agency.*

REPORT TO CONGRESS

SEC. 50. The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency. *Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.*

* * * * *

THE MUTUAL SECURITY ACT OF 1954, AS AMENDED

* * * * *

SEC. 414. MUNITIONS CONTROL.—(a) The President is authorized to control, in furtherance of world peace and the security and foreign policy of the United States, the export and import of arms, ammunition, and implements of war, including technical data relating thereto, other than by a United States Government agency. The President is authorized to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section.

(b) As prescribed in regulations issued under this section, every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war, including technical data relating thereto, designated by the President under subsection (a) shall register with the United States Government agency charged with the administration of this section, and, in addition, shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State or local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance program of the United States, whether or not advanced in value or improved in condi-

tion in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

(c) Any person who willfully violates any provision of this section or any rule or regulation issued under this section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000 or imprisoned not more than two years, or both.

(d) This section applies to and within the Canal Zone.

(e) Licenses issued for the export of articles on the United States Munitions List in excess of \$100,000 shall be reported promptly to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, which report shall contain—

- (1) the items to be exported under the license;
- (2) the quantity of each such item to be furnished;
- (3) the name and address of the consignee and of the ultimate user of each such item; and
- (4) an injunction whenever appropriate, concerning the necessity to protect the confidentiality of the information provided.

(f) *Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.*

THE FOREIGN MILITARY SALES ACT, AS AMENDED

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SEC. 42. GENERAL PROVISIONS.—(a) In carrying out this Act, 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 Act, there shall be taken into consideration (1) 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, (2) the portion of the defense articles so manufactured which is of United States origin and [(3)] (3) *in coordination with the director of the United States Arms Control and Disarmament Agency, the Director's opinion as to the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of*

conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

* * * * *

THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

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SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall [take into account] be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to whether such assistance will—

- (1) contribute to an arms race;
- (2) increase the possibility of outbreak or escalation of conflict; or
- (3) prejudice the development of bilateral or multilateral arms control arrangements.

* * * * *

FOREIGN SERVICE BUILDINGS ACT OF 1926, AS AMENDED (22 U.S.C. 295)

* * * * *

SEC. 4. (g) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed \$2,190,000, of which not to exceed \$631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed \$375,000, of which not to exceed \$240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed \$4,780,000, of which not to exceed \$204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed \$2,585,000, of which not to exceed \$985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed \$3,518,000, of which not to exceed \$2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed \$45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed \$318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this Act for fiscal years 1974 and 1975, \$48,532,000, of which not to exceed \$23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums:

(A) for use in the Near East and South Asia, \$3,985,000 for the fiscal year 1976; and

(B) for facilities for the United States Information Agency, \$2,800,000 for the fiscal year 1976;

(2) for use to carry out the other purposes of this Act for fiscal year 1976, \$32,840,000.

[(h)] (i) Sums appropriated under authority of this Act shall remain available until expended. To the maximum extent feasible, expenditures under this Act shall be made out of foreign currencies owned by or owed to the United States.

[(2)] Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), and (g) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any such paragraphs (1).]

(2) Not to 20 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of paragraph (1) of any such subsection.

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

* * * * *

PUBLIC LAW 92-544 (86 STAT. 1109, 1110)

* * * * *

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

* * * Provided, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization [except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization]. Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33 $\frac{1}{3}$ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements.

ACT OF JUNE 28, 1935, AS AMENDED (U.S.C. 276)

AN ACT To authorize participation by the United States in the Interparliamentary Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an appropriation of ~~[\$120,000]~~ \$170,000 annually is authorized, ~~[\$75,000]~~ \$125,000 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$45,000, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

* * * * *

UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948, AS AMENDED

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SEC. 503. The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will govern Voice of America (VOA) broadcasts:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion on these policies.

BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973, AS AMENDED (22 U.S.C. 2877(a))

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FINANCING AND IMPLEMENTATION

SEC. 8. (a) There are authorized to be appropriated, to remain available until expended, ~~[\$49,990,000 for fiscal year 1975, of which not less than \$75,000 shall be available solely to initiate broadcasts in the Estonian language and not less than \$75,000 shall be available solely to initiate broadcasts in the Latvian language.]~~ \$65,640,000 for the fiscal year 1976. There are authorized to be appropriated for fiscal year ~~[1975]~~ 1976 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

* * * * *

FOREIGN SERVICE ACT OF 1946, AS AMENDED

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PART C—FOREIGN SERVICE RESERVE OFFICERS

ESTABLISHMENT OF RESERVE

SEC. 521. In accordance with the terms of this Act and under such regulations as the Secretary shall prescribe, there shall be organized and maintained a Foreign Service Reserve, referred to hereafter as the Reserve.

APPOINTMENTS AND ASSIGNMENTS TO THE RESERVE

SEC. 522. (a) Whenever the services of a person who is a citizen of the United States and who has been such for at least five years are required by the Service, the Secretary may—

(1) appoint as a Reserve officer for nonconsecutive periods of not more than five years each, a person not in the employ of the Government whom the Board of the Foreign Service shall deem to have outstanding qualifications;

(2) assign as a Reserve officer for nonconsecutive periods of not more than five years each a person regularly employed in any Government agency, subject, in the case of an employee of a Government agency other than the Department of State, to the consent of the head of the agency concerned; and

(3) extend the appointment or assignment of any Reserve officer, or continue the services of any such Reserve officer by reappointment without regard to the provisions of section 527 of this Act, for not more than five additional years if the Secretary deems it to be in the public interest to continue such officer in the Service, except that the assignment of any Reserve officer under paragraph (2) above may not be extended under the provisions of this paragraph without the consent of the head of the agency concerned; except that the authority contained in this paragraph relating to extending the appointment of any Reserve officer, and to continuing the services of any such Reserve officer by reappointment, shall not be applicable to the Department of State and the United States Information Agency.

(b) *The Secretary of State shall by regulation establish procedures to insure that—*

(1) all persons hired as Foreign Service Reserve officers are selected in accordance with generally established merit-hiring principles, intended to assure that the best available personnel are hired as such officers;

(2) all Foreign Service Reserve officers are assigned and promoted on a strictly competitive basis in accordance with recognized merit standards; and

(3) all Foreign Service Reserve officers are selected for conversion to career status on the basis of (A) merit standards and the needs of the Service, or (B) for officers hired prior to the enactment of this section, policies announced by the Department of State.

(c) *The Secretary of State is authorized to employ and assign persons to serve as Foreign Service Reserve officers in policy support or confidential employee positions without regard to subsection (a) of this section or any provision of law relating to employee classification, except that on and after October 1, 1976, not more than 50 such persons may serve at the same time in the Department of State in such positions. The Secretary of State shall transmit as a part of the annual budget presentation materials to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report concerning any assignments made under the authority of this section.*

* * * * *

ASSIGNMENTS TO PUBLIC ORGANIZATIONS

SEC. 576. [(a) Not less than fifty Foreign Service officers shall, between their eighth and fifteenth years of service as such officers, be assigned in the continental United States during each fiscal year for significant duty with State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. Such assignment shall be for twelve consecutive months. Each such Foreign Service officer shall be entitled to state a preference with respect to the type of public organization to which he would like to be assigned but may not state a preference with respect to the geographical location to which he would like to be assigned.]

(a)(1) *Each Foreign Service officer shall, before his fifteenth year of service as an officer, be assigned in the United States for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member or office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than twenty percent may be assigned to Congress, and no officer assigned to Congress may serve as a staff member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives.*

(2) *To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers and employees.*

(b) A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned. [However, any period of time an officer is assigned under this section shall not be included as part of any period that the officer has remained in a class for purposes of determining whether he is to be selected out under section 633 of this Act, or regulations promulgated pursuant thereto. The salary of the officer shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service.]

(c) Any period of time that a Foreign Service officer serves on an assignment under this section shall also be considered as a period of time that the officer was assigned for duty in the continental United States for purposes of section 572 of this Act.

(d) For purposes of this section—

(1) "State" means—

(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

(2) "local government" means—

(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

(e) *Not later than six months after the date of enactment of this section, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.*

(f) *The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975. The Secretary may exempt any Foreign Service officer from the provisions of this section if he determines such exemption to be in the national interest; however, he shall include a full explanation of any such determination in the annual report to the Congress required under subsection (e) of this section.*

* * * * *

PART C—PROMOTION OF FOREIGN SERVICE OFFICERS AND FOREIGN SERVICE RESERVE OFFICERS

PROMOTION OF FOREIGN SERVICE OFFICERS BY SELECTION

SEC. 621. All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe, by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit. *A Foreign Service officer who has executed the affidavits described in 5 U.S.C. 3332 and 3333 shall not again be required to execute such affidavits upon successive promotions to higher classes without a break in service.*

* * * * *

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

SEC. 625. [Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law.

the Secretary is authorized to grant to any such officer additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.]

Any Foreign Service officer or any reserve officer whose services meet the standards required for the efficient conduct of the work of the Service and who has been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which he is serving. Credit may be granted in accordance with such regulations as the Secretary may prescribe toward such nine-month period for prior Federal or District of Columbia civilian Government service performed subsequent to the officer's last receipt of an equivalent increase in pay and subsequent to any break in service in excess of three calendar days. Without regard to any other provision of law, the Secretary is authorized to grant to any such officer additional increases in salary, within the salary range established for the class in which he serves, based upon especially meritorious service.

* * * * *

Part J—Foreign Service Grievances

STATEMENT OF PURPOSE

Sec. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure the fullest measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

REGULATIONS OF THE SECRETARY

Sec. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or amend the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

(1) Informal procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not resolved under such procedures within sixty days, or if no such procedures have been so established, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

(A) "grievant" shall mean any officer or employee of the Service, or any such officer or employee separated from the Service, who is a citizen of the United States, or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee; and

(B) "grievance" shall mean a complaint against any claim of injustice or unfair treatment of such officer or employee arising from his employment or career status, or from any actions, documents, or records, which could result in career impairment or damage, monetary loss to the officer or employee, or deprivation of basic due process, and shall include, but not be limited to, actions in the nature of reprisals and discrimination, actions related to promotion or selection out, the contents of any efficiency report, related records, or security records, and actions in the nature of adverse personnel actions, including separation for cause, denial of a salary increase within a class, written reprimand placed in a personnel file, or denial of allowances; and

(C) "foreign affairs agency", "agency", and "agencies" shall mean the Department of State, the United States Information Agency, and the Agency for International Development.

(2) (A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the United States Information Agency. The board shall consist of a panel of three members, one of whom shall be appointed by the Secretary, one of whom shall be appointed by the organization accorded recognition as the exclusive representative of the officers and employees of the Service, and one who shall be appointed by the other two members from a roster of twelve independent, distinguished citizens of the United States well known for their integrity who are not officers or employees of the Department, the Service, or either such agency, agreed to by the Secretary and such organization. Such roster shall be maintained and kept current at all times. If no organization is accorded such recognition at any time during which there is a position on the board to be filled by appointment by such organization or when there is no such roster since no such organization has been so recognized, the Secretary shall make any such appointment in agreement with organizations representing officers and employees of the Service. If members of the board (including members of additional panels, if any) find that additional panels of three members are necessary to consider and resolve expeditiously grievances filed with the board, the board shall determine the number of such additional panels necessary, and appointments to each such panel shall be made in the same manner as the original panel. Members shall (i) serve for two-year terms, and (ii) receive compensation, for each day they are performing their duties as members of the board (including traveltime), at the daily rate paid an individual at GS-18 of the General Schedule under section 5332 of title 5, United States Code. Whenever there are two or more panels, grievances shall be referred to the panels on a rotating basis. Except in the case of duties, powers, and responsibilities under this paragraph (2), each panel is authorized to exercise all duties, powers, and responsibilities of the board. The members of the board shall elect, by a majority of those members present and voting, a chairman from among the members for a term of two years.

(B) In accordance with this part, the board may adopt regulations governing the organization of the board and such regulations as may be

necessary to govern its proceedings. The board may obtain such facilities and supplies through the general administrative services of the agencies, and appoint and fix the compensation of such officers and employees as the board considers necessary to carry out its functions. The officers and employees so appointed shall be responsible solely to the board. All expenses of the board shall be paid out of funds appropriated to the agencies for obligation and expenditure by the board. The records of the board shall be maintained by the board and shall be separate from all other records of the agencies.

(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is filed within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is filed within a period of five years after the date of enactment of this part. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if it had exercised, as determined by the board, reasonable diligence.

(4) The board shall conduct a hearing in any case filed with it. A hearing shall be open unless the board for good cause determines otherwise. The grievant and, as the grievant may determine, his representative or representatives are entitled to be present at the hearing. Testimony at a hearing shall be given by oath or affirmation, which any board member shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board or grievant, the agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the agencies, except that if the board determines that the presence of such witness at the hearing would be of material importance, then the witness shall be made available at the hearing. If the witness is not made available in person or by deposition within a reasonable time as determined by the board, the facts at issue shall be construed in favor of the grievant. Depositions of witnesses (which are hereby authorized, and may be taken before any official of the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer) and hearings shall be recorded and transcribed verbatim.

(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding before the board, shall be free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the agencies shall be

granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

(6) In considering the validity of a grievance, the board shall have access to any document or information considered by the board to be relevant, including, but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer (if the subject matter of the grievance relates to that rating or reviewing officer). Any such document or information requested shall be provided promptly by the agencies. A rating officer or reviewing officer shall be informed by the board if any report for which he is responsible is being examined.

(7) The agencies shall promptly furnish the grievant any such document or information (other than any security record or the personnel or security records of any other officer or employee of the Government) which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding.

(8) The agencies shall expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

(9) The board may consider any relevant evidence or information coming to its attention and which shall be made a part of the records of the proceeding.

(10) If the board determines that (A) a foreign affairs agency is considering any action (including, but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance.

(11) Within 60 days after the conclusion of any hearing, the board shall make written findings and issue a statement of reasons for its conclusion. If the board resolves that the grievance is meritorious—

(A) and determines that relief should be provided that does not directly relate to the promotion, assignment, or selection out of such officer or employee, it shall direct the Secretary to grant such relief as the board deems proper under the circumstances, and the resolution and relief granted by the board shall be final and binding upon all parties; or

(B) and determines that relief should be granted that directly relates to any such promotion, assignment, or selection out, it shall certify such resolution to the Secretary, together with such recommendations for relief as it deems appropriate and the entire record of the board's proceedings, including the transcript of the hearing, if any. The board's recommendations are final and binding on all parties, except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the United States will be adversely affected. Any such determination shall be fully documented with the reasons therefor and shall be signed personally by the Secretary, with a copy thereof furnished the grievant. After completing his review of the resolution, recommendation, and record of proceedings of the board, the Secretary shall return the entire record of the case to the board for its retention. No officer or employee of an agency participating in a proceeding on behalf of an agency shall, in any

manner, prepare, assist in preparing, advise, inform, or otherwise participate in, any review or determination of the Secretary with respect to that proceeding.

(12) The board shall have authority to insure that no copy of the Secretary's determination to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of such officer or employee to whom the grievance relates or anywhere else in the records of the agencies, other than in the records of the board.

(13) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered relevant evidence not previously considered by the board and then only upon approval of the board.

(14) The board shall promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies, or procedures contained in this part or in regulations promulgated under this part.

RELATIONSHIP TO OTHER REMEDIES

Sec. 693. If a grievant files a grievance under this part, and if, prior to filing such grievance, he has not formally requested that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, then such matter or matters may only be considered and resolved, and relief provided, under this part. A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, and the matter has been carried to final adjudication thereunder on its merits.

JUDICIAL REVIEW

Sec. 694. Notwithstanding any other provision of law, regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and actions of the Secretary or the board pursuant to such section, may be judicially reviewed in accordance with the provisions of chapter 7 of title 5, United States Code.

TITLE 5, UNITED STATES CODE

§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia.

(2) A transfer allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing himself at a post of assignment in—

[(A) a foreign area; or]

(A) a foreign area (including costs incurred in the United States prior to departure for a post of assignment in a foreign area); or

(B) the United States between assignments to posts in foreign areas.

(3) A separate maintenance allowance to assist an employee who is compelled, because of dangerous, notably unhealthful, or excessively adverse living conditions at the employee's post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expenses of maintaining, elsewhere than at the post, the employee's spouse or dependents, or both.

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary expenses, not otherwise compensated for, incurred because of his service in a foreign area or foreign areas in providing adequate education for his dependents, as follows:

(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States, plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the nearest locality where adequate schools are available, without regard to section 529 of title 31. The amount of the allowance granted shall be determined on the basis of the educational facility used.

(B) The travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary or undergraduate college education, not to exceed one annual trip each way for each dependent of an employee of the Department of State or the United States Information Agency, or one trip each way for each dependent of any other employee for the purpose of obtaining each type of education. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining undergraduate college education, may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone.

ACT OF JUNE 28, 1955 (22 U.S.C. 2666)

AN ACT To authorize certain officers and employees of the Department of State and the Foreign Service to carry firearms

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, [under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, high officials of foreign governments and other distinguished visitors to the United States, the Secretary of State, and the Under Secretary of State, and official representatives of foreign governments and of the United States attending international conferences, or performing special missions.]

Under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than 20 days before the date on which such regulations take effect.

* * * * *

ACT OF JUNE 4, 1936 (41 STAT. 1463)

AN ACT Authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the completion of the engineering investigation, study, and report to the Secretary of State, as heretofore authorized by Public Resolution Numbered 4, Seventy-fourth Congress, approved February 13, 1935, the Secretary of State, acting through the American Section, International Boundary Commission, United States and Mexico, in order to facilitate compliance with the convention between the United States and Mexico concluded May 21, 1906, providing for the equitable division of the waters of the Rio Grande, and to properly regulate and control, to the fullest extent possible, the water supply for use in the two countries as provided by treaty, is authorized to construct, operate, and maintain, in substantial accordance with the engineering plan contained in said report, works for the canalization of the Rio Grande from Caballo Reservoir site in New Mexico to the international dam near El Paso, Texas, and to acquire by donation, condemnation, or purchase such real and personal property as may be necessary therefore.

Sec. 2. There is authorized to be appropriated the sum of [\$3,000,000] \$4,500,000 for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents; travel expenses; per diem in lieu of actual subsistence; printing and binding, law books, and books of reference: Provided, That the amount herein authorized to be appropriated shall include so much as may be necessary for completion of construction of the diversion dam in the Rio Grande wholly in the United States, in addition to the \$1,000,000 authorized to be appropriated for this purpose by the Act of August 29, 1935 (49 Stat. 961); Provided further, That the total cost of construction of said diversion dam and canalization works shall not exceed [\$4,000,000] \$5,500,000; Provided further, That the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less; purchase, exchange, maintenance, repair and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and airmail communication; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary properly to carry out the provisions of the Act: And provided further, That any part of any appropriation made hereunder may be transferred to for direct expenditure by, the Department of the Interior pursuant to such arrangements therefor as may be from time to time effected between the Secretary of State and the Secretary of the Interior, or as directed by the President of the United States.

MIGRATION AND REFUGEE ASSISTANCE ACT OF 1962, AS AMENDED
(22 U.S.C. 2601)

* * * * *

SEC. 2(c) [Whenever the President determines it to be important to the national interest, not exceeding \$10,000,000 in any fiscal year of the funds made available for use under the Foreign Assistance Act of 1961, as amended, may be transferred to, and consolidated with, funds made available for this Act in order to meet unexpected urgent refugee and migration needs.]

