Public Law 93-475

AN ACT

October 26, 1974
[S. 3473]

To authorize appropriations for the Department of State and the United States Information Agency, 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 "State Department/USIA Authorization Act, Fiscal Year 1975".

State Department/USIA Authorization Act, Fiscal Year 1975.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated for the Department of State for fiscal year 1975, 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:

22 USC 901a note.

(1) for the "Administration of Foreign Affairs", $370,045,000;

(2) for "International Organizations and Conferences", $229,604,000;

(3) for "International Commissions", $17,832,000;

(4) for "Educational Exchange", $75,000,000; and

(5) for "Migration and Refugee Assistance", $9,420,000.

(b) There are authorized to be appropriated for the United States Information Agency for fiscal year 1975, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Education and Cultural Exchange Act of 1941, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

22 USC 1431 note.
22 USC 2451 note.
22 USC 1461 note.

(1) for "Salaries and Expenses" and "Salaries and Expenses (special foreign currency program)", $228,368,000, except that so much of such amount as may be appropriated for "Salaries and Expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) for "Special International Exhibitions", $6,770,000; and

(3) for "Acquisition and Construction of Radio Facilities", $4,400,000.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1975 not to exceed $40,000,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Soviet refugee assistance.

86 Stat. 489.

(d) In addition to amounts authorized in subsections (a) and (b) of this section, there are authorized to be appropriated for fiscal year 1975 for the Department of State and for the United States Information Agency such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of enactment of this Act.

(e) Amounts appropriated under subsection (a) and clauses (2) and (3) of subsection (b) of this section are authorized to remain available until expended.

REPEAL OF THE FORMOSA RESOLUTION

SEC. 3. The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related possessions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84-4), and known as the Formosa Resolution, is repealed.

50 USC app. prec. 1.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PUBLICATION OF POLITICAL CONTRIBUTIONS OF CERTAIN NOMINEES

22 USC 901a.

SEC. 4. (a) Section 6 of the Department of State Appropriations Authorization Act of 1973 is amended by inserting after the first sentence the following new sentence: "The Chairman of the Committee on Foreign Relations of the Senate shall have printed in the Congressional Record each such report."

22 USC 901a note.

(b) The amendment made by subsection (a) of this section shall only apply with respect to reports filed on and after the date of enactment of this Act.

PROHIBITION ON USE OF FUNDS

SEC. 5. No part of any funds appropriated under this Act shall be used to make any payment to the Foreign Service Retirement and Disability Fund to meet any unfunded liability of such fund created by the inclusion of officers and employees of the Agency for International Development in the Foreign Service Retirement and Disability System.

PRIOR AUTHORIZATION BY CONGRESS

22 USC 1476.

SEC. 6. Section 701 of the United States Information and Educational Exchange Act of 1948 is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency as authorized by law."

ANNUAL UNITED STATES INFORMATION AGENCY REPORTS TO CONGRESS

22 USC 1439.

SEC. 7. Section 1008 of the United States Information and Educational Exchange Act of 1948 is amended to read as follows:

"SEC. 1008. The Secretary shall submit to the Congress annual reports of expenditures made and activities carried on under authority of this Act, including appraisals and measurements, where feasible, as to the effectiveness of the several programs in each country where conducted."

LIMITATION ON PAYMENTS

SEC. 8. There are authorized to be appropriated funds for payment prior to January 1, 1975, of United States expenses of membership in the United Nations Educational, Scientific, and Cultural Organization, the International Civil Aviation Organization, and the World Health Organization notwithstanding that such payments are in excess of 25 percent of the total annual assessment of such organizations.

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 9. (a) Part H of title V of the Foreign Service Act of 1946 is amended by adding after section 575 thereof the following new section:

"ASSIGNMENTS TO PUBLIC ORGANIZATIONS

22 USC 966.

"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 Sec-

retary. 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.

"(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.

22 USC 1003.

Salary.

"(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.

22 USC 962.

"(d) For the purpose of this section—

Definitions.

"(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."

(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.

22 USC 966 note.

DEATH GRATUITIES FOR CERTAIN FOREIGN SERVICE PERSONNEL

SEC. 10. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 is amended by inserting immediately before section 15 the following new section:

"SEC. 14. (a) Subject to the provisions of this section and under such regulations as the Secretary of State may prescribe, the Secretary is authorized to provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the employing agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

22 USC 2679a.

"(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

Payment.

"(c) A death gratuity payment under this section shall be made as follows:

"(1) First, to the widow or widower.

"(2) Second, to the child, or children in equal shares, if there is no widow or widower.

"(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

Definitions.