(1) *Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.*

(2) *There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the Fund to carry out the purposes of this section, except that no amount of funds may be ap-*

appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed \$25,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

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FOREIGN SERVICE BUILDINGS ACT, 1926

APRIL 10, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on International Relations, submitted the following

REPORT

[To accompany H.R. 4510]

The Committee on International Relations, to whom was referred the bill (H.R. 4510) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The principal purpose of H.R. 4510 is to transfer authority between geographic areas in order that supplemental appropriations may be obtained to complete the Property Exchange Agreement of February 4, 1975 between the United States of America and the Arab Republic of Egypt, and for other purposes.

COMMITTEE ACTION

At the request of Hon. Wayne L. Hays, Chairman, Subcommittee on International Operations, draft legislation pursuant to completing the property exchange agreement of February 4, 1975 between the United States and the Arab Republic of Egypt was submitted to the Subcommittee on International Operations, House Committee on International Relations. Representative Hays introduced a bill (H.R. 4510) on which hearings were held before the Subcommittee on March 4, 1975. Mr. Orlan Clemmer Ralston, Deputy Assistant Secretary of State for Foreign Service Buildings Operations testified. The Subcommittee unanimously reported the bill on that date. The full committee considered the measure on April 10, 1975 and ordered it favorably reported by unanimous consent.

BACKGROUND

Congress authorizes the Foreign Service Buildings program on a 2-year basis. Authorizations include sums for the Capital Account covering the acquisition of properties, and the Operating Account covering maintenance, operation and alteration of properties.

The most recent authorization was enacted on June 22, 1973 (Public Law 93-47). That law authorized specific amounts on a geographic basis for the Capital Account for each of fiscal years 1974 and 1975. The present unused balance of the last authorization bill is \$7,046,000. However, the amount available for use in the Near East and South Asia is only \$86,000. To permit the Department to request a supplemental appropriation of approximately \$7,000,000 the proposed bill would transfer from the African, American Republics, European, and East Asia areas the sum of \$6,915,000 with a like increase for the Near East and South Asia area. This would permit the authority to request a supplemental appropriation in excess currencies. The use of local excess currencies is without adverse impact on U.S. tax revenue or the balance of payments.

COST ESTIMATES

Pursuant to Clause 7 of rule XIII of the House rules, the Committee has examined the Executive request. Additional amounts to the present authorization are not required.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with Clause 3 of rule XIII of the Rules of the House of Representatives, 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 italics, existing law in which no change is proposed is shown in roman):

SECTION 4 OF THE FOREIGN SERVICE BUILDINGS ACT, 1926

SEC. 4. (a) * * *

(g) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums:

(A) for use in Africa, not to exceed **[\$2,190,000]** \$850,000, of which not to exceed \$590,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed **[\$375,000]** \$240,000 of which not to exceed \$240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed **[\$4,780,000]** \$682,000, of which not to exceed \$160,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed **[\$2,585,000]** \$1,243,000, of which not to exceed \$985,000 may be appropriated for the fiscal year 1974;

(E) for use in Near East and South Asia, not to exceed **[\$3,518,000]** \$10,433,000, of which not to exceed \$2,218,000 may be appropriated for the fiscal year 1974.

STATEMENT REQUIRED BY RULE XI (1) (3) OF HOUSE RULES

Pursuant to the requirements of Rule XI (1) (3) of the Rules of the House of Representatives, the following statements are made:

(A) *Oversight findings and recommendations:* The overall efficiency of the Foreign Service Buildings program, Department of State has resulted in sizable savings to the American taxpayer. In many instances, the Committee noted substantial returns on U.S. expenditures in its Foreign Service Buildings program abroad.

(B) *Congressional Budget Act Section 308(a) requirement:* This measure does not provide new budget authority or new or increased tax expenditures.

(C) *Congressional Budget Office estimate and comparison:* No estimate and comparison prepared by the Director of the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974 has been received by the committee.

(D) *Committee on Government Operations summary:* No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b) (2) of Rule X.

INFLATIONARY IMPACT STATEMENT

This measure would not have any identifiable inflationary impact. In matter of fact, its long term effect is to the economic benefit of the United States:

If the foreign service buildings program were to be abandoned, the United States would be required to pay rentals for all quarters occupied for diplomatic purposes in other nations, at considerably higher cost.

Funds spent on land and buildings in foreign countries by the United States is in the nature of an investment. In the past, considerable profits to the United States have been realized from the subsequent sale of such property.

FOREIGN SERVICE BUILDINGS ACT, 1926

APRIL 10, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on International Relations, submitted the following

REPORT

[To accompany H.R. 5810]

The Committee on International Relations, to whom was referred the bill (H.R. 5810) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The principal purpose of H.R. 5810 is to authorize additional appropriations for the Foreign Service Buildings program for the purpose of acquiring, operating and maintaining buildings abroad.

COMMITTEE ACTION

The Department of State forwarded to the Speaker of the House on February 27, 1975, Executive Communication 442, together with draft legislation to authorize additional appropriations for fiscal years 1976 and 1977 for the Foreign Service Buildings program. On March 4, 1975, the communication and draft legislation were referred by the Chairman of the Committee to the Subcommittee on International Operations of which Hon. Wayne L. Hays is Chairman. Representative Hays introduced a bill, H.R. 5810 on which hearings were held before the Subcommittee on March 4, 11 and 12, 1975, Mr. Orlan Clemmer Ralston, Deputy Assistant Secretary of State for Foreign Service Buildings Operations, testified. The Subcommittee unanimously reported the bill on April 8, 1975. The full committee considered the measure on April 10, 1975 and ordered it favorably reported by unanimous consent.

COST ESTIMATES

Pursuant to clause 7 of rule XIII of the House rules, the Committee has examined the Executive request. The bill will result in increases in additional appropriations of \$8,340,000 in fiscal 1976 and of \$5,460,000 in fiscal 1977 for the Operating Account. This Account in local currencies will show a \$230,000 increase in fiscal 1976 and a \$460,000 increase in fiscal 1977. The bill will result in an additional appropriation in Capital Account of \$13,925,000 for fiscal 1977. It must be noted that the Foreign Service Buildings Program, Department of State, made *no* requests for additional appropriations in this Account for fiscal years 1975 and 1976. In local currencies in Capital Account, there will be an increase of \$5,485,000 in fiscal 1976 and a reduction of \$4,410,000 in fiscal 1977.

BACKGROUND

The bill authorizes \$51,730,000 to be appropriated for the purchase, construction, major alteration, and long-term leasing of buildings overseas that are necessary for the operations of the Department of State and for the operation of certain other federal agencies. The Office of Foreign Buildings Operations of the Department of State administers the office requirements and some of the housing needs of other civilian government agencies and of military attachés abroad. Thus, the sums contained in this bill are intended to meet the requirements of many agencies other than the Department of State. Specific sums are included in this authorization for USIA and for Defense and Agricultural attachés.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, 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):

SECTION 4 OF THE FOREIGN SERVICE BUILDINGS ACT, 1926

SEC. 4. (a) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated an amount not exceeding \$10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Buildings Fund, to remain available until expended. Under this authorization not more than \$2,000,000 shall be appropriated for any one year, but within the total authorization provided in this Act the Secretary of State may enter into contracts for the acquisition of the buildings and grounds authorized by this Act. In the case of the buildings and grounds authorized by this Act, after the initial alterations, repairs, and furnishings have been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this Act in amounts authorized by the Congress each year.

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(b) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed \$90,000,000, which shall be available exclusively for payments representing the value, in whole or in part, of property or credits in accordance with the provisions of the Act of July 25, 1946 (60 Stat. 663). Sums appropriated pursuant to this authorization shall remain available until expended.

(c) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed \$10,000,000, which shall remain available until expended.

(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition, by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed \$7,140,000 of which not to exceed \$3,270,000 may be appropriated for the fiscal year 1964;

(B) for use in the American Republics, not to exceed \$5,360,000, of which not to exceed \$4,030,000 may be appropriated for the fiscal year 1964;

(C) for use in Europe, not to exceed \$6,839,000, of which not to exceed \$1,820,000 may be appropriated for the fiscal year 1964;

(D) for use in the Far East, not to exceed \$2,350,000, of which not to exceed \$2,220,000 may be appropriated for the fiscal year 1964;

(E) for use in the Near East, not to exceed \$2,710,000, of which not to exceed \$2,100,000 may be appropriated for the fiscal year 1964;

(F) for facilities for the United States Information Agency, not to exceed \$1,125,000, of which not to exceed \$720,000 may be appropriated for the fiscal year 1964; and

(G) for facilities for agricultural and defense attaché housing, not to exceed \$800,000, of which not to exceed \$400,000 may be appropriated for the fiscal year 1964;

(2) for use to carry out the other purposes of this Act, not to exceed \$11,500,000 for the fiscal year 1964, \$12,000,000 for the fiscal year 1965, \$12,200,000 for the fiscal year 1966, \$12,400,000 for the fiscal year 1967.

(e) For the purpose of carrying into effect the provisions of this Act in South Vietnam, there is hereby authorized to be appropriated, in addition to amounts previously authorized prior to the enactment of this amendment, \$2,600,000, to remain available until expended.

(f) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries

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under this Act, and for major alternations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed \$5,485,000, of which not to exceed \$1,885,000 may be appropriated for the fiscal year 1967;

(B) for use in the American Republics, not to exceed \$7,920,000, of which not to exceed \$3,585,000 may be appropriated for the fiscal year 1967;

(C) for use in Europe, not to exceed \$3,310,000, of which not to exceed \$785,000 may be appropriated for the fiscal year 1967;

(D) for use in the Far East, not to exceed \$3,150,000, of which not to exceed \$2,890,000 may be appropriated for the fiscal year 1967;

(E) for use in the Near East, not to exceed \$6,930,000, of which not to exceed \$1,890,000 may be appropriated for the fiscal year 1967;

(F) for facilities for the United States Information Agency, not to exceed \$615,000, of which not to exceed \$430,000 may be appropriated for the fiscal year 1967;

(G) for facilities for agricultural and defense attaché housing, not to exceed \$800,000, of which not to exceed \$400,000 may be appropriated for the fiscal year 1967;

(2) for use to carry out the other purposes of this Act, not to exceed \$12,600,000 for the fiscal year 1968, not to exceed \$12,750,000 for the fiscal year 1969, not to exceed \$13,500,000 for the fiscal year 1970, not to exceed \$14,300,000 for the fiscal year 1971, not to exceed \$15,000,000 for the fiscal year 1972 and not to exceed \$15,900,000 for the fiscal year 1973.

(g) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed \$2,190,000, of which not to exceed \$631,000 may be appropriated for the fiscal year 1974;

(B) for use in the American Republics, not to exceed \$375,000, of which not to exceed \$240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed \$4,780,000, of which not to exceed \$204,000 may be appropriated for the fiscal year 1974;

(D) for use in East Asia, not to exceed \$2,585,000, of which not to exceed \$985,000 may be appropriated for the fiscal year 1974;

(E) for use in the Near East and South Asia, not to exceed \$3,518,000, of which not to exceed \$2,287,000 may be appropriated for the fiscal year 1974;

(F) for facilities for the United States Information Agency, not to exceed \$45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed \$318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this Act for fiscal years 1974 and 1975, \$48,532,000, of which not to exceed \$23,066,000 may be appropriated for fiscal year 1974.

(h) In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed \$865,000 for the fiscal year 1977;

(B) for use in the American Republics, not to exceed \$2,450,000 for the fiscal year 1977;

(C) for use in Europe, not to exceed \$6,725,000 for fiscal year 1977;

(D) for use in East Asia, not to exceed \$875,000 for the fiscal year 1977;

(E) for use in the Near East and South Asia, not to exceed \$8,005,000, of which not to exceed \$3,985,000 may be appropriated for the fiscal year 1976;

(F) for facilities for the United States Information Agency, not to exceed \$3,745,000, of which not to exceed \$2,800,000 may be appropriated for the fiscal year 1976; and

(G) for facilities for agricultural and defense attaché housing, not to exceed \$420,000 for the fiscal year 1977; and

(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, \$71,600,000, of which not to exceed \$32,840,000 may be appropriated for fiscal year 1976.

[(h)](i) (1) Sums appropriated under authority of this Act shall remain available until expended. To the maximum extent feasible, expenditures under this Act shall be made out of foreign currencies owned by or owed to the United States.

(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), [and (g)] (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraphs (1).

(3) There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

STATEMENT REQUIRED BY RULE XI (1) (3) OF HOUSE RULES

Pursuant to the requirements of rule XI (1) (3) of the Rules of the House of Representatives, the following statement are made:

(A) *Oversight findings and recommendations:* The overall efficiency of the Foreign Service Buildings program, Department of State, has resulted in sizable savings to the American taxpayer. In many in-

stances, the Committee noted substantial returns on U.S. expenditures in its Foreign Service Buildings program abroad.

(B) *Congressional Budget Act Section 308(a) requirement*: This measure provides for new budget authority and increased tax expenditures.

(C) *Congressional Budget Office estimate and comparison*: No estimate and comparison prepared by the Director of the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974 has been received by the committee.

(D) *Committee on Government Operations summary*: No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b) (2) of Rule X.

INFLATIONARY IMPACT STATEMENT

The measure would not have any identifiable inflationary impact. In matter of fact, its long term effect is to the economic benefit of the United States:

—If the foreign service buildings program were to be abandoned, the United States would be required to pay rentals for all quarters occupied for diplomatic purposes in other nations, at considerably higher cost.

—Funds spent on land and buildings in foreign countries by the United States is in the nature of an investment. In the past, considerable profits to the United States have been realized from the subsequent sale of such property.

ARMS CONTROL AND DISARMAMENT ACT
AMENDMENTS OF 1975

JUNE 11, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ZABLOCKI, from the Committee on International Relations,
submitted the following

REPORT

[To accompany H.R. 7567]

The Committee on International Relations, to whom was referred the bill (H.R. 7567) to amend the Arms Control and Disarmament Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BACKGROUND

The Arms Control and Disarmament Agency was established by Congress in 1961. Since that time it has customarily received 2-year authorizations. For fiscal year 1975, however, the Congress provided a 1-year authorization to allow for a major indepth study and review of the Agency.

In its report on the ACDA authorization for fiscal year 1975 (No. 93-904), the Foreign Affairs Committee stated that a thorough examination of ACDA was deemed appropriate for several reasons.

First, the Agency had not been subjected to a comprehensive oversight review during the 13 years of its existence. Further, there were indications that Agency activities had, in several instances, veered away from original Congressional intentions. Finally, there was growing concern that ACDA no longer played the role in the formulation and execution of United States arms control policies that it once did.

COMMITTEE ACTION

The responsibility for this oversight review was assigned by the Honorable Thomas E. Morgan, Chairman, Foreign Affairs Committee, to the Subcommittee on National Security Policy and Scientific Developments. As a first stage in its effort the subcommittee ordered a

comprehensive staff review as a basis for planning and conducting its study and hearings. The subcommittee subsequently held 5 days of extensive hearings in September-October, 1974, published under the title, "Arms Control and Disarmament Agency."

Testifying were: Hon. John J. McCloy, former chairman, General Advisory Committee; Hon. Adrian S. Fisher, former Deputy Director, ACDA, and Dean, Georgetown University Law School; Donald G. Brennan, Director, National Security Studies for the Hudson Institute, and Consultant to the Arms Control and Disarmament Agency; Hon. Paul Nitze, former Deputy Secretary of Defense and member of U.S. SALT Negotiating Team; Prof. George W. Rathjens, Massachusetts Institute of Technology; Hon. McGeorge Bundy, President, Ford Foundation, and former National Security Adviser to Presidents Kennedy and Johnson; Hon. Elliot Richardson, former Secretary of Defense; Hon. Dean Rusk, former Secretary of State; Hon. Gerard Smith, former Director, ACDA; and Hon. Fred C. Ikle, Director, ACDA. A written summary-analysis report of the hearings was filed with the chairman of the Committee on December 27, 1974.

On January 16, 1975, the Honorable Clement J. Zablocki, chairman of the Subcommittee, for himself and 5 cosponsors, introduced H.R. 1550, legislation embodying recommendations considered during the 1974 hearings aimed at enhancing the future status and effectiveness of ACDA.

On February 19, 1975, the House of Representatives received a communication from the President of the United States (H. Doc. No. 94-95), transmitting the draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations to fiscal years 1976 and 1977, and for other purposes.

Subsequently, on March 4, 1975, the chairman of the Subcommittee on International Security and Scientific Affairs, the Honorable Clement J. Zablocki, introduced, by request, a bill to amend the Arms Control and Disarmament Act (H.R. 4265).

The Subcommittee held hearings on April 8 and 10 on both H.R. 1550 and H.R. 4265, taking testimony from Dr. Fred C. Ikle, Director of ACDA; the Honorable Hubert H. Humphrey of Minnesota; the Honorable Michael Harrington of Massachusetts; the Honorable Adrian Fisher, vice-president of the Arms Control Association; and Dr. Charles C. Price, chairman, Council for a Livable World.

On April 14 and 15, the Subcommittee met in open session to consider the bills, combined and amended them, and ordered H.R. 1550 reported as amended, by a vote of 4 to 1.

On May 14 the Committee held hearings on H.R. 1550. Testimony was received from the Honorable Robert S. Ingersoll, Deputy Secretary of State, the Honorable Fred C. Ikle, Director, Arms Control and Disarmament Agency, and the Honorable James P. Wade, Jr., Deputy Assistant Secretary of Defense, Policy Plans and National Security Council Affairs, International Security Affairs.

On June 3 the Committee met in open session to mark up the Committee Print version of H.R. 1550 as reported by the Subcommittee. Having read the bill for Committee amendments, the Committee pro-

ceeded to amend H.R. 1550. The same day Mr. Zablocki and 19 cosponsors introduced the proposal in the House as H.R. 7567. The Committee met again on June 5 and ordered the bill favorably reported by unanimous voice vote.

PURPOSES OF THE LEGISLATION

The primary purposes of the legislation are two-fold:

First, as amended, H.R. 1550 authorizes an appropriation of \$23 million to fund operations of the Arms Control and Disarmament Agency for fiscal years 1976 and 1977.

Second, as is explained below in greater detail, in order to improve the operation of the Agency, the legislation amends the basic Act of 1961 in several ways.

On the fundamental principle that the arms control and disarmament are basic components of national security, the legislation:

1. Enhances the status and effectiveness of ACDA by:
 - (a) clarifying the Agency's function and purpose from a designation of capability to perform certain functions to that of having primary authority for arms control and disarmament matters "under the direction of the President and the Secretary of State."
 - (b) making the Director of ACDA a statutory principal adviser to the National Security Council on arms control and disarmament matters.
2. Generates vital and necessary information for both the Executive Branch and the Congress by:
 - (a) providing for Agency participation in assessing and analyzing the impact on arms control and disarmament policy and negotiations of proposed weapons programs or technology. On the basis of that assessment-analysis, the Director would register his advice and recommendations to the National Security Council, the Office of Management and Budget, and the initiating agency. In addition, on the basis of his assessment-analysis and resulting advice and recommendations, a complete statement assessing the arms control and disarmament impact of such programs would be included with authorization or appropriation requests to Congress; and
 - (b) providing for an expanded Agency annual report to include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.
3. Amends the Mutual Security Act of 1954, the Foreign Military Sales Act, and the Foreign Assistance Act of 1961 to require coordination with the Arms Control and Disarmament Agency and consideration of the Director's opinion as to the arms control implications of:
 - (a) decisions on issuing licenses for export of articles on the United States Munitions List;
 - (b) evaluation of proposed sales under the Foreign Military Sales Act; and
 - (c) decisions to furnish military assistance under Part II of the Foreign Assistance Act.

AUTHORIZATION OF APPROPRIATIONS

The authorization levels sought by this legislation are \$10,690,000 for fiscal year 1976, \$11,310,000 for fiscal year 1977, and \$1 million to cover possible executive and regular pay act increases and other contingencies—for a total of \$23 million. The increment for future pay legislation was included pursuant to the advice of the Office of Management and Budget. (The 3-month transition period of July 1 through September 30, 1976, between fiscal years 1976 and 1977, will be covered by the proposal for a general authorization of appropriations which will be submitted to the Congress by the Administration.)

Over the 13 years of its existence, the Agency's average annual authorization has been approximately \$10 million. The \$23 million authorization for fiscal years 1976-77 is \$1 million more than the \$22 million authorized by Congress for the 2-year authorization period of fiscal years 1973-74 and is also an increase on an annual basis from the \$10.1 million authorization for fiscal year 1975.

The increase over fiscal year 1975 is required in large part to offset higher costs, including inflationary price increases, generated in the exercise of the Agency's basic operations, including its statutory support responsibility for some 12 different arms control and disarmament negotiations in which the United States is a participant. Among the latter are the Strategic Arms Limitation Talks (SALT), the SALT Standing Consultative Commission (SCC), Mutual and Balanced Force Reductions in Europe (MBFR), continued implementation of the Non-Proliferation Treaty (NPT), and operations of the Conference of the Committee on Disarmament (CCD).

Since the arms control impact reports contain information which, for the most part, is already gathered and analyzed by ACDA officials, the Committee does not believe this assessment-analysis and reporting function should require additional personnel nor funding for the Agency at this time.

The following tables show the allocation of funds under the Agency's appropriation for fiscal year 1975, and the proposed allocation of funds in fiscal years 1976-77:

TABLE 1.—Authorization, appropriations, and estimated obligations for the expiring fiscal year 1975 authorization period

Fiscal year 1975 authorization.....	\$10,100,000
Fiscal year 1975 appropriations:	
Enacted.....	9,250,000
Supplemental requested for October 1974 pay raise.....	160,000
Total appropriations.....	9,410,000
Fiscal year 1975 obligations:	
Program operation.....	8,130,000
External research.....	1,280,000
Total obligations.....	9,410,000
Unobligated balance.....	0

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

TABLE 2.—PROJECTED BREAKDOWN OF ESTIMATED APPROPRIATION REQUEST FOR THE FISCAL YEAR 1976-77 AUTHORIZATION PERIOD

	Estimate—		Total
	1976	1977	
Program operation.....	\$8,990,000	\$9,310,000	\$18,300,000
External research.....	1,700,000	2,000,000	3,700,000
Total.....	10,690,000	11,310,000	22,000,000
Future pay act and other contingencies.....	360,000	640,000	1,000,000
Grand total.....	11,050,000	11,950,000	23,000,000

STATUS AND EFFECTIVENESS OF ACDA

For a variety of reasons, not always or entirely its own, the Arms Control and Disarmament Agency has recently gone into somewhat of an "eclipse." This diminishment in status and function has resulted in a corresponding ineffectiveness in achieving the goals Congress originally intended for the Agency.

In an effort to rectify this deficiency this legislation attempts to strengthen the Agency and thereby enhance its effectiveness. With a strengthened and more effective operation it is expected that the Agency will again play the vital role Congress envisioned for it in contributing significantly to the formulation and execution of U.S. arms control policies.

NATIONAL SECURITY COUNCIL

The legislation strengthens the status of the Agency, first, by augmenting the status of its Director. It does so by formally establishing him as principal adviser to the National Security Council on arms control and disarmament matters. Thus, his role in relation to the NSC is comparable to that of the Joint Chiefs of Staff and the Director of Central Intelligence Agency.

The Committee recognizes that many of the issues treated by the NSC involve, directly or indirectly, arms control and disarmament implications. Therefore, the Committee believes that this enhancement of the Director's relation to the NSC will help to assure fuller consideration for the arms control aspects of all issues considered by the NSC. Presently, the Director attends the NSC only by invitation.

ARMS CONTROL IMPACT STATEMENT

Congress has a Constitutional responsibility to share in the formulation of foreign policy. In order to fulfill that role properly and responsibly in the all-important area of proposed defense programs, it needs complete information—especially in terms of the impact of such proposals on U.S. arms control and disarmament policy and negotiations.

Thus, one key purpose of the legislation is to have a strengthened

and more effective Arms Control and Disarmament Agency participate in a process of generating such information not only for the Congress but for certain significant offices of the executive branch as well. It would function in the following staged procedure:

(1) Any Government agency preparing any legislative or budgetary proposal for any program of research, development, testing, engineering, construction, deployment, or modernization for armaments, ammunition, implements of war or military facilities would be required to provide the Director of ACDA, on a continuing basis, with full and timely access to detailed information on the nature, scope, and purpose of such programs.

(2) On the basis of such information the Director would assess and analyze each such program with respect to its impact on arms control and disarmament policy and negotiations.

(3) On the basis of his assessment and analysis he would advise and make recommendations to the National Security Council, the Office of Management and Budget, and the Government agency proposing the program.

(4) Any request to the Congress for authorization or appropriations for any program within the specified funding limits and, in addition, any program found by the National Security Council, on the basis of the advice and recommendations from the Director of ACDA, to have a significant impact on arms control and disarmament policy and negotiations would include a complete statement assessing and analyzing such impact.

(5) Upon the request of any appropriate committee of Congress, the Director, after informing the Secretary of State, would advise the Congress on the arms control and disarmament implications of any program on which a statement has been submitted.

Programs affected would be those whose total estimated program cost exceeds \$250 million or \$50 million annually. For weapons programs which fall below the \$50 million annual limit and policy issues with no expenditure as such, the legislation provides a discretionary authority for the Director to make an arms control and disarmament assessment and analysis identical to the procedure outlined above. The intent in providing this discretionary authority to the Director is to include programs which, regardless of cost, have a potentially significant arms control impact. Included in this intent are items of a "seminal" nature, such as major philosophical or doctrinal changes in defense posture or new weapons concepts in various stages of research and development—any of which could have far-reaching implications for arms control and disarmament policy and planning.

As noted, Section 103 provides that any request to the Congress for authorization or appropriations for such programs would include a complete statement assessing and analyzing its arms control and disarmament impact. Any such statement containing confidential or classified materials would be handled under an appropriate injunction of secrecy. While Congress expects good faith compliance with these procedures by all agencies involved it will exercise careful oversight review to assure effective operation of the procedure. At

the same time, it is not the intention of Congress that there be any judicial enforcement of these provisions or any judicial review with respect to the adequacy of compliance with these provisions. Thus, the legislation contains an express provision to that effect.

The advice and recommendations of the Director furnished to various executive branch offices would not be available to members of the general public under the Freedom of Information provisions of Title 5 of the United States Code. At times, such advice and recommendations might include sensitive security information and accordingly would be classified and therefore exempted from disclosure by Section 552(b)(1)(A). More generally, the advice and recommendations furnished to the executive branch offices by the Director is the type of predecisional interagency advice furnished to assist in the decisionmaking process which is exempted from public disclosure by Section 552(b)(5).

Since the impact statements would contain information which for the most part is already gathered and analyzed by ACDA officials, the Committee does not believe this requirement should necessitate additional personnel nor funding for the Agency at this time.

ANNUAL AGENCY REPORT TO CONGRESS—POSTURE STATEMENT

As a complement to the arms control impact statement procedure, the legislation also provides for an expanded Agency annual report to Congress. Analogous to the annual "Posture Statement" provided to Congress by the Secretary of Defense, the report would be extended to include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities as well as an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect. The intent is to once again provide Congress with more comprehensive and updated information on which it can more effectively and intelligently carry out its role of advising and consenting in the formulation of foreign policy.

CONFORMING AMENDMENTS TO OTHER ACTS

The legislation amends 3 existing statutes: the Mutual Security Act of 1954, the Foreign Military Sales Act, and the Foreign Assistance Act of 1961. The intent is to require coordination with ACDA and consideration of the Director's opinion as to the arms control implications of certain activities carried out under those acts.

Although Section 35 of the Arms Control and Disarmament Act and subsequent Executive Orders (Nos. 11044 and 11501) already provide authority for similar procedures of cooperation and consultation on an informal basis, those procedures have not been fully implemented or followed.

It is therefore appropriate and desirable to reinforce this ACDA review and consultation process by formalizing it. At the same time, it is not the intent to impose upon ACDA and other affected Government agencies burdensome or rigid mechanisms which would impair harmonious internal relationships within the executive branch.

GENERAL ADVISORY COMMITTEE

As part of its objective of expanding communication between the Congress and the Agency, the legislation originally contained a provision calling for Members of Congress to serve on the Agency's General Advisory Committee (GAC). Although the provision was eliminated by the Subcommittee for constitutional reasons, its original objective remains a concern of the committee.

Thus, the Committee's hope is that the GAC will develop a meaningful status. Among the means to that end recommended by the Committee are the following:

That the GAC would consider inviting Members of Congress to its meetings as observers;

That the Chairman of the GAC meet periodically on an informal basis with appropriate committees of Congress in an effort to exchange views on pertinent and timely arms control and disarmament issues, or to file an annual report with Congress;

That the GAC increase the number of its meetings yearly from two, as now prescribed, to at least six;

That the GAC make every effort to expand its contact with the general public and interested organizations in particular as a means of broadening its base of insight into arms control and disarmament matters.

The committee believes that the adoption of these various recommendations would enable the GAC to better fulfill the role mandated for it in Section 26 of the basic Act, namely, that of advising the President, the Secretary of State, and the Director of ACDA respecting matters affecting arms control, disarmament, and world peace.

ARMS CONTROL AND DISARMAMENT AGENCY OPERATIONS

In recent years the Arms Control and Disarmament Agency's dominant activity has been directly participating in or supporting a variety of arms control negotiations. They include:

(1) *SALT*. The Strategic Arms Limitation Talks continue to be a principal activity of the Agency and will require a large part of the Agency's personnel and budgetary resources for fiscal year 1976-77. The United States-Soviet Summit in Moscow last summer and the meeting between President Ford and General Secretary Brezhnev at Vladivostok last November gave added impetus to the second round of these talks (*SALT II*—which began November 1972 in Geneva).

The Vladivostok meeting reaffirmed the intention by both sides to conclude a new agreement on the limitation of strategic offensive arms covering the period through 1985 and added momentum to this process when several significant provisions were agreed to as a basis for achieving this new agreement. Most importantly, these provisions would (1) incorporate into the new agreement relevant portions of the 1972 Interim Agreement on the limitation of strategic offensive arms, and (2) set a ceiling for strategic offensive delivery vehicles and a subceiling for multiple independently targetable reentry vehicles (*MIRV's*).

(2) *MBFR, Conventional and Regional Arms Control*. In fiscal year 1976-77 it is expected that ACDA will continue to support negotiations on mutual and balanced force reductions in Europe, as well as conventional and regional arms control activities in general.

On October 30, 1973, formal MBFR negotiations opened in Vienna, Austria between the NATO nations and Warsaw Pact member states. Four sessions have been completed, and the fifth began in January. ACDA chairs the MBFR Interagency Coordinating Committee in Washington, which coordinates the preparation of instructions to the U.S. Delegation in Vienna and the U.S. Mission to NATO. ACDA also contributes a component of the U.S. Delegation at Vienna and participates actively in the MBFR work of the NSC system.

In the field of conventional armaments the Agency will continue to explore the possibility of limitations in areas outside Europe, especially in those parts of the world where the potential for big power confrontation is high. Concerning regional arms control measures not strictly limited to conventional weapons, ACDA is devoting increased attention to proposals for nuclear free zones and regional areas of restraint. Recent proposals for such zones in Africa, the Middle East, South Asia and the Indian Ocean, and the interest of certain Southeast Asian states in an area of restraint, have spurred this heightened interest.

(3) *Nuclear Non-Proliferation*. An increasing allocation of ACDA staff and budget will be devoted to efforts over the next two years to help limit the nuclear proliferation of weapons. The Agency is extensively involved in preparing for and participating in the Non-Proliferation Treaty Review Conference (required by the Treaty) which began in Geneva on May 5, 1975. This Conference could be important to the future of the Treaty, which is a major instrument in our policy of discouraging further proliferation of nuclear weapons. A senior official of ACDA has three times led the U.S. contingent to Geneva to participate in international consultations to prepare for the Conference. ACDA is playing a principal role in formulating initiatives for the Review Conference, contributing a substantial part of the U.S. delegation to the Conference, and will be directly involved in followup activities stemming from it.

(4) *Chemical and Biological Weapons*. On December 16, 1974, the Senate unanimously gave its advice and consent to ratification of the 1925 Geneva Protocol banning chemical and biological warfare and the convention signed in April, 1972, prohibiting development, production, or retention of biological weapons. These agreements were ratified by the President on January 22, 1975, and the convention entered into force on March 26, 1975. In addition to these historic steps, an effective international agreement to control chemical weapons has been an important agenda item at the CCD, and the communique from the recent 1974 Moscow Summit reaffirmed the U.S. commitment to such an agreement. Therefore, the CCD will continue active discussion toward this end.

(5) *Administrative and Other Support*. The balance of Agency manpower and funds will be used for administrative support, liaison with other government entities (particularly Congress, the NSC, OMB, the State Department, DOD and ERDA), public information, and historical activities. Although rising significantly in 1976 because of domestic and overseas wage and price increases, ACDA administrative costs are still relatively low. Nevertheless, ACDA is reviewing all of its administrative activities in an effort to improve efficiency and cut costs to the fullest extent possible.

SECTION-BY-SECTION ANALYSIS

TITLE I

ARMS CONTROL AND DISARMAMENT ACT AMENDMENTS OF 1975

Section 101.—Section 101 changes the emphasis in the mandate of ACDA from capability to perform certain functions relative to arms control and disarmament matters to designation as the Government agency having primary authority for performing those functions, under the direction of the President and Secretary of State. It brings section 2 of the ACD Act of 1961 into conformity with section 22 of the Act which designates the Director of ACDA as having the prime authority, under the direction of the Secretary of State, within the Government for arms control and disarmament matters. It thereby eliminates any possible question as to the Agency's statutory authority.

Section 102.—Section 102 establishes the Director of ACDA as principal adviser to the National Security Council on arms control and disarmament matters. Presently, the Director attends—by invitation—only those meetings of the National Security Council dealing with arms control and disarmament issues. However, it should be recognized that many of the issues handled by the NSC involve, directly and indirectly, a degree of arms control and disarmament. Thus, his more formalized role in relation to the NSC would help to assure full and proper consideration for the arms control aspects of all issues considered by NSC.

Section 103.—Section 103 amends the Arms Control and Disarmament Act by adding a new section 36 which establishes a procedure under which the Director of the Arms Control and Disarmament Agency would assess and analyze the impact of proposed defense programs on arms control and disarmament policy and negotiations. This new section (1) stipulates the circumstances requiring such an assessment-analysis, (2) prescribes the procedure under which it shall be carried out, (3) specifies the offices and agencies within the Executive Branch which are to receive advice and recommendations from the Director, and (4) states the method and circumstances by which arms control impact statements would be sent to Congress. A central purpose of the reporting requirement is to provide the Congress and key agencies and offices in the Executive Branch with accurate and systematically-developed information on the arms control and disarmament implications of proposed defense programs. The Committee believes that such information would, especially in the case of Congress, facilitate independent appraisals and ultimately achieve a more integrated, effective, and balanced national security policy.

In outlining the circumstances requiring an assessment-analysis, section 36(a) stipulates that the procedure begins with and applies to "any Government agency preparing any legislative or budgetary proposal" involving certain specified program activities on new or on-going defense programs. The language "any Government agency" is all-encompassing but is intended to specifically include the Department of Defense and the Energy Resource Development Administration (ERDA). The phrase "preparing any legislative or budgetary proposal" is conceived of as the process of developing materials and in-

formation which in and of themselves constitute or result in the submission to Congress of authorization and appropriation requests. Specifically included in the Committee's intent here is the on-going, year-long, constant procedure followed in the Department of Defense.

The specified program activities for which such legislative or budgetary proposals would be prepared include "research, development, testing, engineering, construction, deployment, and modernization with respect to armaments ammunition, implements of war, or military facilities."

In reference to the word "research," the Committee recognizes the need for a broad-gauged research program. Many ideas which anticipate larger expenditures are, of course, later permanently set aside in a competition among the various alternatives under study. In order to promote an environment in which tentative and exploratory ideas can flourish, we do not wish to constrain prematurely such ideas by subjecting them in their infancy to overly exacting analytical requirements. The more appropriate concern here, then, is with advanced research which is approaching the stage of being transformed into important new systems. In reference to the word "deployment," the Committee's intent is not to include the routine movement of existing military personnel and equipment, that is, operational deployments and redeployments.

The legislation specifies two program categories with respect to which the Director would in all cases be provided access to information which would form the basis of his assessment-analysis:

- (1) those having "an estimated total program cost in excess of \$250,000,000"; and
- (2) those having "an estimated annual program cost in excess of \$50,000,000."

In addition, recognizing that there are programs which, regardless of cost, have a potentially significant arms control impact, the legislation establishes a third program category on which an arms control and disarmament assessment and analysis may be necessary or desirable as determined by either the Director or the initiating agency. Thus, the legislation includes language which refers to "any other program involving weapons systems or technology which [the initiating] Government agency or the Director believes may have a significant impact or arms control policy or negotiations." The Committee's intent here is to provide an opportunity for an arms control and disarmament assessment and analysis of programs which fall below the \$50 million annual limit and policy issues with no expenditure as such. Included in this intent are items of a "seminal" nature, such as major philosophical or doctrinal changes in defense posture or new weapons concepts in various stages of research and development. In reference to the word "negotiations," the Committee has in mind such formal arrangements as SALT and MBFR.

The language next prescribes the detailed procedure under which the arms control and disarmament assessment-analysis shall be carried out, including the nature of the relationship between the Director and the Government agency initiating the affected program. To that end it stipulates that the initiating agency shall, "on a continuing basis, provide the Director with full and timely access to detailed informa-

tion, in accordance with the procedures established pursuant to section 35 of this Act, with respect to the nature, scope and purpose of such proposal."

The phrase "on a continuing basis" expresses the Committee's intent that the Director's access to information be on a regular on-going, uninterrupted basis as opposed to it being restricted to any specified time frame. The phrase is an improvement on and expansion of earlier language which merely required that information on affected programs be provided to the Director "not less than 30 days prior to requesting an authorization." It also takes into account the on-going, year-long, continuous nature of the budgetary preparation process followed in the Department of Defense. Finally, it accommodates, institutionalizes, and strengthens the established working arrangement whereby ACDA has taken part in that process on an informal basis.

The phrase "provide the Director" is intended to convey the Committee's intent that the Director's access to information be made in a cooperative and willing manner by the affected agency.

The phrase "with full and timely access to detailed information" expresses the Committee's intent that the information available to the Director be complete, accurate and current in every respect. It is also intended to convey the idea that the Director have ready and easy availability to such information and to the personnel responsible for developing, analyzing, or compiling it. Finally, the phrase is intended to convey the Committee's intent that this arrangement be carried out in a cooperative and responsive manner by all parties concerned.

The phrase "in accordance with the procedures established pursuant to section 35 of this Act" conveys the Committee's intent that the assessment-analysis procedure complement and extend the coordination responsibility outlined in that section.

Finally, the phrase "with respect to the nature, scope and purpose of such proposal" refers to the specific nature of the information to which the Director shall have access. The Committee's intent here is that the information include, but not necessarily or exclusively be limited to, detailed data and facts regarding such aspects of the proposal as its inherent character, range of operation, and intended objective, as well as such other information as would be pertinent to the Director's assessment-analysis.