"(d) As used in this section—

"(1) the term 'Foreign Service employee' means a chief of mission, Foreign Service officer, Foreign Service information officer, Foreign Service Reserve officer of limited or unlimited tenure, or a Foreign Service staff officer or employee;

"(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.

22 USC 2679a note.

"(e) The provisions of this section shall apply with respect to deaths occurring on and after January 1, 1973."

PRIOR AUTHORIZATION REQUIRED

22 USC 2680.

SEC. 11. Subsection (a) of section 15 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:

"(a)(1) Notwithstanding any provision of law enacted before the date of enactment of the State Department/USIA Authorization Act, Fiscal Year 1975, no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

"(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

"(B) in excess of an amount prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this section—

"(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

"(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law."

AUTHORITY AND RESPONSIBILITY OF AMBASSADORS

Supra.

SEC. 12. 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:

22 USC 2680a.

"SEC. 16. Under the direction of the President—

"(1) the United States Ambassador to a foreign country shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, except for personnel under the command of a United States area military commander;

"(2) the Ambassador shall keep himself fully and currently informed with respect to all activities and operations of the United States Government within that country, and shall insure that all Government officers and employees in that country, except for personnel under the command of a United States area military commander, comply fully with his directives; and

"(3) any department or agency having officers or employees in a country shall keep the United States Ambassador to that country fully and currently informed with respect to all activities and operations of its officers and employees in that country, and shall insure that all of its officers and employees, except for personnel under the command of a United States area military commander, comply fully with all applicable directives of the Ambassador."

TRAVEL EXPENSES OF STUDENT-DEPENDENTS OF STATE DEPARTMENT AND USIA EMPLOYEES

SEC. 13. The first sentence of section 5924(4)(B) of title 5, United States Code, is amended by striking out "one trip each way for each dependent" and inserting in lieu thereof the following: "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,".

INTERNATIONAL MATERIALS

SEC. 14. It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the world, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to— 22 USC 2686.

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

FUTURE OF UNITED STATES ASSISTANCE TO SOUTH VIETNAM; REDUCTION OF CERTAIN PERSONNEL ABROAD

SEC. 15. (a) It is the sense of the Congress that— 22 USC 2151 note.

(1) the Secretary of State should prepare a detailed plan for future United States economic and military assistance to the Government of South Vietnam, including a specific timetable for the phased reduction of such assistance to the point when the United

States will cease to be the principal source of funds and material for South Vietnam's self-defense and economic viability;

(2) the total number of personnel of the executive branch of the United States Government (other than personnel of the Department of State, the United States Information Agency, the Central Intelligence Agency, and the Department of Defense, and volunteers carrying out the Peace Corps Act) who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced; and

22 USC 2501 note.

(3) the total number of personnel of the Department of Defense assigned or detailed to military attache activities or to military assistance advisory groups or military aid missions, who were present in foreign countries on January 1, 1974, and who were citizens or nationals of the United States, should be substantially reduced.

Report to Speaker of the House and congressional committee.

(b) Not later than six months after the date of enactment of this Act the Secretary shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps he has taken to carry out the provisions of this section.

Approved October 26, 1974.

Public Law 93-476

October 26, 1974
[S. J. Res. 236]

JOINT RESOLUTION

To provide for the indemnification of the Metropolitan Museum of New York for loss or damage suffered by objects in exhibition in the Union of Soviet Socialist Republics.

Metropolitan Museum of Art, N.Y.
Indemnification agreement.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State (or such officer of the Department of State as he may designate) is authorized to conclude an agreement with the Metropolitan Museum of Art, located in New York, New York, for indemnification of such museum, in accordance with the terms of such agreement, for loss or damage suffered by objects in an exhibition of such museum in the Union of Soviet Socialist Republics pursuant to an agreement between such museum and the Ministry of Culture of the Union of Soviet Socialist Republics, which agreement was made in accordance with the general agreement on contracts, exchanges, and cooperation, signed July 19, 1973, by the United States and the Union of Soviet Socialist Republics. The agreement concluded by the Secretary of State shall provide for such indemnification—

24 UST 1395.

(1) during the period the works of art are in transit from the premises of said museum, on exhibition in the Union of Soviet Socialist Republics, and returning to said premises; and

(2) only for substantial loss or damage as determined by the Secretary of State.

Claim, certification to Speaker of the House and President of the Senate.

In the case of a claim for loss or damage with respect to an item or items which are covered under such agreement, the Secretary shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President of the Senate.

Appropriation.

There are authorized to be appropriated such sums as may be necessary to carry out an agreement concluded pursuant to this joint resolution.

Approved October 26, 1974.