Subsection (b)(1) of the new Impact Statement section specifies the procedure to be followed by the Director in assessing and analyzing affected programs. First, the phrase "as he deems appropriate" expresses the Committee's belief that he exercise prudent discretion in determining those programs whose impact on arms control and disarmament policy and negotiation is significant enough to warrant an assessment-analysis. Thus, the Committee's intent is to rely on his informed, professional judgment as to which program legitimately require such assessment-analysis. The phrase is also intended to convey the Committee's intent that he determine the extent and form of such assessment-analysis.

On the basis of such assessment-analysis the Director will "advise and make recommendations . . . to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program." The Committee's intent is to make available

to these offices and agencies the Director's judgment regarding the impact of affected programs on arms control and disarmament policy and negotiation. In the interests of achieving a more integrated, effective and balanced national security policy it is the Committee's expectation that the specified offices and agencies would take the Director's advice and recommendations into full account.

Subsection (b)(2) of the new section 36 outlines the conditions and procedure by which impact statements would be conveyed to Congress. It specifies that "any request to the Congress for authorization or appropriations" for any program within the specified funding limits would automatically include "a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations." In addition, those programs not within the specified funding limit would include an arms control impact statement whenever the National Security Council finds, on the basis of the Director's advice and recommendations, that they do have a significant impact on arms control and disarmament policy and negotiations. It is anticipated that any impact statement so included would be comprehensive, complete and substantive enough for Congress to exercise independent appraisals.

At the same time, we do not anticipate the need for massive and expensive documentation which would lead to the formation of additional bureaucracies in any involved agency, or would strain existing analytical capabilities. Nor is there any reason why this should occur, since it is hoped that arms control implications would be taken fully into account even in the absence of this legislation.

It is essential that the requirement for this statement not become an excuse for delays in the Congress' normal procedure of considering and acting upon authorization and appropriations requests.

Subsection (b)(3) of the new section 36 provides that the Director advise Congress on the arms control and disarmament implications of any affected program. By use of the word "request," the Committee's intent is that such requests can be conveyed either in writing or verbally during hearings. By the phrase "any appropriate committee of either House of Congress" the Committee's intent is to include those committees with proper jurisdiction: the House International Relations Committee, the Senate Foreign Relations Committee, the House Armed Services Committee, the Senate Armed Services Committee, the House Appropriations Committee, the Senate Appropriations Committee, the Joint Committee on Atomic Energy, and the House Government Operations Committee.

The language in this subsection complements the directive in Section 2 of this Act which stipulates that the Arms Control and Disarmament Agency must provide the Congress with recommendations concerning U.S. arms control and disarmament policy generally. Thus, the Committee does not intend this language to be interpreted in any way which would preclude the Director from advising the Congress regarding programs for which no impact statement has been provided.

Subsection (c) of the new section 36 expresses the Committee's intent that there be no judicial enforcement of these provisions nor any judicial review with respect to the adequacy of compliance with these provisions.

Finally, it is the Committee's intent to exercise full and careful oversight on the various procedures outlined above to assure that they are complied with fully, effectively, and accurately.

Section 104.—Section 104 has two basic objectives. First, it permits the Director to waive the requirement for a high level security clearance for a limited class of special employees who do not require nor have access to classified information. From time to time the Agency requires the services of consultants for brief periods to work on unclassified projects. As presently written, the law prohibits such services from being performed until an unnecessary, expensive, and time-consuming investigation is conducted.

Secondly, Section 104 authorizes the Director of the Agency to grant access to classified information to contractors or subcontractors and their officers and employees on the basis of a security clearance granted by the Department of Defense. As presently written, the law only permits the Director to accept a security investigation conducted by another Government agency, and then only if it meets the particular standards in the Arms Control and Disarmament Act. Currently, such other agencies of the Government as the National Aeronautics and Space Administration and the Department of State are able to rely on clearances previously granted by the Department of Defense.

In both instances above it is estimated that approximately \$750 in investigation costs will be saved for each unnecessary investigation. As important as the money saved is the time saved in getting important contract and consulting work underway promptly.

Section 105.—Section 105 authorizes appropriations of \$23.0 million for the 2-year period of fiscal years 1976 and 1977. The projected budget is \$10,690,000 for fiscal year 1976 and \$11,310,000 for fiscal year 1977. The remaining \$1 million is to cover possible executive and regular pay act increases and other unforeseen costs. The expiring authorization for fiscal year 1975 was \$10.1 million. The Agency does not have a permanent authorization and its current authorization expires on June 30, 1975.

Section 106.—Section 106 while not eliminating the prohibition against "propaganda" within the U.S. on the Agency's activities, reaffirms the need for and desirability of fulfilling one of the Agency's functions as cited in Section 2(c) ["Purpose"] of the Act.

In the past the prohibition against "propaganda" has tended to inhibit the Agency from carrying out necessary and legitimate public information activities within the United States. By explicitly reaffirming one of the Agency's basic purposes, this change will allow ACDA to provide the public with information on U.S. arms control and disarmament goals and activities. It should also serve to balance the extensive public information program carried out by the Department of Defense.

Section 107.—Section 107 requires that the Agency's annual report to the Congress be expanded to include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.

The present annual report provided for in Sec. 50 of the Act presents little more than a sketchy update on the agency's activities

generally. It provides the Congress with little if any substantive information on which to base an informed judgment as to progress and needs in achieving arms control goals. This change is intended to correct that deficiency, thereby enhancing the role and action of Congress on arms control matters as they relate to U.S. national security interests. The added reporting requirement called for in this change is seen as analogous to the annual "Posture Statement" provided to Congress by the Secretary of Defense.

TITLE II

CONFORMING AMENDMENTS TO OTHER ACTS

Section 201. Section 414 Mutual Security Act.—Section 201 requires that the Director of ACDA be consulted and his opinion considered in making decisions regarding the issuance of licenses for the export of articles designated as arms, ammunition, and implements of war under this section.

Although the law requires that consideration be given to the arms control impact of decisions under the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, there is no such requirement in the munitions control section of the Mutual Security Act. At present ACDA is consulted about the issuance of certain export licenses. However, this is an informal arrangement without any statutory basis, and it has not been effectively implemented. The change would ensure that all decisions under section 414 have the benefit of the Director's opinion of their impact on arms control policies and negotiations.

Section 202. Sec. 42(a) Foreign Military Sales Act.—Section 202 requires that the Director of ACDA be consulted and his opinion considered as part of the evaluation of all sales proposed to be made pursuant to the Foreign Military Sales Act.

Although section 42(a) of the Foreign Military Sales Act requires that the evaluation of proposed foreign military sales take into account their arms control impact, it does not specifically require that ACDA be consulted or that its views be obtained. The change would assure that all such evaluations have the benefit of the Director's opinion of the impact of the proposed sale on arms control policies and negotiations. ACDA's participation on the Secretary of State's Security Assistance Program Review Committee does not obviate the need for this change, because that committee is concerned with the formulation of annual programs and multi-year plans. This change would ensure ACDA participation in decisions on changes in the credit sales program and on unprogrammed cash sales requests.

Section 203. Sec. 511 Foreign Assistance Act.—Section 203 requires that the Director of ACDA be consulted on all decisions to furnish military assistance under the Foreign Assistance Act and that his opinion as to the arms control impact of such assistance be taken into account in making such decisions.

Although section 511 of the Foreign Assistance Act requires that the decisions on military assistance take into account their arms control impact, it does not specifically require that ACDA be consulted or that its view be obtained. The change would assure that all such decisions have the benefit of the Director's opinion of their impact on

arms control policies and negotiations. ACDA's participation on the Secretary of State's Security Assistance Program Review Committee does not obviate the need for this change because that committee is concerned with the formulation of annual programs and multi-year plans. This change would ensure ACDA participation in decisions on program changes.

COST ESTIMATE

Pursuant to Clause 7 of Rule XIII of the House Rules, the Committee has examined the requests submitted by the President to extend the appropriation authorization for the Arms Control and Disarmament Agency. In projecting possible Agency costs for the next three fiscal years, it should be noted that the cost of ACDA operations is dependent in large part on the number and nature of arms control negotiations, conferences, and related operations in which it is involved. Those, in turn, are affected by changed international conditions.

Nevertheless, the committee—noting the stability of the Agency's funding for the past 13 years—does not anticipate that expenses will rise significantly in the foreseeable future. A more specific estimate of future costs, however, is not possible at this time.

STATEMENTS REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

Pursuant to the requirements of Rule XI(1)(3) of the Rules of the House of Representatives, the following statements are made:

(A) *Oversight findings and recommendations*: The oversight findings and recommendations made by the Subcommittee study and hearings referred to earlier are embodied in this measure. In addition, however, the Subcommittee on International Security and Scientific Affairs will maintain close oversight over the effective implementation of the impact statement procedure established in Section 36.

(B) *Congressional Budget Act Section 308(a) requirement*: This measure provides for no new budget authority or new or increased tax expenditures.

(C) *Congressional Budget Office Estimate and comparison*: No estimate and comparison prepared by the Director of the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974 has been received by the Committee.

(D) *Committee on Government Operations Summary*: No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

This measure would not have any specifically identifiable inflationary impact. In fact, its long-term effect is to the economic benefit of the United States:

If, by the effective implementation of the Impact Statement provision, expenditures for unnecessary or destabilizing weapons proposals can be reduced, avoided, or delayed.

If, by a more successful attainment of United States arms control and disarmament policies, overall defense expenditures can be reduced, without jeopardizing legitimate U.S. national security requirements.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, 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):

ARMS CONTROL AND DISARMAMENT ACT

TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

* * * * *

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 Act 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 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 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 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 and disarmament policy must be based. [It must be able] *It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions.*

- (a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;
- (b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
- (c) The dissemination and coordination of public information concerning arms control and disarmament; and

(d) 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 and disarmament activities.

* * * * *

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. The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act. He shall be appointed by the President, by and with the advice and consent of the Senate.

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TITLE III—FUNCTIONS

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ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

SEC. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control 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 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 annual program cost in excess of \$50,000,000, or

(2) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations, shall, on a continuing basis, provide the Director 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.

(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its

impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

(2) Any request to the Congress for authorization or appropriations for—

(A) any program described in subsection (a) (1), or

(B) any program described in subsection (a) (2) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

(3) Upon the request of any appropriate committee of either House of Congress, the Director shall, after informing the Secretary of State, advise the Congress on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).

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TITLE IV—GENERAL PROVISIONS

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SECURITY REQUIREMENTS

SEC. 45. (a) The Director 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. [The Director] Except as provided in subsection (d), the Director 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 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 for final determination. [No person] 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, and the Director 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 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 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 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: *Provided*, That such investigations shall each include a current national agency check. *Notwithstanding the foregoing and the provisions of subsection (a), the Director 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 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, 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 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 De-

partment 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 any officer or employee of any such contractor 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 in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.*

* * * * *

APPROPRIATION

SEC. 49. (a) There are hereby authorized to be appropriated not to exceed \$10,000,000 to remain available until expended, to carry out the purposes of this Act. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of \$20,000,000, and for the three fiscal years 1966 through 1968, the sum of \$30,000,000, and for the two fiscal years 1969 through 1970, the sum of \$18,500,000, and for the two fiscal years 1971 and 1972, the sum of \$17,500,000, and for the two fiscal years 1973 and 1974, the sum of \$22,000,000, and for the fiscal year 1975, the sum \$10,100,000, and for fiscal years 1976 and 1977 the sum of \$23,000,000, to remain available until expended, to carry out the purposes of this Act. Notwithstanding any other provisions of this Act, not more than \$7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this Act.

(b) Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

(c) Not more than 20 per centum of any appropriation made pursuant to this Act shall be obligated and/or reserved during the last month of a fiscal year.

(d) **[None]** *Except as may be necessary to carry out the purposes of this Act specified under section 2(c), none of the funds herein authorized to be appropriated shall be used to pay for the dissemination within the United States of propaganda concerning the work of the United States Arms Control and Disarmament Agency.*

REPORT TO CONGRESS

SEC. 50. The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report con-

erning activities of the Agency. *Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.*

* * * * *

THE MUTUAL SECURITY ACT OF 1954

* * * * *

SEC. 414. MUNITIONS CONTROL.—(a) The President is authorized to control, in furtherance of world peace and the security and foreign policy of the United States, the export and import of arms, ammunition, and implements of war, including technical data relating thereto, other than by a United States Government agency. The President is authorized to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section.

(b) As prescribed in regulations issued under this section, every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war, including technical data relating thereto, designated by the President under subsection (a) shall register with the United States Government agency charged with the administration of this section, and, in addition, shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State or local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance program of the United States, whether or not advanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

(c) Any person who willfully violates any provision of this section or any rule or regulation issued under this section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000 or imprisoned not more than two years, or both.

(d) This section applies to and within the Canal Zone.

(e) Licenses issued for the export of articles on the United States Munitions List in excess of \$100,000 shall be reported promptly to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, which report shall contain—

- (1) the items to be exported under the license;
- (2) the quantity of each such item to be furnished;
- (3) the name and address of the consignee and of the ultimate user of each such item; and

(4) an injunction whenever appropriate, concerning the necessity to protect the confidentiality of the information provided.

(f) *Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.*

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THE FOREIGN MILITARY SALES ACT

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CHAPTER 4—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 41. EFFECTIVE DATE.—This Act shall take effect on July 1, 1958.

SEC. 42. GENERAL PROVISIONS.—(a) In carrying out this Act, 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 Act, there shall be taken into consideration (1) 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, (2) the portion of the defense articles so manufactured which is of United States origin, and (3) *in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.*

(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed, production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d) (1) With respect to sales and guaranties under sections 21, 22, 23, and 24, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

- (A) the determination of military end-item requirements;
- (B) the procurement of military equipment in a manner which permits its integration with service programs;
- (C) the supervision of the training of foreign military personnel;
- (D) the movement and delivery of military end-items; and
- (E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

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THE FOREIGN ASSISTANCE ACT OF 1961

PART II

* * * * *

CHAPTER 2—MILITARY ASSISTANCE

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SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall **[take into account]** *be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to whether such assistance will—*

- (1) contribute to an arms race;
 - (2) increase the possibility of outbreak or escalation of conflict;
- or
- (3) prejudice the development of bilateral or multilateral arms control arrangements.

* * * * *

STATE DEPARTMENT AUTHORIZATION ACT, FISCAL
YEARS 1976 AND 1977

JUNE 5, 1975.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed.

Mr. HAYS of Ohio, from the Committee on International Relations,
submitted the following

REPORT

[To accompany H.R. 7500]

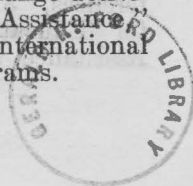
The Committee on International Relations, to whom was referred the bill (H.R. 7500) to authorize appropriations for the Department of State for fiscal years 1976 and 1977, and for other purposes, having considered the same, report favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The principal purpose of H.R. 7500 is to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during fiscal years 1976 and 1977.

BACKGROUND

The bill provides for authorization of appropriations for (a) "Administration of Foreign Affairs," which supports the operation of the U.S. diplomatic and consular posts abroad and the Department of State in the United States; (b) "International Organizations and Conferences," including contributions to meet obligations of the United States to international organizations pursuant to treaties, conventions or specific acts of Congress; (c) "International Commissions," which enable the United States to fulfill treaty and other international obligations; (d) "Educational Exchange," which is a program administering the cultural and educational exchange activities of the United States; and (e) "Migration and Refugee Assistance," which includes the U.S. annual contribution to the International Committee of the Red Cross and refugee assistance programs.



The bill also provides for authorizations of appropriations for Russian refugee assistance, International Women's Year activities, and the United Nation's University endowment fund. It addresses the matters of death gratuity coverage for U.S. consular agents and representatives to international organizations or commissions, within-class pay increases for Foreign Service officers and Foreign Service Reserve officers, and prohibits the development of a machine readable passport system.

The amendment is as follows:

Page 4, line 24, insert "(a)" immediately after "Sec. 7.", and on page 5, immediately after line 18, insert the following new subsection:

(b) Such Act is further amended by adding at the end thereof the following new section:

SEC. 3. After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.

COMMITTEE ACTION

Executive Communication No. 383, dated February 20, 1975, from the Acting Assistant Secretary of State for Congressional Relations to the Speaker of the House of Representatives, included draft legislation that would authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during fiscal years 1976 and 1977. The letter and its attachments which may be cited as the "State Department Authorization Act, fiscal years 1976 and 1977" were referred to the Subcommittee on International Operations of which Hon. Wayne L. Hays is chairman. Hearings were held on April 15 and 21, 1975. Principal witnesses from the Department of State included Hon. Robert S. Ingersoll, Deputy Secretary of State; Hon. John M. Thomas, Assistant Secretary of State for Administration; and Don C. Eller, Director, Budget Planning and Presentation, Department of State.

Each provision of this proposed legislation was examined by the subcommittee. The subcommittee met on April 29, May 5, and 12 of 1975 to consider the draft legislation which it revised and by unanimous consent ordered it reported to the full committee. On June 2, 1975, the chairman of the subcommittee introduced the measure H.R. 7500. The committee considered the bill on June 5, 1975, and by voice vote unanimously ordered it reported to the House.

COST ESTIMATES

The committee estimates that the cost of carrying out the provisions of the bill during fiscal year 1976 will be approximately \$873,215,000. This figure includes \$444,204,000 for the "Administration of Foreign Affairs," \$289,918,000 for "International Organizations and Conferences," \$19,993,000 for "International Commissions," \$89 million for "Educational Exchange," \$10,100,000 for Migration and Refugee Assistance, and such amounts as may be necessary for increases in

salary, pay, retirement and other employee benefits authorized by law, and for other nondiscretionary costs. The bill also authorizes \$20 million for Russian refugee assistance. The total dollar increase over the fiscal year 1975 appropriation to the Department of State for purposes referred to in this report is \$96,511,000. This figure takes into account both wage and price increases and exchange rate fluctuations. In addition, the bill authorizes to be appropriated, upon request of the President of the United States, to the President for fiscal year 1977, \$20 million to be used for a contribution of the United States to the United Nations University Endowment Fund.

COMPARATIVE DATA FISCAL YEARS 1975-76

(In thousands of dollars)

	Appropriations for fiscal year 1975 ¹	Authorization request for fiscal year 1976	Committee recom- mendation
Administration of foreign affairs:			
Salaries and expenses.....	370,653	413,200	433,999
Representation allowances.....	1,385	1,750	1,750
Emergencies in the diplomatic and consular service.....	2,100	2,100	2,100
Payment to Foreign Service retirement and disability fund.....	21,955	6,355	6,355
Total.....	396,093	423,405	444,204
International organizations and conferences:			
Contributions to international organizations.....	203,903	245,707	242,986
Contributions to international peacekeeping activities.....	34,495	29,400	29,400
Missions to international organizations.....	7,008	8,696	9,096
International conferences and contingencies.....	7,540	5,840	5,840
International trade negotiations.....	1,900	2,596	2,596
Total.....	254,846	292,239	289,918
International commissions:			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses.....	4,952	5,322	5,322
Construction.....	6,231	8,365	8,365
Subtotal.....	11,183	13,687	13,687
American sections, international commissions.....	1,379	1,576	1,576
International fisheries commissions.....	4,060	4,730	4,730
Total.....	16,622	19,993	19,993
Educational exchange:			
Mutual educational and cultural exchange activities.....	53,300	65,000	65,000
Center for Cultural and Technical Interchange Between East and West.....	7,400	9,000	9,000
United States-Japan friendship activities (foreign currency program).....		15,000	15,000
Total.....	60,700	89,000	89,000
Migration and refugee assistance.....	8,443	10,100	10,100
Assistance to Soviet refugees.....	40,000		20,000
Grand total.....	776,704	834,737	873,215

SECTION-BY-SECTION ANALYSIS

Section 2(a)

This section provides an authorization of appropriations for the Department of State in accordance with the provisions of section 407(a)(2) of the Foreign Assistance Act of 1971. Funds are authorized to be appropriated for the fiscal years 1976 and 1977.

This section contains the authorizations for appropriations by category for fiscal year 1976 and for overall necessary funds for 1977.

This section is similar to section 2 of Public Law 93-475, except for the amounts. This bill excludes authorization of appropriations for the acquisition, operation and maintenance of buildings abroad which is being submitted as separate legislation.

Paragraph (1) authorizes appropriations under the heading "Administration of Foreign Affairs" to provide the necessary funds for the salaries, expenses, and allowances of officers and employees of the Department, both in the United States and abroad. This provides funds for executive direction and policy formulation, conduct of diplomatic and consular relations with foreign countries, conduct of diplomatic relations with international organizations, support of joint cooperative commissions, domestic public information activities, central program services, and administrative and staff activities. These funds also finance the salaries and operating expenses of the U.S. Missions to the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development and the staff responsible for administering the Mutual Defense Assistance Control Act and the military assistance and arms sales supervision activity. This section also provides funds for relief and repatriation loans to U.S. citizens abroad and for other emergencies in the diplomatic and consular service. Payments to the Foreign Service Retirement and Disability Fund are included in this category. There is also under this heading an authorization for an appropriation of \$450,000 for International Women's Year activities.

Paragraph (2) authorizes appropriations under the heading "International Organizations and Conferences". This category provides the necessary funds for United States contributions of our assessed share of the expenses of the United Nations, its specialized agencies and the International Atomic Energy Agency, 6 Inter-American organizations, 6 regional organizations and 17 other international organizations. The U.S. membership in these organizations, which has been authorized by treaties, conventions, or specific Acts of Congress, constitutes an obligation for payment of our assessed share of these budgets pursuant to the basic statutes or constitutions of the international agencies. However, the committee refused to authorize appropriations to meet the U.S. prior year (fiscal year 1974) assessment (\$2,721,852) to the United Nations Educational, Scientific and Cultural Organization.

Funds are authorized for the operation of missions which represent the United States at the headquarters of certain international organizations. These missions maintain liaison with the international secretariats and with the delegations of other member governments at these organizations' headquarters. The expenses of congressional delegations to international parliamentary meetings are included in this category.

Provision is also made in this section for the funding of official U.S. Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, including international trade negotiations, and for contributions to new or provisional organizations. This also authorizes appropriations for U.S. contributions to international peacekeeping activities in accordance with international multilateral agreements.

The authorization of appropriations requested includes the U.S. contribution to the International Commission of Control and Supervision in Vietnam and the U.N. Force in Cyprus.

Paragraph (3) authorizes appropriations under the heading "International Commissions" which provides funds to enable the United States to fulfill its treaty and other international obligations with Mexico and Canada. This includes the expenses of the American Section of the International Boundary and Water Commission, United States and Mexico as well as project investigations and construction on the United States-Mexico boundary.

The authorization of funds for American Sections, International Commissions, in accordance with existing treaties, for expenses of the American Section of the International Boundary Commission and the International Joint Commission is provided under this paragraph. These two Commissions are concerned respectively with the maintenance of the United States-Canadian border and with environmental and other joint problems involving the United States and Canada.

Appropriations are also authorized for expenses, including contributions, to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties, conventions, and implementing acts of Congress.

Paragraph (4) authorizes appropriations under the heading "Educational Exchange" to provide funds to enable the Secretary of State to carry out his functions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the act of August 9, 1939. These funds provide for the educational and cultural program of the Department of State, including the exchange of persons, aid to American-sponsored schools abroad, and cultural presentations. This authorization also enables the Secretary of State, through a grant to the State of Hawaii, to carry out the provisions of the act of 1960 establishing a Center for Cultural and Technical Interchange Between East and West. The Center provides grants, fellowships and scholarships to qualified persons from Asia, the Pacific area, and the United States who work jointly on problems of mutual concerns.

This paragraph also authorizes an appropriation of U.S.-owned Japanese currency earmarked in a special account to strengthen Japanese and American cultural relations. This will fulfill article V of the 1962 agreement between the United States and Japan and will reciprocate for the gift of the Japanese Government made in 1973 to American educational institutions.

Paragraph (5) authorizes appropriation under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance to migrants and refugees. This assistance is rendered through (a) contributions to multilateral organizations such as the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees and (b) unilateral assistance to refugees designated by the President, as authorized by law. Included also is an authorization of funds for a contribution to the International Committee of the Red Cross pursuant to existing legislation.

Paragraph (6) provides authorization of appropriations for increases in salary, pay, retirement and other employee benefits as authorized by law which occur from time to time. The occurrence is usually at an inappropriate time for requesting authorization and appropriation

through the regular annual cycle. This further provides authorization of appropriations to meet mandatory items which were unanticipated and which have a material impact upon the operations and fiscal resources of the Department of State and the Foreign Service. This authorization would permit more rapid and responsive action to meet increased costs resulting from overseas wage and price increases and adverse currency exchange fluctuations.

Section 2(b)

This section provides authorization of amounts for fiscal year 1977 necessary to support the activities described in the paragraphs of Section 2(a). This is in keeping with the provisions of the Congressional Budget and Impoundment Control Act of 1974 requiring advance fiscal year authorization of appropriations. (Public Law 93-344).

Section 2(c)

This section provides the customary extension of availability of funds beyond the end of the fiscal year, to the extent provided for in appropriation acts. This applies to such appropriations of the Department as "International Boundary and Water Commission, United States and Mexico—Construction", and "Migration and Refugee Assistance". This authority is required to enable the Department to retain funds appropriated for construction projects, the completion of which extends beyond a single fiscal year, and to enable the Department to meet completely the calendar year program needs for migration and refugee assistance.

Section 3

This section provides that any unused, i.e., unappropriated authorization for any category may be transferred to any other category. The amount to be transferred may not exceed 10 percent of the category's original authorized amount. This will permit flexibility in the management of our financial resources and in being able to respond rapidly to urgent, mandatory increased needs.

Section 4

This section provides authorization of appropriations to assist in funding the expenses of maintaining the living quarters of the U.S. Representative to the Organization of American States. As an Ambassador with responsibilities and duties for meeting and negotiating with members of the diplomatic corps and representatives of international organizations, it is essential for him to have and maintain appropriate housing.

Section 5(a)

This paragraph provides authorization of appropriations for payments of the U.S.' assessed share of the calendar year 1974 budget of the International Civil Aviation Organization.

Section 5(b)

This paragraph provides authorization for U.S. contributions to international peacekeeping activities to exceed the 25 percent limitation (Public Law 92-544) and 33½ percent limitation (Public Law 82-495) placed on contributions to the United Nations or any affiliated agency. This exception will enable the United States to negotiate participation in international peacekeeping activities with

the fullest strength and influence; and to meet the necessary obligations incurred concomitant with our leadership in international affairs and support for multilateral peace activities.

Section 6

This section authorizes an increase in the limitation placed on the Rio Grande canalization project by \$1,500,000. This is necessary to permit improvements in the canalization project which are expected to be met by requested increases in the 1976 and 1977 budgets.

Section 7

This section provides authorization of appropriations for funds to meet the U.S. contributions towards the maintenance of the Bureau of the Interparliamentary Union which promotes international arbitration and to meet the expenses of the American group of the Interparliamentary Union.

Section 8

This section would provide perfecting amendments for section 576 of part H of title V of the Foreign Service Act. This section was added by Public Law 93-475, the State Department/USIA Authorization Act, Fiscal Year 1975 and authorizes assignments of Foreign Service officers to certain public organizations in the United States including the Congress.

This program is designed to provide additional opportunities to participants to gain experience in local problems and viewpoints throughout the United States and to contribute to an understanding of foreign affairs at the "grass roots" level.

The recasting of this section would provide the following benefits:

- (1) Allow a flexible number of officers to be assigned to this program in keeping with the needs of the Service;
- (2) Permit assignments to be made any time before the 15th year of service rather than just between the 8th and 15th years;
- (3) Permit assignments to Puerto Rico, territories and possessions of the United States as well as the continental portions of the United States;
- (4) Authorize assignments for longer than 12 months if necessary and permit the department the option of accepting reimbursement from the organizations to which officers are assigned;
- (5) Permit a statement of preference concerning the type of public organization to which the officer would be assigned as well as eliminating the bar to stating a preference for geographic location; and
- (6) Allow that the time served in a public organization be counted towards selection out. This would put this assignment on a equal footing with all other Foreign Service assignments including those to educational institutions and other U.S. Government agencies in all parts of the United States.

Eliminating the restriction in part (b) of section 9 of Public Law 93-475 would permit eligibility for all officers with less than 15 years of service for participation in assignments to public organizations.

Section 9

This section broadens the death gratuity coverage of the Act entitled "An Act to Provide Certain Basic Authority for the Department of State" approved August 1, 1956, to include American nationals serving as consular agents or representatives to an international organization or commission.

Section 10

This section authorizes a change in the effective date of within-class pay increases for Foreign Service officers and Foreign Service Reserve officers to the first day of the first pay period that begins in July from the first day of each fiscal year and gives credit toward initial Foreign Service officer and Reserve officer within-class increases for prior Federal Service when an equivalent increase has not been received upon transfer from another pay category. The change in the effective date of increases would eliminate the administrative cost of making mid-pay period salary adjustments. It would also prevent the unintended 3-month delay of such increases in 1976 that would otherwise occur because of the change in the beginning of fiscal years from July 1 to October 1 scheduled in 1976.

Section 11

This section eliminates the requirement that all Foreign Service Officers must reexecute affidavits concerning bribery, loyalty and striking against the Government following each promotion. Collecting, processing and preserving the affidavits creates costly administrative problems. In addition, salary may not be paid at the new rate after promotion unless a new affidavit is executed. The imminent consolidation of the Department's automated personnel and payroll systems heightens the need to eliminate the requirement for reexecution of the affidavits at this time. If it is not done, expensive and unproductive computer programming will be required.

Section 12

This section prohibits the use of funds authorized to be appropriated by this act to be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the U.S. Passport Office, the issuance of machine readable passport books, or of any other new passport system.

Section 13

This section will increase to \$25 million from \$10 million the amount which may be made available from Foreign Assistance funds by Presidential determination for refugee assistance. This increase in availability of funds is being requested because of the growing number of worldwide refugee situations, the rising costs of assistance which have eroded the quantity and quality of relief that can be provided within the present \$10 million limitation and to provide greater administration flexibility in meeting new, emergency situations.

Section 14

In view of the declining rate of refugees coming from the Soviet Union and other Communist countries in eastern Europe, this section reduces from \$40 to \$20 million the amount available to the Secretary of State for assistance purposes in these areas. This section also places

a ceiling upon the per centum of the amount appropriate by this act that may be used to resettle refugees in any country other than Israel.

Section 15

This section authorizes to the President of the United States, should he request it, an appropriation to be used for a contribution of the United States to the U.N. University Endowment Fund. It also places a per centum ceiling on the U.S. contribution to this fund.

During its consideration of this legislation, the subcommittee heard the following testimony:

STATEMENT OF DR. CARL MARCY, COUNCIL FOR A LIVABLE WORLD

Mr. MARCY. I am here to represent the United Nations University with headquarters in Tokyo. I think several Members of this Subcommittee were at the General Assembly in 1973 at which time there was a proposal to create a UN University. The U.S. delegation was not very happy with the proposal but after some amendments had been introduced, the U.S. did vote for creation of such a university with the understanding we were voting for it in principle but not as to funding.

What I have submitted to Members of the Committee is a proposed amendment to the bill for State Department authorization. The reason we believe the Subcommittee should give favorable consideration to this is as follows: There have been very significant developments which have taken place since 1973. Perhaps the most significant is the Rector of the University turn out to be an American, Mr. James Hester, President of NYU for several years. The Japanese Government has already agreed to put up a \$100 million as an endowment for the university. Developments within the past few weeks in Vietnam have made it necessary for the U.S. to take a fresh view at its relations with that particular part of the world.

The Department of State considered asking for this \$50 million authorization this year. It is our understanding with a good deal of back and forth that the Office of Management and Budget prevailed and I must say I agree with others that this is no time to be adding \$50 million to the 1976 budget of the U.S.

I tried to take that into consideration in drafting the amendment before you. I would like to bring to your attention the authorization is for an appropriation to the President of \$50 million to be used as the U.S. contribution to the endowment fund of the university. I direct particular attention to the provisos.

First, no funds for this purpose are to be appropriated prior to fiscal '77. So there will be no budgetary burden this year or in 1976. But notice is served that when the 1977 budget is prepared the Administration should have in mind very seriously how to include the U.S. contribution to this university.

The second proviso also limits the budgetary impact. Even after 1977 the contribution of the U.S. is not to exceed \$20 million in any fiscal year. Furthermore, appropriations are not to be made then unless account has been taken of recommendations by the President of the U.S. based upon the then budgetary situation of the U.S. Consideration must then also be given to contributions made by other members of the United Nations to the endowment fund and finally, the President must make a judgment as to whether the university is in fact coming up to the standards of excellence which its charter sets forth.

Finally, there is a provision that under no circumstances should the contributions of the U.S. exceed 25 percent of funds promised or actually contributed by other members of the United Nations. That limitation is consistent with other provisions of law. You will recall in the past the U.S. used to contribute up to 33 $\frac{1}{3}$ rd percent but there is a limitation now to 25 percent.

In closing my argument, it occurs to me, this kind of action by this Committee will show congressional initiative. I certainly would oppose this amount if it were for \$50 million for increasing the size of our military bases in Japan but I think the \$50 million devoted to a university of this type would be a very valuable thing. In the Hays-Fulbright bill, as it is known as House side, and on the Senate side, the Fulbright-Hays Act, emphasizes the importance of some of the non-military aspects of the role of the U.S. Government in foreign policy and the direction it ought to take. I think the U.S. has always been recognized as a Government and society which makes a great deal about academic freedom and these things are written in the charter.

STATEMENT REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

Pursuant to the requirements of Rule XI(1)(3) of the Rules of the House of Representatives, the following statements are made:

(A) *Oversight findings and recommendations:* The essential task of the Department of State during the current period of international instability and change is to maintain a maximum rate of efficiency and effectiveness. The committee finds the Department is pursuing that objective.

(B) *Congressional Budget Act, section 308(a) requirement:* This bill provides for no new budget authority and increased tax expenditures.

(C) *Congressional Budget Office estimate and comparison:* No estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been received by the Committee.

(D) *Committee on Government Operations summary:* No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

The bill would not have any identifiable inflationary impact. On the contrary, figures contained in the bill reflect an existing average worldwide inflation rate of approximately 18.8 percent.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, 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 italics, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 1, 1956

AN ACT To provide certain basic authority for the Department of State

* * * * *

SEC. 14. (a) * * *

* * * * *

(d) As used in this section—

(1) the term "Foreign Service employee" means *any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, [or] a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;*

(2) each of the terms "widow," "widower," "child," and "parent" shall have the same meaning given each such term by section 8101 of title 5, United States Code; and

(3) the term "United States" means the several States and the District of Columbia.

* * * * *

SEC. 17. *The Secretary of State is authorized to use appropriated funds to defray unusual expenses incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States to the extent that such expenses are similar to the unusual expenses incident to the operation and maintenance of official residences in foreign countries which may be defrayed under section 5913(b) of title 5, United States Code.*

ACT OF JUNE 4, 1936

AN ACT Authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose

* * * * *

SEC. 2. There is authorized to be appropriated the sum of **[\$3,000,000]** \$4,500,000 for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents; travel expenses; per diem in lieu of actual subsistence; printing and binding, law books,

and books of reference: *Provided*, That the amount herein authorized to be appropriated shall include so much as may be necessary for completion of construction of the diversion dam in the Rio Grande wholly in the United States, in addition to the \$1,000,000 authorized to be appropriated for this purpose by the Act of August 29, 1935 (49 Stat. 961): *Provided further*, That the total cost of construction of said diversion dam and canalization works shall not exceed **[\$4,000,000] \$5,500,000**: *Provided further*, That the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less; purchase, exchange, maintenance, repair and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and airmail communication; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary properly to carry out the provisions of the Act: *And provided further*, That any part of any appropriation made hereunder may be transferred to, for direct expenditure by, the Department of the Interior pursuant to such arrangements therefor as may be from time to time effected between the Secretary of State and the Secretary of the Interior, or as directed by the President of the United States.

ACT OF JUNE 28, 1935

AN ACT To authorize participation by the United States in the Interparliamentary Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That an appropriation of \$120,000 annually is authorized, \$75,000 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$26,900, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group.] *That 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 the 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, \$45,000, or so much thereof as may be necessary.*

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

SEC. 2. That 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.

SEC. 3. *After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.*

FOREIGN SERVICE ACT OF 1946

* * * * *
TITLE V—APPOINTMENTS AND ASSIGNMENTS
* * * * *

ASSIGNMENTS TO PUBLIC ORGANIZATIONS

[SEC. 576. (a) Not less than fifty Foreign Service officers shall, between their eighth and fifteenth years of service as such officers, be assigned in the continental United States during each fiscal year for significant duty with State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. Such assignment shall be for twelve consecutive months. Each such Foreign Service officer shall be entitled to state a preference with respect to the type of public organization to which he would like to be assigned but may not state a preference with respect to the geographical location to which he would like to be assigned.]

SEC. 576. (a) *A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States during each fiscal year for significant duty with the Congress, State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. To the extent practical such assignments shall be for at least 12 consecutive months and may be on a reimbursable basis.*

(b) A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned. [However, any period of time an officer is assigned under this section shall not be included as part of any period that the officer has remained in a class for purposes of determining whether he is to be selected out under section 633 of this Act, or regulations promulgated pursuant thereto. The salary of the officer shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service.]

* * * * *

TITLE VI—PERSONNEL ADMINISTRATION

PART C—PROMOTION OF FOREIGN SERVICE OFFICERS AND
FOREIGN SERVICE RESERVE OFFICERS

PROMOTION OF FOREIGN SERVICE OFFICERS BY SELECTION

SEC. 621. All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit. *The affidavit requirements of sections 3332 and 3333(a) of title 5 of the United States Code shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service.*

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE
OFFICERS AND RESERVE OFFICERS

[SEC. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to any such officer additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.]

SEC. 625. (a) *Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term "equivalent increase in pay" means—*

- (1) *any increase in basic salary resulting from—*
 - (A) *a grade or class promotion,*
 - (B) *a regularly scheduled within-grade or within-class step increase, or*
 - (C) *a salary adjustment or combination of adjustments—*
 - (i) *made since the last equivalent increase in pay,*
 - (ii) *resulting from conversion from one pay system to another, and*

(iii) *equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or*

(2) *such other increases in salary as the Secretary may by regulation designate; but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.*

(b) *Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service.*

SECTION 9 OF THE STATE DEPARTMENT/USIA AUTHORIZATION
ACT, FISCAL YEAR 1975

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 9. (a) * * *

[(b) The amendment made by subsection (a) of this section shall apply only to a Foreign Service officer who completes his eighth year of service as such an officer on or after the date of enactment of this Act.]

MIGRATION AND REFUGEE ASSISTANCE ACT OF 1962

AN ACT To enable the United States to participate in the assistance rendered to certain migrants and refugees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Migration and Refugee Assistance Act of 1962".

SEC. 2. (a) * * *

(c) Whenever the President determines it to be important to the national interest, not exceeding ~~[\$10,000,000]~~ \$25,000,000 in any fiscal year of the funds made available for use under the Foreign Assistance Act of 1961, as amended, may be transferred to, and consolidated with, funds made available for this Act in order to meet unexpected urgent refugee and migration needs.

○

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL
YEAR 1976

NOVEMBER 13, 1975.—Ordered to be printed

Mr. MORGAN, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1517]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1517) to authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1976".

TITLE I—ADMINISTRATION OF FOREIGN AFFAIRS

PART 1—DEPARTMENT OF STATE

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", \$439,055,000;
and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 17. The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5, United States Code, incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States."

TRAVEL DOCUMENT AND ISSUANCE SYSTEM

SEC. 102. (a) Except as provided in subsection (b), no part of any funds authorized to be appropriated by this title may be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the United States Passport Office (and which involves a restructuring of the passport issuance function and the issuance of machine readable passport books), or of any other new passport system.

(b) Not to exceed \$100,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available for a study of the desirability and cost implications of the Travel Document and Issuance System described in subsection (a). Such study shall be transmitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate.

BEQUEST OF AMBASSADOR THURSTON

SEC. 103. There is authorized to be appropriated to the Department of State for fiscal year 1976 the sum of \$125,000, to remain available until expended, for the purpose of furnishing or refurbishing the diplomatic reception rooms of the Department of State, such sum representing the amount bequeathed by the late Ambassador Walter Thurston to the United States of America.

CRITERIA REGARDING SELECTION AND CONFIRMATION OF AMBASSADORS

SEC. 104. The Act of August 1, 1956 (Public Law 84-885; 70 Stat. 890) is amended by adding at the end thereof the following new section:

"SEC. 18. It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns."

REOPENING OF UNITED STATES CONSULATE AT GOTHENBURG, SWEDEN

SEC. 105. (a) It is the sense of the Congress that the United States Consulate at Gothenburg, Sweden, should be reopened as soon as possible after the date of enactment of this Act.

(b)(1) There are authorized to be appropriated for the Department of State for fiscal year 1976, in addition to amounts authorized under section 101 of this Act, such sums as may be necessary for the operation of such consulate.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

AGRICULTURAL ATTACHÉ IN CHINA

SEC. 106. It is the sense of the Congress that the President should establish an agricultural attaché in the People's Republic of China.

PART 2—ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION

SEC. 141. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "\$10,100,000," the following: "and for fiscal years 1976 and 1977 the sum of \$23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs),".

STUDY REGARDING IMPACT OF CERTAIN ARMS CONTROL MEASURES UPON MILITARY EXPENDITURES

SEC. 142. Of the amount appropriated under the amendment made by section 141 of this Act, not to exceed \$1,000,000 shall be used by the Director of the Arms Control and Disarmament Agency to conduct a study of the impact upon military expenditures of arms control measures mutually agreed to by the United States and the Soviet Union. The Director of the Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate—

- (1) from time to time, reports with respect to such study, and
- (2) not later than December 31, 1976, a final report setting forth the findings and conclusions of such study.

RESEARCH REGARDING DEVELOPMENT OF NUCLEAR SAFEGUARD TECHNIQUES

SEC. 143. In addition to amounts otherwise available under the amendment made by section 141 of this Act, \$440,000 may be used for the purpose of conducting research, in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques.

PURPOSES OF ARMS CONTROL AND DISARMAMENT ACT

SEC. 144. Section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551) is amended by striking out "It must be able" in the second sentence of the third paragraph and inserting in lieu thereof "It shall have the authority, under the direction of the President and the Secretary of State,".

NATIONAL SECURITY COUNCIL

SEC. 145. Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended by inserting "the National Security Council," immediately after "Secretary of State" in the first sentence.

ARMS CONTROL AND DISARMAMENT IMPACT STATEMENT

SEC. 146. Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2575) is amended by adding at the end thereof the following:

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

"SEC. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control 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 annual program cost in excess of \$50,000,000, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director 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.

"(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

"(2) Any request to the Congress for authorization or appropriations for—

"(A) any program described in subsection (a) (1) or (2), or

"(B) any program described in subsection (a) (3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

"(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

"(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director)."

SECURITY REQUIREMENTS FOR CERTAIN CONSULTANTS AND CONTRACTORS

SEC. 147. (a) (1) The second sentence of section 45 (a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by striking out "The Director" and inserting in lieu thereof "Except as provided in subsection (d), the Director".

(2) The fifth sentence of section 45 (a) of such Act is amended by striking out "No person" and inserting in lieu thereof "Except as provided in subsection (d), no person".

(3) Section 45 of such Act is amended by adding at the end thereof the following new subsection:

"(d) The investigations and determination required under subsection (a) may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States."

(b) Section 45 (b) of such Act (22 U.S.C. 2585 (b)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing and the provisions of subsection (a), the Director 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)."

PUBLIC INFORMATION

SEC. 148. Section 49 (d) of the Arms Control and Disarmament Act (22 U.S.C. 2589 (d)) is repealed.

REPORT TO CONGRESS; POSTURE STATEMENT

SEC. 149. Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2590) is amended by adding at the end thereof the following new sentence: "Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect."

CONSULTATION REGARDING ARMS TRANSFERS

Sec. 150. (a) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) is amended by adding at the end thereof the following new section:

"(f) Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements."

(b) Section 42(a) of the Foreign Military Sales Act (22 U.S.C. 2791(a)), is amended by striking out "(3)" and inserting in lieu thereof "(3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to".

(c) Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(d)) is amended by striking out the words "take into account" and inserting in lieu thereof "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to".

PART 3—FOREIGN SERVICE BUILDINGS

AUTHORIZATION

Sec. 171. (a) Subsection (g) of section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295) is amended—

(1) in subparagraph (1) (A), by striking out "\$2,190,000" and inserting in lieu thereof "\$850,000";

(2) in subparagraph (1) (B), by striking out "\$375,000" and inserting in lieu thereof "\$240,000";

(3) in subparagraph (1) (C), by striking out "\$4,780,000" and inserting in lieu thereof "\$682,000";

(4) in subparagraph (1) (D), by striking out "\$2,585,000" and inserting in lieu thereof "\$1,243,000"; and

(5) in subparagraph (1) (E), by striking out "\$3,518,000" and inserting in lieu thereof "\$10,433,000".

(b) Section 4 of such Act is further amended—

(1) by redesignating subsection (h) as subsection (i) and by inserting immediately after subsection (g) the following new subsection:

"(h) In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

"(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

"(A) for use in Africa, not to exceed \$865,000 for the fiscal year 1977;

"(B) for use in the American Republics, not to exceed \$2,450,000 for the fiscal year 1977;

"(C) for use in Europe, not to exceed \$6,725,000 for fiscal year 1977;

"(D) for use in East Asia, not to exceed \$875,000 for the fiscal year 1977;

"(E) for use in the Near East and South Asia, not to exceed \$3,005,000, of which not to exceed \$3,985,000 may be appropriated for the fiscal year 1976;

"(F) for facilities for the United States Information Agency, not to exceed \$3,745,000, of which not to exceed \$2,800,000 may be appropriated for the fiscal year 1976; and

"(G) for facilities for agricultural and defense attaché housing, not to exceed \$420,000 for the fiscal year 1977; and

"(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, \$71,600,000, of which not to exceed \$32,840,000 may be appropriated for fiscal year 1976."; and

(2) by striking out paragraph (2) of subsection (i) as so redesignated by paragraph (1) of this Act and inserting in lieu thereof the following new paragraph:

"(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1)."

TITLE II—INTERNATIONAL ORGANIZATIONS,
CONFERENCES, AND COMMISSIONS

GENERAL AUTHORIZATIONS

Sec. 201. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for "International Organizations and Conferences", \$250,228,000;

(2) for "International Commissions", \$19,993,000; and

(3) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

EXCEPTION TO LIMITATION ON PAYMENTS TO THE INTERNATIONAL CIVIL
AVIATION ORGANIZATION

Sec. 202. Notwithstanding the proviso in the seventh paragraph of title I of the Act of October 25, 1972 (86 Stat. 1110), there is authorized to be appropriated \$366,675 for the contribution of the United States toward the calendar year 1974 budget of the International Civil Aviation Organization.

LIMITATIONS ON CONTRIBUTIONS AND PAYMENTS TO IAEA, ICAO, AND
UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. 203. Public Law 92-544 (86 Stat. 1109, 1110) is amended, in the paragraph headed "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" under "INTERNATIONAL ORGANIZATIONS AND CONFERENCES", by inserting a period after "organization", striking out the text following and inserting in lieu thereof the following: "Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33 1/3 per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements."

INTERPARLIAMENTARY UNION

SEC. 204. (a) The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows: "That 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 the 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, \$45,000 or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group."

(b) Such Act of June 28, 1935 is further amended by adding at the end thereof the following new section:

"SEC. 3. After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party."

(c) The Act of June 30, 1958 (Public Law 85-474; 72 Stat. 244) is amended by adding at the end thereof the following new sentence: "Not less than two Senators so designated shall be members of the Committee on Foreign Relations."

UNITED STATES CONTRIBUTION TO THE UNITED NATIONS UNIVERSITY
ENDOWMENT FUND

SEC. 205. There is authorized to be appropriated, upon request of the President, to the President for fiscal year 1977, \$10,000,000 to be

used for a contribution of the United States to the United Nations University Endowment Fund, such contribution to be made on such terms as the President finds will promote the purposes of the University as stated in University Charter approved by the General Assembly of the United Nations in December 1973; except that the contribution of the United States to the United Nations University Endowment Fund may not exceed 25 per centum of the total amount actually contributed to such fund by other members of the United Nations. Amounts appropriated under this section are authorized to remain available until expended.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND
MEXICO

SEC. 206. Section 2 of the Act of June 4, 1936 (49 Stat. 1463), is amended—

(1) by striking out "\$3,000,000" and inserting in lieu thereof "\$4,500,000"; and

(2) by striking out "\$4,000,000", and inserting in lieu thereof "\$5,500,000".

TITLE III—EDUCATIONAL EXCHANGE

AUTHORIZATION

SEC. 301. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for "Educational Exchange", \$78,800,000; and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) No funds from the Government and Relief in Occupied Areas (G.A.R.I.O.A.) Account are authorized to be appropriated under this section.

TITLE IV—FOREIGN SERVICE

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 401. (a) Section 576 of the Foreign Service Act of 1946 (22 U.S.C. 966) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) (1) A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member or office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

"(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees."

(2) Strike out the second and third sentences of subsection (b).

(3) At the end thereof add the following new subsections:

"(e) Not later than six months after the date of enactment of this subsection, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.

"(f) The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975."

(b) Section 9(b) of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 966 note) is repealed.

ELIMINATION OF CERTAIN AFFIDAVIT REQUIREMENTS FOR FOREIGN SERVICE OFFICERS WHO ARE PROMOTED

SEC. 402. Section 621 of the Foreign Service Act of 1946 (22 U.S.C. 991) is amended by adding at the end thereof the following new sentence: "The affidavit requirements of sections 3332 and 3333(a) of title 5 of the United States Code shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service."

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

SEC. 403. Section 625 of the Foreign Service Act of 1946 (22 U.S.C. 995) is amended to read as follows:

"SEC. 625. (a) Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term 'equivalent increase in pay' means—

"(1) any increase in basic salary resulting from—

"(A) a grade or class promotion,

"(B) a regularly scheduled within-grade or within-class step increase, or

"(C) a salary adjustment or combination of adjustments—

"(i) made since the last equivalent increase in pay,

"(ii) resulting from conversion from one pay system to another, and

"(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or

"(2) such other increases in salary as the Secretary may by regulation designate;

but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.

"(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service."

GRIEVANCE PROCEDURE

SEC. 404. (a) Title VI of the Foreign Service Act of 1946 (22 U.S.C. 981) is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

"REGULATIONS OF THE SECRETARY

"SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

"(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

"(A) 'grievant' shall mean any officer or employee of the Service who is a citizen of the United States; or for purposes of subparagraphs (C) and (D), a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee;

“(B) ‘grievance’ shall mean any act or condition subject to the control of the Department of State, United States Information Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant’s official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant’s employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant’s physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant’s official personnel file; and action alleged to be in the nature of reprisal for an employee’s participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 623 or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examination prescribed by the Board of Examiners pursuant to section 516 or 517, termination of time limited appointments pursuant to section 638, and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization);

“(C) except as provided in paragraph (D), when the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, ‘grievance’ shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation;

“(D) when the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of this Act within six years prior to the enactment of this part, ‘grievance’ shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant’s official personnel file alleged to be erroneous or falsely prejudicial in character; and

“(E) ‘party’ shall mean the grievant or the foreign affairs agency having control over the act or condition forming the subject matter of the grievance.

“(2) (A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States, well-known for their integrity, who are not active officers, employees or consultants of the foreign affairs agencies (except as members of the Grievance Board established under 3 Foreign Affairs Manual 660) but may be retired officers or employees. The board shall consist of not less than 5 members including a Chairman. Membership of the board, selection of the Chairman, and terms of the service of the members shall be determined by the foreign affairs agencies and the organization accorded recognition as the exclusive representative of the officers or employees of the Service in accordance with procedures agreed pursuant to paragraph (1). If the agencies and organization do not agree on membership of the board prior to the effective date of this part, the members shall be chosen by elimination, in equal numbers from a list submitted by the agencies and a list submitted by the organization, and the Chairman shall be chosen, by alternate striking by the agencies and the organization, from a separate list obtained from the Federal Mediation and Conciliation Service. Unless otherwise agreed upon, the term of service shall be two years, renewable. All members of the board shall act as impartial individuals in considering grievances. The board may act by or through panels or individual members designated by the Chairman, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Members including the Chairman who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the board (including travel time) at the daily rate paid an individual at GS-18 of the General Schedule under section 5332 of title 5 of the United States Code.

“(B) In accordance with this part, the board may adopt regulations concerning the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain facilities, services and supplies through the general administrative services of the Department of State. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. At the request of the board, officers and employees on the rolls of the foreign affairs agencies may be assigned as staff employees for the board. Within the limit of appropriated funds, the board may appoint and fix the compensation of such other employees as the board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the board and the board shall prepare the performance evaluation reports for such officers and employees. The records of the board shall be maintained by the board and shall be separate from all other records of the foreign affairs agencies.

“(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is presented within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than two years prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is presented within a period of two years after the effective date of the regulations. There shall be

excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he or she had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing, at the request of a grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under section 633 of this Act or which in the judgment of the board can best be resolved by a hearing or by presentation of oral argument. The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of representatives of the foreign affairs agency concerned are entitled to be present at the hearing. The board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given by oath or affirmation, which any board member or person designated by the board shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board, or upon a request of the grievant deemed relevant and material by the board, the foreign affairs agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the foreign affairs agencies, except that if the board determines that the presence of such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding under the regulations adopted pursuant to paragraph (1), shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

"(6) In considering the validity of a grievance, the board (except as provided in paragraph (8)) shall have access, to the extent permitted by law, to any agency record considered by the board to be relevant to the grievant and the subject matter of the grievance.

"(7) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding. When deemed appropriate by the board, a grievant may be supplied with only a summary or extract of classified material.

"(8) Notwithstanding paragraphs (6) and (7), nothing in this Act shall be construed to require the disclosure of any official agency record to the board or a grievant where the head of agency or his deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

"(9) The agencies shall use their best endeavors to expedite security clearances whenever necessary to insure a fair and prompt investigation and hearing.

"(10) During any hearings held by the board, any oral or documentary evidence may be received but the board shall exclude any irrelevant, immaterial, or unduly repetitious evidence as determined under section 556 of title 5 of the United States Code. A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings. In those grievances in which the board holds no hearing, the board shall offer to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to its decision. The board decision shall be based exclusively on the record of proceedings.

"(11) If the board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance. Other matters not specified in this paragraph may be made subject to suspension of action by the procedures established by agreement under paragraph (1). Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when determined in writing to be essential to the functioning of the post or office to which the employee is assigned.

"(12) Upon completion of the hearing or the compilation of such record as the board may find appropriate in the absence of a hearing, the board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the board shall be in writing, shall include findings of fact, and shall include the reasons for the board's decision. The grievant shall have access to the record of proceedings including the decision.

"(13) If the board finds that the grievance is meritorious, the board shall have authority, within the limitations of the authority of the head of the agency, to direct the agency (A) to correct any official personnel record relating to the grievant which the board finds to be inaccurate or falsely prejudicial; (B) to reverse an administrative decision denying the grievant compensation or any other perquisite of employment authorized by law or regulation when the board finds that such denial was arbitrary, capricious, or contrary to law or regulation; (C) to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved; (D) to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or

suspension without pay of the employee was unjustified or unwarranted; and (E) to take such other remedial action as may be provided in the procedures agreed pursuant to paragraph (1). Such orders of the board shall be final, subject to judicial review as provided in section 694, except that reinstatement of former officers who have filed grievances under paragraph (1)(D) shall be presented as board recommendations, the decision on which shall be subject to the sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations, and shall not be reviewable under section 694.

"(14) If the board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant or to other remedial action not provided in paragraph (13), or if the board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the board's proceedings including the transcript of the hearing if any. The head of the agency (or his designee, who shall not have direct responsibility for administrative management) shall make a written decision on the board's recommendation. A recommendation of the board may be rejected in part or in toto if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the recommendation in part or in toto, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communication concerning the grievance between the agency head (or his designee) and any person involved in the grievance proceeding.

"(15) The board shall have authority to insure that no copy of the determination of the agency head or his designee to reject a board recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the grievance board as a remedy for the grievance) or any other officer or employee connected with the grievance. Nothing contained herein shall prevent the agency from maintaining grievance records under appropriate safeguards to preserve confidentiality.

"(16) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the board and then only upon approval of the board.

"RELATIONSHIP TO OTHER REMEDIES

"SEC. 693. (a) A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved, and relief provided, under a provision of law, regulation, or Executive Order (other than under this part) and the matter has been carried to final decision thereunder on its merits or is still under consideration.

"(b) If a grievant is not prohibited from filing a grievance under this part by subsection (a), he may file a grievance within the jurisdiction of the board under this part notwithstanding the fact that such grievance may be eligible for consideration, resolution, and relief under a regulation or Executive Order other than under this part, but such election of remedies shall be final upon the acceptance of jurisdiction by the board.

"JUDICIAL REVIEW

"SEC. 694. Notwithstanding any other provision of law, any aggrieved party may obtain judicial review of regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and final actions of the agency head or the board pursuant to such section, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of title 5 of the United States Code. Section 706 of title 5 shall apply without limitation or exception."

(b) The Secretary of State shall promulgate and place into effect the regulations required by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section) and shall establish the board and appoint the members of the board provided for by such section 692, not later than 120 days after the date of enactment of this Act.

PREDEPARTURE LODGING ALLOWANCE

SEC. 405. Paragraph (2) of section 5924 of title 5, United States Code, is amended by striking out clause (A) thereof and inserting in lieu thereof the following:

"(A) a foreign area (including costs incurred in the United States prior to departure for a post of assignment in a foreign area); or"

AUTHORITY OF CERTAIN OFFICERS AND EMPLOYEES TO CARRY FIREARMS

SEC. 406. The Act of June 28, 1955 (22 U.S.C. 2666) is amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That, under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect."

DEATH GRATUITIES FOR CONSULAR AGENTS AND UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

SEC. 407. (a) Paragraph (1) of section 14(d) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended to read as follows:

"(1) the term 'Foreign Service employee' means any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission."

(b) The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 1973.

TITLE V—GENERAL

MIGRATION AND REFUGEE ASSISTANCE

SEC. 501. (a) Section 2(c) of the Refugee and Migration Assistance Act of 1962 is amended to read as follows:

"(a) (1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.

"(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed \$25,000,000. Amounts appropriated hereunder shall remain available until expended.

"(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations."

(b) (1) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(A) for "Migration and Refugee Assistance," \$10,100,000; and

(B) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(c) In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary of State for fiscal year 1976 not to

exceed \$20,000,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorizations Act of 1972 (relating to Russian refugee assistance) and to furnish similar assistance to refugees from Communist countries in Eastern Europe. Not to exceed 20 per centum of the amount appropriated under this subsection may be used to resettle refugees in any country other than Israel. Appropriations made under this subsection are authorized to remain available until expended.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 502. In addition to the amount authorized under section 101(a), 201(a), 301(a), or 501(b) of this Act, any unappropriated portion of the amount authorized under any such section is authorized for appropriation under any other such section, provided the amount authorized under such section is not increased by more than 10 per centum.

UNITED NATIONS COOPERATION REGARDING MEMBERS OF UNITED STATES ARMED FORCES MISSING IN ACTION IN SOUTHEAST ASIA

SEC. 503. (a) The President shall direct the United States Ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces and United States civilians missing in action in Southeast Asia.

(b) Not later than six months after the date of enactment of this section, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a report on actions taken by the United Nations to obtain such an accounting.

And the House agree to the same.

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CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
L. H. FOUNTAIN,
DANTE B. FASCELL,
CHARLES C. DIGGS, JR.,
WM. BROOMFIELD,
PAUL FINDLEY,
JOHN BUCHANAN,

Managers on the Part of the House.

JOHN SPARKMAN,
MIKE MANSFIELD,
FRANK CHURCH,
STUART SYMINGTON,
CLAIBORNE PELL,
HUBERT H. HUMPHREY,
CLIFFORD P. CASE,
J. K. JAVITS,
HUGH SCOTT,

Managers on the Part of the Senate.

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE
OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1517) to authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF APPROPRIATIONS

The following tables show the provision of the Senate bill, the House amendment, and the conference substitute, with respect to the authorization of appropriations for fiscal year 1976 and fiscal year 1977:

FISCAL YEAR 1976 AUTHORIZATIONS¹

[In thousands of dollars]

	Senate bill	House amendment	Conference substitute
Administration of foreign affairs:			
Administration of foreign affairs (State Department).....	435,755	² 444,204	³ 439,055
ACDA.....	⁴ 12,130	⁵ 12,050	⁶ 12,130
Foreign Service buildings.....	39,625	39,625	39,625
International organizations, conferences and commissions:			
International organizations and conferences (State Department).....	⁴ 250,228	⁴ 270,118	⁴ 250,228
International commissions (State Department).....	19,993	19,993	19,993
Information and cultural exchange:			
USIA.....	274,014	(⁷)	(⁷)
Educational exchange (State Department).....	74,000	89,000	⁶ 78,800
Board for International Broadcasting.....	65,640	(⁷)	(⁷)
Miscellaneous:			
Migration and refugee assistance (State Department).....	10,100	10,100	10,100
Emergency refugee migration assistance fund (State Department).....	⁸ (25,000)	(⁷)	⁸ (25,000)
Assistance to Soviet refugees (State Department).....	20,000	20,000	20,000
Grand total.....	1,201,485	905,090	869,931

¹ In addition to the amounts shown below, both the Senate and House versions authorized the appropriation of "such sums as may be necessary" for legally mandated pay and benefit increases—except that for ACDA, the House version provided a specific sum for this purpose. The conference substitute is the same as the Senate version in this regard.

² The House version prohibited the expenditure of any funds for the development and implementation of a new Travel Document and Issuance System (TDIS); the conference substitute retains the prohibition, while allowing the expenditure of not to exceed \$100,000 for a study of the desirability and cost implications of the TDIS, such study to be transmitted to Congress. The conferees note that they arrived at the conference substitute figure for Administration of Foreign Affairs (State Department) by deciding to approve the administration's original request plus an additional \$250,000 to augment the account for "representation allowances", the purpose being to reduce dependence upon "out of pocket" representation expenses.

³ As indicated above, the House figure included \$360,000 for legally mandated pay and benefit increases. The Senate figure did not contain funds for such increases; rather, the Senate bill authorized the appropriation of "such sums as may be necessary" for this purpose. The conference substitute employs the Senate approach.

⁴ The difference between the Senate bill and the House amendment exists because the Senate

removed \$19,500,000 requested for the fiscal year 1976 U.S. contribution to UNESCO, and because the Senate did not approve a \$400,000 budget amendment increasing funds available for U.S. missions to international organizations. The conference substitute is the same as the Senate provision.

⁵ The House has not yet completed action on the USIA authorization; this item was thus deleted in anticipation that it will be dealt with in subsequent legislation.

⁶ The bill specifies that none of the appropriations under this authorization may be from GARIOLA (Government and Relief in Occupied Areas) funds. It is the intent of the conferees that any appropriation of GARIOLA funds be made under the authorization provided in the Japan-United States Friendship Act (Public Law 94-118).

⁷ Since passage of the Senate bill, the fiscal year 1976 authorization for the Board for International Broadcasting was enacted in separate legislation; it was thus deleted from this bill.

⁸ The Senate version also authorized appropriations for the creation and maintenance of a \$25,000,000 Emergency Refugee and Migration Assistance Fund. The House version expanded, from \$10,000,000 to \$25,000,000, existing authority by which the President may draw upon foreign aid funds to meet unexpected migration and refugee needs. The conference substitute is the same as the Senate version.

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FISCAL YEAR 1977 AUTHORIZATIONS

[In thousands of dollars]

	Senate bill	House amendment	Conference substitute
Contribution to U.N. University Endowment Fund.....		¹ 20,000	¹ 10,000
Foreign Service buildings.....		55,060	55,060
ACDA.....		² 11,950	² 11,310
Total.....	0	87,010	76,370

¹ The House amendment specified that the U.S. contribution may not exceed 25 percent of the total amount contributed by all U.N. members. This restriction was retained in the conference substitute.

² The House figure included \$640,000 for legally-mandated pay and benefit increases. The conference substitute reduced the authorization by this amount, but authorized the additional appropriation of "such sums as may be necessary" for these purposes.

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REPRESENTATION EXPENSES FOR U.S. REPRESENTATIVE TO OAS

Senate bill

The Senate bill authorized use of appropriated funds for the unusual expenses incident to the operation and maintenance of the living quarters of the U.S. representative to the Organization of American States.

House amendment

The House bill provided the same authorization, using different language.

Conference substitute

The conference substitute is the same as the Senate provision.

BEQUEST OF AMBASSADOR THURSTON

Senate bill

The Senate bill authorized an appropriation of \$125,000 for contribution to the State Department Americana fund, the amount being equal to the bequest of Ambassador Walter Thurston to the U.S. Government.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

CRITERIA FOR AMBASSADORS

Senate bill

The Senate bill declared the sense of Congress that "the position of United States Ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of U.S. ambassador to a foreign country primarily because of partisan political activity or financial contributions to political campaigns."

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate version, except for deletion of the words "partisan political activity or."

CONSULATE IN GOTHENBURG, SWEDEN

Senate bill

The Senate bill declared the sense of Congress that the Consulate in Gothenburg should be reopened, and also authorized funds for that purpose.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate version.

AGRICULTURAL ATTACHÉ IN CHINA

Senate bill

The Senate bill declared the sense of Congress that the President should establish an Agricultural Attaché in the People's Republic of China.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

ACDA STUDY REGARDING IMPACT OF ARMS CONTROL MEASURES UPON MILITARY EXPENDITURES

Senate bill

The Senate bill earmarked "not to exceed" \$1,000,000 for a study regarding the impact on military expenditures of Soviet-American arms control agreements and required a report to Congress on the study by July 1, 1976.

House amendment

The House bill in slightly different language also earmarked "not to exceed" \$1,000,000 for the same study but differed by requiring a report to Congress every 3 months.

Conference substitute

The conference substitute requires the same study with periodic reports and a final report by December 31, 1976. The conferees note their intent that this study be funded from a supplemental appropriation, authority for which is contained in this bill, rather than from the Agency's already programed and appropriated research budget.

ACDA STUDY REGARDING DEVELOPMENT OF NUCLEAR SAFEGUARD TECHNIQUES

Senate bill

The Senate bill stated that "not to exceed" \$440,000 shall be available for research by ACDA, in consultation with the International Atomic Energy Agency (IAEA), with respect to nuclear safeguard techniques.

House amendment

No provision.

Conference substitute

The conference substitute is essentially the same as the Senate version but with deletion of the phrase "not to exceed," the intent of the conferees being to indicate why an increase of \$440,000 was authorized for the ACDA budget but to avoid placing any ceiling on useful research in this vital area.

AVAILABILITY OF ARMS CONTROL INFORMATION TO ACDA AND CONGRESS

Senate bill

The Senate bill established the requirement that ACDA receive full and timely information from any government agency preparing any legislation 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; or

"(2) any other program which such government agency and the (ACDA) Director agree may have a significant impact on arms control and disarmament policy or negotiations."

The Senate bill also required that a complete impact statement be submitted to Congress in connection with any program described above.

House amendment

The House amendment established a similar requirement but for programs of this description:

"(1) 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 annual program in excess of \$50,000,000 or

"(2) any other program which such government agency or the (ACDA) Director believes may have a significant impact on arms control and disarmament policy or negotiations."

The House amendment also required that a complete impact statement be submitted to Congress in connection with any program described above, except that statements on programs in paragraph (2) need be submitted only when such programs are found by the National Security Council to have a significant arms control impact.

Conference substitute

The conference substitute combines the two versions so as to require that ACDA receive such full and timely information on all programs described in paragraph (1) in the Senate version and paragraphs (1) and (2) in the House version. The conference substitute also requires the submission to Congress of impact statements on all such programs, with the same exception for programs described in paragraph (2) of the House version.

CONSULTATION OF ACDA DIRECTOR WITH CONGRESS

Senate bill

The Senate bill stated, with regard to the programs on which an impact statement has been submitted, that—

"Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications * * *."

House amendment

The House amendment stated, with regard to the programs on which an impact statement has been submitted, that—

"Upon the request of any appropriate committee of either House of Congress, the Director shall, after informing the Secretary of State, advise the Congress on the arms control and disarmament implications * * *."

Conference substitute

The conference substitute is the same as the Senate provision.

ACCESS TO CLASSIFIED INFORMATION

Senate bill

The Senate bill authorized the ACDA Director to grant access to classified information to contractors on the basis of a security clearance granted by the Department of Defense.

House amendment

The House amendment provided the same authority using briefer language.

Conference substitute

The conference substitute is the same as the House amendment.

ACDA PUBLIC INFORMATION ACTIVITIES

Senate bill

The Senate bill amended section 49(d) of the permanent ACDA legislation as follows:

"Except as may be necessary to carry out the purposes of this Act specified under section 2(c), none of the funds herein authorized to be appropriated shall be used to pay for the dissemination within the United States of propaganda concerning the work of the United States Arms Control and Disarmament Agency."

House amendment

The House amendment repealed the section entirely.

Conference substitute

The conference substitute is the same as the House amendment.

MODIFICATION OF FISCAL YEAR 1975 AUTHORIZATION FOR FOREIGN SERVICE BUILDINGS

Senate bill

No provision.

House amendment

The House amendment shifted \$7 million in fiscal year 1975 authorizations among geographical regions without increasing the overall authorization amount.

Conference substitute

The conference substitute is the same as the House amendment.

COMPLETION OF 1974 CONTRIBUTIONS TO UNESCO AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Senate bill

The Senate bill authorized the completion of 1974 contributions to UNESCO and ICAO, notwithstanding that the 25 percent limitation would be exceeded.

House amendment

The House amendment provided the same authorization, but only for ICAO.

Conference substitute

The conference substitute is the same as the House amendment.

EXCEPTION FOR PAYMENTS TO INTERNATIONAL PEACEKEEPING
ACTIVITIES

Senate bill

The Senate bill authorized the addition of "international peacekeeping activities" to those items which are exempted from general percentage limitations governing contributions to international organizations.

House amendment

The House amendment provided the same authorization, but in different language.

Conference substitute

The conference substitute is the same as the Senate provision.

ANNUAL CONTRIBUTION TO THE INTERPARLIAMENTARY UNION (IPU)

Senate bill

The Senate bill raised the ceiling on the annual U.S. contribution to the IPU from \$120,000 to \$170,000.

House amendment

The House amendment charged the ceiling on the annual U.S. contribution to IPU from \$120,000 to 13.61 percent of the IPU budget, providing that the American group has approved such budget.

Conference substitute

The conference substitute is the same as the House amendment.

HOUSE DELEGATION TO IPU

Senate bill

No provision.

House amendment

The House amendment stipulated that there shall be not to exceed nine delegates from the House to each Conference of the Interparliamentary Union. Such delegates are to be appointed by the Speaker of the House, not more than five of whom may be of the same political party.

Conference substitute

The conference substitute is the same as the House amendment.

SENATE DELEGATION TO IPU

Senate bill

The Senate bill provided that two of the Senate delegates shall be members of the Committee on Foreign Relations.

House bill

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

VOA CHARTER

Senate bill

The Senate bill amended the United States Information and Educational Exchange Act by adding a statement of principles to govern radio broadcasts by the Voice of America.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision. The conferees note that this item was deleted without prejudice to its subsequent consideration in connection with a bill authorizing appropriations for the United States Information Agency.

STANDARDS AND LIMITATIONS RELATING TO APPOINTMENTS TO THE
FOREIGN SERVICE RESERVE

Senate bill

The Senate bill amended the Foreign Service Act to require the Secretary to establish procedures incorporating merit-hiring principles into the selection and promotion of Foreign Service Reserve Officers and their conversion to career status.

The Senate bill also authorized an exception to such procedures for the hiring of FSR's to serve in policy support or confidential employee positions, but limited the number of such persons to fifty beginning October 1, 1976.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision.

FOREIGN SERVICE ASSIGNMENTS TO PUBLIC ORGANIZATIONS

Senate bill

The Senate bill made several changes in existing law concerning the domestic assignment of Foreign Service Officers in State or local government, public schools, community colleges or other public organizations:

(1) Expanded required participation from "at least 50 FSO's per year" to "all FSO's sometime before their fifteenth year of service." (Applied only to FSO's reaching their 10th year of service after October 1, 1975, thus allowing for a phase-in of the program. Secretary may exempt individual FSO's from requirement with determination of national interest.)

(2) Included Congress in the assignments authorized, while limiting this to 20 percent of the program and prohibiting assignment to the foreign affairs committees.

(3) Required Secretary to report annually on actions under this authority (report to include explanation of any exemptions).

(4) Allowed assignments anytime before 15th year. (Existing law requires assignments to be made between 8th and 15th year of service).

(5) Allowed assignments to be longer than one year, if appropriate. (Existing law specifies one year.)

(6) Allowed reimbursement for FSO's services. (Existing law in effect prohibits reimbursement.)

(7) Expanded area to include U.S. territories and possessions.

(8) Allowed FSO's to state a geographical preference. (Existing law prohibits.)

(9) Assignment shall be counted as time toward selection out. (Existing law states that time shall not be counted.)

House amendment

The House amendment also made changes in existing law, but instead:

(1) Changed required participation from "at least 50 FSO's per year" to "a substantial number."

(2) Included Congress in the assignments authorized without any limitations.

(3) Did not require a report on actions taken under this provision.

Conference substitute

The conference substitute is essentially the same as the House amendment, with the addition of the reporting requirement from the Senate version and the limitation of 20 percent with regard to such assignments in the Congress.

FSO AFFIDAVITS

Senate bill

The Senate bill eliminated certain recurring affidavit requirements.

House amendment

The House amendment did the same, using slightly different language.

Conference substitute

The conference substitute is the same as the House provision.

WITHIN-GRADE SALARY INCREASES

Senate bill

The Senate bill made certain technical changes regarding the timing of within-grade salary increases.

House amendment

The House amendment did the same, using more explicit language.

Conference substitute

The conference substitute is the same as the House provision.

FOREIGN SERVICE GRIEVANCE PROCEDURE

Senate bill

The Senate bill amended the Foreign Service Act to establish a grievance procedure for officers and employees of the Service and their survivors.

House amendment

No provision.

Conference substitute

The conference substitute is a modification of the Senate provision. The modified language embodies a procedure agreed to by representa-

tives from the State Department and the American Foreign Service Association.

PREDEPARTURE LODGING ALLOWANCE

Senate bill

The Senate bill authorized the payment of a lodging allowance for Foreign Service employees for the period just prior to an overseas assignment.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

AUTHORITY TO CARRY ARMS

Senate bill

The Senate bill authorized selected security officers of the State Department and Foreign Service to carry firearms under regulations to be established by the Secretary. Regulations are to be submitted to Congress at least 20 days before they take effect.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

PLAN FOR IMPROVING THE FOREIGN SERVICE

Senate bill

The Senate bill stated the sense of Congress that the proliferation of personnel categories within the State Department and the USIA "has resulted in a personnel system susceptible to inefficiency, inequity, and abuse," and required the Secretary to transmit to Congress a comprehensive plan for reforming the system within 120 days.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision. The conferees note that, in lieu of the enactment of this provision, the State Department provided assurances to the conference that a report on personnel system improvements would be submitted to Congress within 120 days.

DEATH GRATUITIES

Senate bill

No provision.

House amendment

The House amendment extended current death gratuity benefits to include consular agents and U.S. representatives to international organizations.

Conference substitute

The conference substitute is the same as the House provision.

MIA's

Senate bill

The Senate bill required the President to direct the U.S. Ambassador to the United Nations to insist that the U.N. take steps to obtain an accounting of MIA's in Southeast Asia and further required the President to report to Congress concerning all such actions in the U.N.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate provision.

INDIAN OCEAN

Senate bill

The Senate bill stated the sense of Congress that the President should seek to enter into negotiations with the Soviet Union to achieve an agreement limiting the deployment of United States and Soviet military forces in the Indian Ocean and littoral countries, and required a report to Congress on such efforts by July 1, 1976. The Senate bill also required the President, not later than November 1, 1975, to transmit to the Congress a detailed report containing certain information about U.S. Government actions with regard to the island of Diego Garcia.

House amendment

No provision.

Conference substitute

The conference substitute omits the Senate provision. The conferees noted that the report to Congress on Diego Garcia had already been supplied.

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JOHN BUCHANAN,

Managers on the Part of the House.

JOHN SPARKMAN,
MIKE MANSFIELD,
FRANK CHURCH,
STUART SYMINGTON,
CLAIBORNE PELL,
HUBERT H. HUMPHREY,
CLIFFORD P. CASE,
J. K. JAVITS,
HUGH SCOTT,

Managers on the Part of the Senate.



Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1976".

TITLE I—ADMINISTRATION OF FOREIGN AFFAIRS

PART 1—DEPARTMENT OF STATE

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", \$439,055,000;

and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 17. The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5, United States Code, incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States."

TRAVEL DOCUMENT AND ISSUANCE SYSTEM

SEC. 102. (a) Except as provided in subsection (b), no part of any funds authorized to be appropriated by this title may be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the United States Passport Office (and which involves a restructuring of the passport issuance function and the issuance of machine readable passport books), or of any other new passport system.

(b) Not to exceed \$100,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available for a study of the desirability and cost implications of the Travel Document and Issuance System described in subsection (a). Such study shall be transmitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate.

REQUEST OF AMBASSADOR THURSTON

SEC. 103. There is authorized to be appropriated to the Department of State for fiscal year 1976 the sum of \$125,000, to remain available until expended, for the purpose of furnishing or refurbishing the diplomatic reception rooms of the Department of State, such sum representing the amount bequeathed by the late Ambassador Walter Thurston to the United States of America.

CRITERIA REGARDING SELECTION AND CONFIRMATION OF AMBASSADORS

SEC. 104. The Act of August 1, 1956 (Public Law 84-885; 70 Stat. 890) is amended by adding at the end thereof the following new section:

"SEC. 18. It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns."

REOPENING OF UNITED STATES CONSULATE AT GOTHENBURG, SWEDEN

SEC. 105. (a) It is the sense of the Congress that the United States Consulate at Gothenburg, Sweden, should be reopened as soon as possible after the date of enactment of this Act.

(b) (1) There are authorized to be appropriated for the Department of State for fiscal year 1976, in addition to amounts authorized under section 101 of this Act, such sums as may be necessary for the operation of such consulate.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

AGRICULTURAL ATTACHÉ IN CHINA

SEC. 106. It is the sense of the Congress that the President should establish an agricultural attaché in the People's Republic of China.

PART 2—ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION

SEC. 141. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "\$10,100,000," the following: "and for fiscal years 1976 and 1977 the sum of \$23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs)."

STUDY REGARDING IMPACT OF CERTAIN ARMS CONTROL MEASURES UPON
MILITARY EXPENDITURES

SEC. 142. Of the amount appropriated under the amendment made by section 141 of this Act, not to exceed \$1,000,000 shall be used by the Director of the Arms Control and Disarmament Agency to conduct a study of the impact upon military expenditures of arms control measures mutually agreed to by the United States and the Soviet Union. The Director of the Arms Control and Disarmament Agency shall

submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate—

- (1) from time to time, reports with respect to such study, and
- (2) not later than December 31, 1976, a final report setting forth the findings and conclusions of such study.

RESEARCH REGARDING DEVELOPMENT OF NUCLEAR SAFEGUARD TECHNIQUES

SEC. 143. In addition to amounts otherwise available under the amendment made by section 141 of this Act, \$440,000 may be used for the purpose of conducting research, in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques.

PURPOSES OF ARMS CONTROL AND DISARMAMENT ACT

SEC. 144. Section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551) is amended by striking out "It must be able" in the second sentence of the third paragraph and inserting in lieu thereof "It shall have the authority, under the direction of the President and the Secretary of State,".

NATIONAL SECURITY COUNCIL

SEC. 145. Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended by inserting ", the National Security Council," immediately after "Secretary of State" in the first sentence.

ARMS CONTROL AND DISARMAMENT IMPACT STATEMENT

SEC. 146. Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2575) is amended by adding at the end thereof the following:

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

"SEC. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control 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 annual program cost in excess of \$50,000,000, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures

established pursuant to section 36 of this Act, with respect to the nature, scope, and purpose of such proposal.

“(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

“(2) Any request to the Congress for authorization or appropriations for—

“(A) any program described in subsection (a) (1) or (2), or

“(B) any program described in subsection (a) (3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

“(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

“(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).”.

SECURITY REQUIREMENTS FOR CERTAIN CONSULTANTS AND CONTRACTORS

SEC. 147. (a) (1) The second sentence of section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by striking out “The Director” and inserting in lieu thereof “Except as provided in subsection (d), the Director”.

(2) The fifth sentence of section 45(a) of such Act is amended by striking out “No person” and inserting in lieu thereof “Except as provided in subsection (d), no person”.

(3) Section 45 of such Act is amended by adding at the end thereof the following new subsection:

“(d) The investigations and determination required under subsection (a) may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.”.

(b) Section 45(b) of such Act (22 U.S.C. 2585(b)) is amended by adding at the end thereof the following: “Notwithstanding the foregoing and the provisions of subsection (a), the Director 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).”.

PUBLIC INFORMATION

SEC. 148. Section 49(d) of the Arms Control and Disarmament Act (22 U.S.C. 2589(d)) is repealed.

REPORT TO CONGRESS; POSTURE STATEMENT

SEC. 149. Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2590) is amended by adding at the end thereof the following new sentence: "Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect."

CONSULTATION REGARDING ARMS TRANSFERS

SEC. 150. (a) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) is amended by adding at the end thereof the following new section:

"(f) Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements."

(b) Section 42(a) of the Foreign Military Sales Act (22 U.S.C. 2791(a)), is amended by striking out "(3)" and inserting in lieu thereof "(3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to".

(c) Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(d)) is amended by striking out the words "take into account" and inserting in lieu thereof "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to".

PART 3—FOREIGN SERVICE BUILDINGS

AUTHORIZATION

SEC. 171. (a) Subsection (g) of section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295) is amended—

(1) in subparagraph (1) (A), by striking out "\$2,190,000" and inserting in lieu thereof "\$850,000";

(2) in subparagraph (1) (B), by striking out "\$375,000" and inserting in lieu thereof "\$240,000";

(3) in subparagraph (1) (C), by striking out "\$4,780,000" and inserting in lieu thereof "\$682,000";

(4) in subparagraph (1) (D), by striking out "\$2,585,000" and inserting in lieu thereof "\$1,243,000"; and

(5) in subparagraph (1) (E), by striking out "\$3,518,000" and inserting in lieu thereof "\$10,433,000".

(b) Section 4 of such Act is further amended—

(1) by redesignating subsection (h) as subsection (i) and by inserting immediately after subsection (g) the following new subsection:

"(h) In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

“(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

“(A) for use in Africa, not to exceed \$865,000 for the fiscal year 1977;

“(B) for use in the American Republics, not to exceed \$2,450,000 for the fiscal year 1977;

“(C) for use in Europe, not to exceed \$6,725,000 for fiscal year 1977;

“(D) for use in East Asia, not to exceed \$875,000 for the fiscal year 1977;

“(E) for use in the Near East and South Asia, not to exceed \$8,005,000, of which not to exceed \$3,985,000 may be appropriated for the fiscal year 1976;

“(F) for facilities for the United States Information Agency, not to exceed \$3,745,000, of which not to exceed \$2,800,000 may be appropriated for the fiscal year 1976; and

“(G) for facilities for agricultural and defense attaché housing, not to exceed \$420,000 for the fiscal year 1977; and

“(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, \$71,600,000, of which not to exceed \$32,840,000 may be appropriated for fiscal year 1976.”; and

(2) by striking out paragraph (2) of subsection (i) as so redesignated by paragraph (1) of this Act and inserting in lieu thereof the following new paragraph:

“(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).”.

TITLE II—INTERNATIONAL ORGANIZATIONS, CONFERENCES, AND COMMISSIONS

GENERAL AUTHORIZATIONS

SEC. 201. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for “International Organizations and Conferences”, \$250,228,000;

(2) for “International Commissions”, \$19,993,000; and

(3) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

EXCEPTION TO LIMITATION ON PAYMENTS TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

SEC. 202. Notwithstanding the proviso in the seventh paragraph of title I of the Act of October 25, 1972 (86 Stat. 1110), there is authorized to be appropriated \$366,675 for the contribution of the United States toward the calendar year 1974 budget of the International Civil Aviation Organization.

LIMITATIONS ON CONTRIBUTIONS AND PAYMENTS TO IAEA, ICAO, AND
UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. 203. Public Law 92-544 (86 Stat. 1109, 1110) is amended, in the paragraph headed "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" under "INTERNATIONAL ORGANIZATIONS AND CONFERENCES", by inserting a period after "organization", striking out the text following and inserting in lieu thereof the following: "Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33 $\frac{1}{3}$ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements."

INTERPARLIAMENTARY UNION

SEC. 204. (a) The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows: "That 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 the 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, \$45,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group."

(b) Such Act of June 28, 1935, is further amended by adding at the end thereof the following new section:

"SEC. 3. After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party."

(c) The Act of June 30, 1958 (Public Law 85-474; 72 Stat. 244) is amended by adding at the end thereof the following new sentence: "Not less than two Senators so designated shall be members of the Committee on Foreign Relations."

UNITED STATES CONTRIBUTION TO THE UNITED NATIONS UNIVERSITY
ENDOWMENT FUND

SEC. 205. There is authorized to be appropriated, upon request of the President, to the President for fiscal year 1977, \$10,000,000 to be used for a contribution of the United States to the United Nations

University Endowment Fund, such contribution to be made on such terms as the President finds will promote the purposes of the University as stated in University Charter approved by the General Assembly of the United Nations in December 1973; except that the contribution of the United States to the United Nations University Endowment Fund may not exceed 25 per centum of the total amount actually contributed to such fund by other members of the United Nations. Amounts appropriated under this section are authorized to remain available until expended.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SEC. 206. Section 2 of the Act of June 4, 1936 (49 Stat. 1463), is amended—

- (1) by striking out “\$3,000,000” and inserting in lieu thereof “\$4,500,000”; and
- (2) by striking out “\$4,000,000”, and inserting in lieu thereof “\$5,500,000”.

TITLE III—EDUCATIONAL EXCHANGE

AUTHORIZATION

SEC. 301. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

- (1) for “Educational Exchange”, \$78,800,000; and
- (2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) No funds from the Government and Relief in Occupied Areas (G.A.R.I.O.A.) Account are authorized to be appropriated under this section.

TITLE IV—FOREIGN SERVICE

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 401. (a) Section 576 of the Foreign Service Act of 1946 (22 U.S.C. 966) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) (1) A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member or office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

“(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees.”.

(2) Strike out the second and third sentences of subsection (b).

(3) At the end thereof add the following new subsections:

“(e) Not later than six months after the date of enactment of this subsection, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.

“(f) The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975.”

(b) Section 9(b) of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 966 note) is repealed.

ELIMINATION OF CERTAIN AFFIDAVIT REQUIREMENTS FOR FOREIGN SERVICE OFFICERS WHO ARE PROMOTED

SEC. 402. Section 621 of the Foreign Service Act of 1946 (22 U.S.C. 991) is amended by adding at the end thereof the following new sentence: “The affidavit requirements of sections 3332 and 3333(a) of title 5 of the United States Code shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service.”

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

SEC. 403. Section 625 of the Foreign Service Act of 1946 (22 U.S.C. 995) is amended to read as follows:

“SEC. 625. (a) Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term ‘equivalent increase in pay’ means—

“(1) any increase in basic salary resulting from—

“(A) a grade or class promotion,

“(B) a regularly scheduled within-grade or within-class step increase, or

“(C) a salary adjustment or combination of adjustments—

“(i) made since the last equivalent increase in pay,

“(ii) resulting from conversion from one pay system to another, and

“(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or

“(2) such other increases in salary as the Secretary may by regulation designate;

but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.

“(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service.”.

GRIEVANCE PROCEDURE

SEC. 404. (a) Title VI of the Foreign Service Act of 1946 (22 U.S.C. 981) is amended by adding at the end thereof the following new part:

“PART J—FOREIGN SERVICE GRIEVANCES

“STATEMENT OF PURPOSE

“SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

“REGULATIONS OF THE SECRETARY

“SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

“(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

“(A) ‘grievant’ shall mean any officer or employee of the Service who is a citizen of the United States; or for purposes of subparagraphs (C) and (D), a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee;

“(B) ‘grievance’ shall mean any act or condition subject to the control of the Department of State, United States Information Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant’s official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant’s employment or career status; allegedly wrongful disciplinary action against

an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 623 or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 516 or 517, termination of time limited appointments pursuant to section 638 and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization);

“(C) except as provided in paragraph (D), when the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, ‘grievance’ shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation;

“(D) when the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of this Act within six years prior to the enactment of this part, ‘grievance’ shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

“(E) ‘party’ shall mean the grievant or the foreign affairs agency having control over the act or condition forming the subject matter of the grievance.

“(2) (A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States, well-known for their integrity, who are not active officers, employees or consultants of the foreign affairs agencies (except as members of the Grievance Board established under 3 Foreign Affairs Manual 660) but may be retired officers or employees. The board shall consist of not less than five members including a Chairman. Membership of the board, selection of the Chairman, and terms of the service of the members shall be determined by the foreign affairs agencies and the organization accorded recognition as the exclusive representative of the officers or employees of the Service in accordance with procedures agreed pursuant to paragraph (1). If the agencies and organization do not agree on membership of the board prior to the effective date of this part, the members shall be chosen by elimination, in equal numbers from a list submitted by the agencies and a list submitted by the organization, and the Chairman shall be chosen, by alternate striking by the agencies and the organization, from a separate list obtained from the Federal Mediation and Conciliation Service. Unless otherwise agreed upon, the term of service shall be two years, renewable. All members of the board shall act as impartial individuals in considering grievances. The board may act by or through panels or indi-

vidual members designated by the Chairman, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Members including the Chairman who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the board (including traveltime) at the daily rate paid an individual at GS-18 of the General Schedule under section 5332 of title 5 of the United States Code.

“(B) In accordance with this part, the board may adopt regulations concerning the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain facilities, services and supplies through the general administrative services of the Department of State. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. At the request of the board, officers and employees on the rolls of the foreign affairs agencies may be assigned as staff employees for the board. Within the limit of appropriated funds, the board may appoint and fix the compensation of such other employees as the board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the board and the board shall prepare the performance evaluation reports for such officers and employees. The records of the board shall be maintained by the board and shall be separate from all other records of the foreign affairs agencies.

“(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is presented within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than two years prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is presented within a period of two years after the effective date of the regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he or she had exercised, as determined by the board, reasonable diligence.

“(4) The board shall conduct a hearing, at the request of a grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under section 633 of this Act or which in the judgment of the board can best be resolved by a hearing or by presentation of oral argument. The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of representatives of the foreign affairs agency concerned are entitled to be present at the hearing. The board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given by oath or affirmation, which any board member or person designated by the board shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board, or upon a request of the grievant deemed relevant and material by the board, the foreign affairs agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the foreign affairs agencies, except that if the board determines that the presence of

such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing.

“(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding under the regulations adopted pursuant to paragraph (1), shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

“(6) In considering the validity of a grievance, the board (except as provided in paragraph (8)) shall have access, to the extent permitted by law, to any agency record considered by the board to be relevant to the grievant and the subject matter of the grievance.

“(7) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding. When deemed appropriate by the board, a grievant may be supplied with only a summary or extract of classified material.

“(8) Notwithstanding paragraphs (6) and (7), nothing in this Act shall be construed to require the disclosure of any official agency record to the board or a grievant where the head of agency or his deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

“(9) The agencies shall use their best endeavors to expedite security clearances whenever necessary to insure a fair and prompt investigation and hearing.

“(10) During any hearings held by the board, any oral or documentary evidence may be received but the board shall exclude any irrelevant, immaterial, or unduly repetitious evidence as determined under section 556 of title 5 of the United States Code. A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings. In those grievances in which the board holds no hearing, the board shall offer to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to its decision. The board decision shall be based exclusively on the record of proceedings.

“(11) If the board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance. Other matters not specified in this paragraph may be made subject to suspension of action by the procedures established by agreement under paragraph (1). Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when determined in writing to be essential to the functioning of the post or office to which the employee is assigned.

“(12) Upon completion of the hearing or the compilation of such record as the board may find appropriate in the absence of a hearing, the board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the board shall be in writing, shall include findings of fact, and shall include the reasons for the board’s decision. The grievant shall have access to the record of proceedings including the decision.

“(13) If the board finds that the grievance is meritorious, the board shall have authority, within the limitations of the authority of the head of the agency, to direct the agency (A) to correct any official personnel record relating to the grievant which the board finds to be inaccurate or falsely prejudicial; (B) to reverse an administrative decision denying the grievant compensation or any other perquisite of employment authorized by law or regulation when the board finds that such denial was arbitrary, capricious, or contrary to law or regulation; (C) to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved; (D) to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted; and (E) to take such other remedial action as may be provided in the procedures agreed pursuant to paragraph (1). Such orders of the board shall be final, subject to judicial review as provided in section 694, except that reinstatement of former officers who have filed grievances under paragraph (1) (D) shall be presented as board recommendations, the decision on which shall be subject to the sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations, and shall not be reviewable under section 694.

“(14) If the board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant or to other remedial action not provided in paragraph (13), or if the board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the board’s proceedings including the transcript of the hearing if any. The head of the agency (or his designee, who shall not have direct responsibility for administrative management) shall make a written decision on the board’s recommendation. A recommendation of the board may be rejected in part or in toto if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the recommendation in part or in toto, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communication concerning the grievance between the agency head (or his designee) and any person involved in the grievance proceeding.

“(15) The board shall have authority to insure that no copy of the determination of the agency head or his designee to reject a board recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the grievance board as a remedy for the grievance) or any other officer or employee connected with the grievance. Nothing contained herein shall prevent the agency from maintaining grievance records under appropriate safeguards to preserve confidentiality.

“(16) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the board and then only upon approval of the board.

“RELATIONSHIP TO OTHER REMEDIES

“SEC. 693. (a) A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved, and relief provided, under a provision of law, regulation, or Executive order (other than under this part) and the matter has been carried to final decision thereunder on its merits or is still under consideration.

“(b) If a grievant is not prohibited from filing a grievance under this part by subsection (a), he may file a grievance within the jurisdiction of the board under this part notwithstanding the fact that such grievance may be eligible for consideration, resolution, and relief under a regulation or Executive order other than under this part, but such election of remedies shall be final upon the acceptance of jurisdiction by the board.

“JUDICIAL REVIEW

“SEC. 694. Notwithstanding any other provision of law, any aggrieved party may obtain judicial review of regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and final actions of the agency head or the board pursuant to such section, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of title 5 of the United States Code. Section 706 of title 5 shall apply without limitation or exception.”

(b) The Secretary of State shall promulgate and place into effect the regulations required by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section) and shall establish the board and appoint the members of the board provided for by such section 692, not later than one hundred and twenty days after the date of enactment of this Act.

PREDEPARTURE LODGING ALLOWANCE

SEC. 405. Paragraph (2) of section 5924 of title 5, United States Code, is amended by striking out clause (A) thereof and inserting in lieu thereof the following:

“(A) a foreign area (including costs incurred in the United States prior to departure for a post of assignment in a foreign area); or”.

AUTHORITY OF CERTAIN OFFICERS AND EMPLOYEES TO CARRY FIREARMS

SEC. 406. The Act of June 28, 1955 (22 U.S.C. 2666) is amended by striking out all after the enacting clause and inserting in lieu thereof the following: “That, under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states,

official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect.”

DEATH GRATUITIES FOR CONSULAR AGENTS AND UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

SEC. 407. (a) Paragraph (1) of section 14(d) of the Act entitled “An Act to provide certain basic authority for the Department of State”, approved August 1, 1956, is amended to read as follows:

“(1) the term ‘Foreign Service employee’ means any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;”

(b) The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 1973.

TITLE V—GENERAL

MIGRATION AND REFUGEE ASSISTANCE

SEC. 501. (a) Section 2(c) of the Refugee and Migration Assistance Act of 1962 is amended to read as follows:

“(c) (1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.

“(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed \$25,000,000. Amounts appropriated hereunder shall remain available until expended.

“(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.”

(b) (1) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(A) for “Migration and Refugee Assistance,” \$10,100,000; and

(B) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(c) In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary of State for fiscal year 1976 not to exceed \$20,000,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorizations Act of 1972 (relating to Russian refugee assistance) and to furnish similar assistance to refugees from Communist countries in Eastern Europe. Not to exceed 20 per centum of the amount appropriated under this subsection may be used to resettle refugees in any country other than Israel. Appropriations made under this subsection are authorized to remain available until expended.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 502. In addition to the amount authorized under section 101(a), 201(a), 301(a), or 501(b) of this Act, any unappropriated portion of the amount authorized under any such section is authorized for appropriation under any other such section, provided the amount authorized under such section is not increased by more than 10 per centum.

UNITED NATIONS COOPERATION REGARDING MEMBERS OF UNITED STATES
ARMED FORCES MISSING IN ACTION IN SOUTHEAST ASIA

SEC. 503. (a) The President shall direct the United States Ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces and United States civilians missing in action in Southeast Asia.

(b) Not later than six months after the date of enactment of this section, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a report on actions taken by the United Nations to obtain such an accounting.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

November 19, 1975

Dear Mr. Director:

The following bill was received at the White House on November 19th:

S. 1517

Please let the President have reports and recommendations as to the approval of this bill as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.